

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2008**

ROCHESTER, NEW YORK

Officials 2008

Robert J. Duffy
Mayor

Patricia Malgieri
Deputy Mayor

Darryl Porter
Assistant to the Mayor

R. Carlos Carballada
Commissioner of Economic Development

Molly Clifford
Director of Neighborhood Service Centers

John M. Merklinger
Emergency Communications Center Director

Charles D. Reaves
Commissioner of Recreation and Youth Services

Brian L. Roulin
Director of Finance

Julio Vazquez
Commissioner of Community Development

Paula V. Smith
Library Director

G. Jean Howard
Chief of Staff

William J. Ansbro
Director of Management and Budget

John D. Caufield
Fire Chief

Paul M. Holahan
Commissioner of Environmental Services

David T. Moore
Police Chief

Thomas S. Richards
Corporation Counsel

Donna L. Turner
Director of Human Resource Management

Gary Walker
Director of Communications

Members of Council 2008

| Members | Residence |
|--|---|
| Gladys Santiago President, Councilmember-at-Large | 1850 Culver Road, 14609 |
| William F. Pritchard Vice President, Councilmember-at-Large | 250 Rosedale Street, 14620 |
| Carolee A. Conklin..... Councilmember-at-Large | 310 Exchange Boulevard, Apt. 257, 14608 |
| John F. Lightfoot Councilmember-at-Large | 52 Dr. Samuel McCree Way, 14608 |
| Adam C. McFadden Councilmember, South District | 74 Marlborough Road, 14619 |
| Dana K. Miller Councilmember-at-Large | 265 Melrose Street, 14619 |
| Carla M. Palumbo, Esq. Councilmember, Northwest District | 1002 Glide Street, 14606 |
| Elaine M. Spaul, Esq..... Councilmember, East District | 42 Westminster Road, 14607 |
| Lovely A. Warren, Esq..... Councilmember, Northeast District | 93 Woodman Park, 14609 |

City Clerk's Office 2008

Daniel B. KarinCity Clerk
Sharon C. Conheady⁽¹⁾ Deputy City Clerk
Birth A. Manigault Senior Legislative Assistant
Rebecca M. McNamara Senior Legislative Assistant
Betsy P. Indivino Legislative Assistant
Bernard J. Christopher Legislative Aide Part-time
Candice A. BianchiSenior Legislative Clerk
Michael Ann FlynnReceptionist
Lisa M. Alexander Legislative Clerk
Darlene Laboy⁽²⁾ Legislative Clerk
Denise Quinones⁽³⁾ Legislative Clerk Part-time
Dorothy A. Sullivan⁽⁴⁾ Legislative Clerk Part-time

- (1) Retired November 13, 2008.
- (2) Hired August 4, 2008.
- (3) Until February 29, 2008.
- (4) Retired May 16, 2008.

Standing Committees of The City Council 2008

Economic Development & the Environment
Miller, Lightfoot, Spaul

Finance
Conklin, Palumbo, Warren

Neighborhood & Community Development
Warren, Conklin, Palumbo

Parks & Public Works
Lightfoot, McFadden, Palumbo

Public Safety & Recreation
McFadden, Miller, Spaul

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

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

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

ORGANIZATION MEETING
JANUARY 2, 2008
4:00 P.M.

Present - Presiding Officer Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Palumbo, Spaul, Warren - 9.

Absent - 0.

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

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

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

By Councilmember Pritchard

Resolution No. 2008-1

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

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

Section 1. The Council of the City of Rochester nominates and selects Gladys Santiago as President for the years 2008-09.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Spaul

Resolution No. 2008-2

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

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

Section 1. The Council of the City of Rochester nominates and selects William F. Pritchard as Vice President for the years 2008-09.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Conklin

Resolution No. 2008-3

Resolution For The Selection And Appointment Of The City Clerk

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

Section 1. The Council of the City of Rochester hereby selects and appoints Daniel B. Karin as the City Clerk for the years 2008-09.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden

Resolution No. 2008-4

Resolution Adopting The Rules Of Council

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

Section 1. The Council hereby adopts the following Rules of Council, for the years 2008-09.

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 8:00 P.M., on the following dates in 2008:

- January 15
- February 12
- March 18
- April 15
- May 13
- June 17
- July 15
- August 12
- September 16
- October 21
- November 25
- December 23

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2009 shall be established in a resolution adopted in 2008. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

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

- III. EXECUTIVE MEETINGS - Whenever the Council or a duly constituted committee thereof shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the Open Meetings Law, and the presiding officer shall direct all persons except members and designated officers of the City to withdraw.
- IV. QUORUM - The majority of the Councilmembers shall constitute a quorum; but a smaller number may adjourn from day to day.
- V. PRESIDING OFFICER - The President of the Council, and in the President's absence, the Vice President, shall preside over the meetings of the Council. In the absence of both the President and the Vice President, the City Clerk shall call the meeting to order and the Council shall appoint as presiding officer a President *pro tempore*.
- VI. ORDER OF BUSINESS - The following shall be the order of business at regular meetings:
 - 1. Roll Call.
 - 2. Moment of Silence & Pledge of Allegiance.
 - 3. Approval of the minutes of the preceding meeting or meetings.
 - 4. Communications to the Council from the Mayor, President of the Council, other corporate officers, boards and departments and miscellaneous communications.
 - 5. Presentation and reference of petitions and remonstrances.
 - 6. Public Hearings.
 - 7. Introduction of an action upon local laws, ordinances and Resolutions.
 - 8. Reports of standing committees and action thereon.
 - 9. Reports of special committees.
 - 10. Miscellaneous business.
 - 11. Adjournment.
- VII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL - For one hour prior to roll call at the commencement of a Council meeting, the President of the Council may allow any person to speak to the Council upon the following terms and conditions:
 - 1. In order to speak, a citizen must notify the Clerk's Office before 6:00 p.m. on Council meeting nights.
 - 2. The citizen must specify to the Clerk the subject of his or her remarks.
 - 3. The Clerk will prepare two lists of scheduled speakers:
 - A. Those wishing to speak on items which are on the agenda for that Council meeting and which are not the subject of a public hearing.
 - B. All other speakers.
 - 4. The lists shall be in the order that citizens notified the Clerk's Office.
 - 5. Each speaker will be allotted three (3) minutes. In the event that there are more than twenty (20) speakers, the President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted to each speaker.
 - 6. The President will call the speakers in order as listed on List A, and after completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.
 - 7. Any listed speakers not reached by 8:00 p.m. will be invited to return to the next Council session when their names will be placed at the top of the respective lists.
 - 8. Speakers must relinquish the podium at the end of their allotted time.
 - 9. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Any person may also speak at meetings of duly constituted committees of the Council at the invitation of the Chairperson and upon such terms and conditions as the Chairperson may, from time to time, prescribe.
- VIII. ROLL CALL VOTE - On the passage of every ordinance which is not adopted by unanimous vote, on the passage of any ordinance authorizing the issuance of bonds and notes, on the selection of any officer other than by unanimous vote, and on the enactment of any local law, the individual vote for or against the particular legislation before Council shall be entered in full upon the journal. In the

case of an abstention from a vote, any member who abstains from voting shall state publicly the reasons for such abstention: such reasons shall be entered in full upon the journal.

- IX. PRECEDENCE OF MOTIONS - When a question is before the Council no motion shall be entertained except: First, to adjourn; second, to fix the hour of adjournment; third, for the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer; eighth, to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to vote without debate.
- X. PREVIOUS QUESTION - The previous question shall be put as follows: "Shall the main question be now put?" If this question is decided in the negative, the main question remains before the Council.
- XI. DIVISION OF QUESTIONS - If the question contains two or more divisible propositions, the presiding officer shall, upon the request of any member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.
- XII. RECONSIDERATION - After the decision of any question, a member who voted in the majority may move its reconsideration at the same or a subsequent meeting. If a motion for reconsideration be lost, it shall not be renewed without unanimous consent of the members present and no question shall a second time be reconsidered without similar unanimous consent. After a local law or ordinance has been signed by the Mayor, or has been presented to the Mayor and more than thirty (30) days have expired, during which time the Mayor neither approved it nor returned it to the Clerk with objections, it shall not be reconsidered, but such local law or ordinance may be repealed, or amended.
- XIII. WITHDRAWAL OF MOTION - Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.
- XIV. PROCEDURE ON RESOLUTIONS - All resolutions of the Council shall be adopted by the affirmative vote of a majority of the members present at the meeting at which action is taken thereon. Any member of the Council may introduce a resolution into the Council either (a) at any meeting of the Council, at which time the presiding officer shall refer the resolution to the appropriate

standing committee, or (b) at any time until 5:00 p.m. the day before a committee meeting by submitting it to the President of the Council who shall promptly forward it to the Chair of the appropriate standing committee. The Council shall not vote upon any resolution until it has been discharged from one or more standing committees pursuant to Section XVII of these rules, provided, however, that the Council may vote upon a resolution without reference to or discharge from a standing committee if it is accompanied by a statement of necessity of immediate passage signed by the Mayor or the President of Council, or these rules are suspended as provided herein.

- XV. PROCEDURE ON LOCAL LAWS AND ORDINANCES - All legislative acts of the Council shall be by local law or ordinance adopted by the affirmative vote of five members of the Council, unless otherwise expressly required by law.

Any member of the Council or the Mayor may introduce a Local Law or Ordinance into the Council. Such proposed legislation shall be submitted to the President of the Council. Proposed legislation submitted to the President of the Council by any Councilmember or the Mayor shall be deemed introduced into the Council on the day the President forwards it to the City Clerk who shall note on the copy the date of its introduction and its sequential introductory number.

Proposed legislation shall be similarly distributed to Councilmembers on "Agenda Day" which shall be at least nineteen (19) days prior to the date of the Council meeting at which it is scheduled to be considered. During the week following Agenda Day, additional legislation may be submitted to the President of Council for distribution to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted less than twelve (12) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor. Proposed legislation submitted less than five (5) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor and President of the Council. The Clerk shall keep a file of all proposed legislation until it is voted upon by the Council or until the expiration of each two-year term of Council. A

local law or ordinance amended after introduction shall not become a new local law or ordinance unless the presiding officer, or the Council on an appeal from the presiding officer's ruling, rules that the amendment is so substantial as to constitute a new local law or ordinance. The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XVII of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

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

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

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

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

Economic Development & the Environment; Finance; Neighborhood & Community Development; Parks & Public Works; Public Safety & Recreation.

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

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

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

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

In discharging any proposed legislation referred to it, a committee shall specifically recommend the legislation for adoption, rejection or consideration by the Council in a written report signed by a majority of its members attending the committee meeting. Any proposed legislation discharged by a committee shall be placed by the City Clerk on the agenda of the next regular Council meeting, at which the Council shall vote upon each item of proposed legislation separately, a yes vote to indicate adoption of the legislation, and a no vote to indicate rejection of the legislation.

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

XVIII. ROBERT'S RULES OF ORDER - The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Council in all cases except as herein provided.

XIX. SUSPENSION OF RULES - Any rule of the Council, except as otherwise specifically provided in such rule, may be temporarily suspended by a vote of two-thirds of all the members present, unless such rule is prescribed by law.

XX. AMENDMENT OF RULES - No permanent alteration shall be made in these rules without notice of the proposed change having been given at a previous meeting.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Palumbo

Ordinance No. 2008-1

Designating The Official Newspapers Of The City Of Rochester For The Years 2008-09

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

Section 1. The following newspapers are hereby designated to be the official newspapers of the City of Rochester for the years 2008-09: the *Democrat & Chronicle*, the *Daily Record*, and *City Newspaper*.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 4:35 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JANUARY 15, 2008

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

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

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

Recognition Ceremony:

Retirement:
Economic Development
*Richard E. Fields
Fire Department
James D. Bentley
Laurie L. Kingsey
*Andrew W. Santell
Dwayne D. Snead
*Stanley J. Williams

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Lightfoot

RESOLVED, that the minutes of the Regular Meeting of December 18, 2007 and the Special Meeting of December 26, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 3906-7
Public Disclosure - HOME Participation 3907-7
Quarterly Report - Delinquent Receivables 3908-7
Quarterly Report - Professional Service Agreements 3909-7
Schedule of Revenues & Expenditures 3909-7
Employer Assisted Housing Initiative 3910-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Youth issues - 151 signatures Petition No. 1628

RECEIVED AND FILED.

PUBLIC HEARINGS.

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

Authorizing Amendatory 2006-07 And 2007-08 Community Development Program Plans To Provide Loans For The Rochester Housing Development Fund Corporation Int. No. 6 No speakers.

Authorizing Amendatory 1999-2000, 2003-04, 2004-05 And 2005-06 Community Development Program Plans And Authorizing An Agreement For The Rochester Regional Community Design Center Int. No. 7 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Canalside Business Center As Planned Development District #9 Int. No. 34 No speakers.

Changing The Zoning Classification Of 1555 And 1651 Lyell Avenue, 295, 303, 309, 315, 319 And 325 Adirondack Street And 270 Alvanar Road From M-1 Industrial To PD #9-Canalside Business Center Int. No. 35 No speakers.

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2008-09 Int. No. 19 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
January 15, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Cancellation Of Taxes And Charges, As Amended

Int. No. 2 - Amending Ordinance No. 2007-120 Relating To Management Training

Int. No. 3 - Establishing Maximum Compensation For A Professional Services Agreement for Police Data Services And Amending Ordinance No. 2007-328

Int. No. 4 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Services

Int. No. 29 - Amending Ordinance No. 2007-322 Relating To The Acquisition Of The Former Heritage Charter School Parcels

Int. No. 30 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$12,155,500 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Int. No. 31 - Amending Bond Ordinance No. 2007-323 Relating To The Acquisition Of The Former Heritage Charter School Parcels To Reduce The Amount Of Bonds Authorized And Appropriated Therein

Int. No. 37 - Appointment Of A Marriage Officer

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-2
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$24,258.03.

One property had total taxes cancelled in the amount of \$1,800.00 or 7.42% of the total. The property recently transferred and the code violations were attributed to the former owner.

One property had total taxes cancelled in the amount of \$3,258.03 or 13.43% of the total. The property was taken in a tax foreclosure action by the City of Rochester on November 17, 2005.

One property had total taxes cancelled in the amount of \$19,200.00 or 79.15% of the total. The code violation charge for this property has been abated. A variance was granted in May 2007 and a permit has been issued.

If this cancellation is approved, total cancellations thus far for 2007-08 will be \$168,654.82.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|------------------|
| City Council | 24 | \$134,306.07 |
| Administrative | <u>101</u> | <u>34,348.75</u> |
| Total | 125 | \$168,654.82 |

These cancellations represent .073% of the taxes receivable as of July 1, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-1

Ordinance No. 2008-2
(Int. No. 1, As Amended)

Cancellation Of Taxes and Charges

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

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

| <u>S.B.L.#</u> | <u>Class</u> | <u>Address</u> | <u>Tax</u> | <u>Amount</u> |
|---|--------------|----------------|-------------|-----------------------------------|
| | | | <u>Year</u> | <u>Cancelled</u> |
| [(A) This property was taken in foreclosure and is now City-owned.] | | | | |
| 106.230-0001-077.1 | H | 28 Carl St | 1999 | \$ 2,080.59 |
| | | | 2000 | 1,177.44] |
| (B) Ownership of this property has transferred. The code violation charges associated with the property were issued against the former owner. | | | | |
| 135.260-0001-042 | H | 206 Sawyer St | 2006 | 1,800.00 |
| (C) The code violation for this property has been abated. A variance was granted in May 2007 and a permit has been issued. | | | | |
| 106.670-0001-085 | NH | 97 Railroad St | 2008 | <u>19,200.00</u> |
| Grand Total | | | | \$[24,258.03] <u>21,000.00</u> |

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

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-3
Re: Agreements - Leadership Academy -
Change of Vendor

Transmitted herewith for your approval is legislation amending Ordinance 2007-120, relating to training support for the City's Leadership Academy, by changing the name of the service provider exclusively to the Industries Education Fund, Inc., a division of the Rochester Business Alliance (RBA).

The ordinance authorized use of \$32,400 and \$16,400, respectively, to RBA and the Rochester City School District from the 2006-07 Budget. Since then, the School District's Workforce Development Office has experienced reductions in funding and staff and is no longer able to provide the required services.

The Leadership Academy is a management training program for City employees nominated by their supervisors. The goals of the academy are to:

- Enhance the leadership skills of City managers;
- Build an effective communication network throughout City government;
- Use professional development as a succession planning enabler;
- Strengthen community relations and collaboration;
- Support the One City goals of economic development, public safety, educational excellence, and customer service with a strong core of highly skilled and motivated managers.

A summary of the training curriculum is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-2

Ordinance No. 2008-3
(Int. No. 2)

Amending Ordinance No. 2007-120 Relating To Management Training

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

Section 1. Ordinance No. 2007-120, relating to Leadership Academy Management Training for City staff, is hereby amended by changing the name of the contractor in Section 2 to Rochester Industries Education Fund Inc.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2008-4
Re: Agreement - Brite Computers -
Data Network Integration

Transmitted herewith for your approval is legislation related to the integration of the Rochester Police Department data center/network with the City data center/network. This legislation will:

1. Amend Ordinance No. 2007-328 to reduce maximum compensation for an agreement with Telperion Group by \$40,000; and
2. Establish \$40,000 as maximum compensation for an agreement with Brite Computers, Victor, NY, to provide consulting services related to integrating the Police Department data center/network with the main City data center/network. The cost of this agreement will be funded from 2006-07 Cash Capital.

The integration of RPD's data network into the City's is in process, through an agreement with Telperion Group approved by Council in August 2007. During this integration effort, we have discovered that Telperion Group has gaps in specific RPD IT operational areas. Brite Computers will address those gaps to provide a seamless integration of the RPD data center/network with the City's, train ITD staff regarding RPD data network support requirements, and ensure that by June 30, 2008, ITD staff will be able to provide ongoing support for the RPD data center/network.

Brite Computers has been providing project and operational support for RPD over the last few years and is the supplier of all RPD patrol car laptop computers.

The integration of RPD and City data networks is part of the Information Technology Department's goal to standardize, consolidate and simplify the City's existing IT infrastructure environment.

This agreement will expire on June 30, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-4
(Int. No. 3)

Establishing Maximum Compensation For A Professional Services Agreement For Police Data Services And Amending Ordinance No. 2007-328

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Brite Computers for information technology services relating to the Police Department Data Center. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. Ordinance No. 2007-328, relating to a professional services agreement with the Telperion Group for services relating to the Police Department Data Center, is hereby amended by reducing the authorized amount of the agreement and the funding from the 2006-07 Cash Capital allocation by the sum of \$40,000.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-5
Re: Agreement - ExtraDev -
E-mail Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with ExtraDev, Winton Place, Rochester, to complete the changeover to Microsoft software for the City's Directory Services/E-mail environment. Through a preliminary agreement, for \$9,800, ExtraDev has begun to work on this transition. This amendment will establish \$55,000 as maximum total compensation which will be funded from 2006-07 Cash Capital.

The switch from Novell to Microsoft is a key component of the Information Technology Department's effort to simplify and standardize technology services. Standardization will:

Extend the existing Microsoft/Linux environment over the next five years with the goal of eliminating the costly Unix/Mainframe and Novell environments;

Lower overall costs by increasing system reliability, compatibility and ease of use for employees;

Lower overall technology risks by using systems and practices more commonly taught in universities, and therefore more familiar with current and future IT staff.

ExtraDev was selected to provide this service based on their experience on similar projects for Ontario, Sullivan, Yates and Broome Counties. They have also demonstrated their design expertise through delivery of a Microsoft directory/email blueprint for the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-5
(Int. No. 4)

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

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

Section 1. The sum of \$45,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with ExtraDev for information technology services relating to a change in the City e-mail environment. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-6,
Ordinance No. 2008-7 and
Ordinance No. 2008-8
Re: Capital Improvement Program -
City School District

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

1. Establish \$12,155,492 as the maximum amount of debt to be authorized on behalf of the District during the 2007-08;
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof for capital improvements to existing school buildings in the School District;
3. Amend Ordinance No. 2007-322 relating to the acquisition of the former Heritage Charter School property to reduce the acquisition amount by \$5,000 to \$3,750,000. This is a technical amendment correcting the acquisition price; and
4. Amend Bond Ordinance No. 2007-323 to reduce the amount of bonds authorized therein by \$5,000, for a total of \$3,750,000. To date, none of these bonds have been issued. This technical amendment will ensure that the District does not exceed the City's debt limit.

At its December 20, 2007 Meeting, 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 2007-08, the City School District will redeem \$15,905,492 in principal. Since the request limit is less than the principal redeemed, the request complies with the Council's debt limit.

A copy of the District's 2007-08 CIP bond request for Long-Term Facility Improvements and New Construction is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-3

Ordinance No. 2008-6
(Int. No. 29)

Amending Ordinance No. 2007-322 Relating To The Acquisition Of The Former Heritage Charter School Parcels

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

Section 1. Ordinance No. 2007-322, relating to the acquisition of the former Heritage Charter School parcels for the Rochester City School District, is hereby amended by reducing the maximum amount of the acquisition from \$3,755,000 to \$3,750,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-7
(Int. No. 30)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$12,155,500 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 \$12,155,500, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$12,155,500 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 \$12,155,500 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 \$12,155,500. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11.(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12.(a)(1) of the Law, is

twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

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

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

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

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

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

pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

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

Passed unanimously.

Ordinance No. 2008-8
(Int. No. 31)

Amending Bond Ordinance No. 2007-323 Relating To The Acquisition Of The Former Heritage Charter School Parcels To Reduce The Amount Of Bonds Authorized And Appropriated Therein

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

Section 1. The title and Sections 1, 2, and 3 of Bond Ordinance No. 2007-323, entitled:

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$3,755,000 Bonds Of Said City To Finance The Cost Of Acquisition Of The Former Heritage Charter School Parcels Within The City For The Rochester City School District

are hereby amended by reducing the amount of bonds authorized and appropriated in each place therein from \$3,755,000 to \$3,750,000. The total amount of the Project shall be \$3,750,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-9
Re: Marriage Officer

Transmitted herewith for your approval is legislation to reappoint Daniel B. Karin, the City Clerk, as a Marriage Officer. 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. Since that time, approximately 5,000 marriage ceremonies have

been performed by the Marriage Officers. Mr. Karin was last appointed on January 27, 2004. In addition, Sharon C. Conheady, who serves as Deputy City Clerk, was appointed to a four-year term as a Marriage Officer on January 17, 2006. The proposed new term for Mr. Karin would last through January 15, 2012. There are no changes in the duties of the position or the fees charged.

Respectfully submitted,
Gladys Santiago
President

Ordinance No. 2008-9
(Int. No. 37)

Appointment Of A Marriage Officer

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

Section 1. Pursuant to Section 5-10 of the Municipal Code, the Council hereby appoints City Clerk Daniel B. Karin as a Marriage Officer, as long as he serves in the position of City Clerk, for a term that shall expire January 15, 2012.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
January 15, 2008

To the Council:

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

Int. No. 5 - Authorizing The Sale Of Real Estate, And Amending Ordinances No. 2007-377 & 378, Relating To The Sale Of Real Estate And A Property Tax Exemption For The Olean & Kennedy Revitalization Project, As Amended

Int. No. 38 - Authorizing Amendatory Agreements For The Residential Assistance Program

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

Int. No. 6 - Authorizing Amendatory 2006-07 And 2007-08 Community Development Program Plans To Provide Loans For The Rochester Housing Development Fund Corporation

Int. No. 7 - Authorizing Amendatory 1999-2000, 2003-04, 2004-05 And 2005-06 Community Development Program Plans And Authorizing An Agreement For The Rochester Regional Community Design Center

Int. No. 34 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Canalside

Business Center As Planned Development District #9

Int. No. 35 - Changing The Zoning Classification Of 1555 And 1651 Lyell Avenue, 295, 303, 309, 315, 319 And 325 Adirondack Street And 270 Alvanar Road From M-1 Industrial To PD #9-Canalside Business Center

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
Gladys Santiago
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-10
Re: Sale of Real Estate

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

The first nine properties were sold at the August, 2007 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing. The purchaser of 106 Columbia Avenue is the brother of the deceased former owner. We request Council's approval of this sale based on the purchaser's signed statement which attests that he is not making this purchase on behalf of the estate of the former owner, or for the purpose of transferring the property to the estate of the former owner.

The next property is a vacant lot which was also sold at the August, 2007 public auction.

The next property is a vacant lot that was sold through a sealed bid process to the adjoining property owner. The purchaser will combine the parcel with his adjoining property.

The next two properties are negotiated sales with proposals of vacant lots that are being sold to the adjoining owners. The purchasers will combine the parcels with their adjoining properties.

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

The first year projected tax revenue for these eighteen properties, assuming full taxation, current

assessed valuations and current tax rates, is estimated to be \$9,845.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-4

Ordinance No. 2008-10
(Int. No. 5, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinances No. 2007-377 & 378, Relating To The Sale Of Real Estate And A Property Tax Exemption For The Olean & Kennedy Revitalization Project

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

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

| Address S.B.L.# | Lot Size Purchaser | Legal Use | Price |
|-------------------------|---|--------------|----------|
| 487-487.5 Central Pk | 40x120 | 2 Family | \$ 3,500 |
| 106.60-2-9 | Sasha Massachi | | |
| 327 Clifford Ave | 34x100 | 1 Family | 700 |
| 106.30-3-61 | Shannon Cheyne | | |
| 106 Columbia Ave | 50x98 | 1 Family | 9,000 |
| 121.61-2-89 | Morris Doucette | | |
| 414 Columbia Ave | 38x115 | 4 Family | 4,100 |
| 120.67-3-50 | Adam Cheyne | | |
| 207 Colvin St | 34x80 | 1 Family | 3,000 |
| 120.33-2-19 | Kenneth W. Stone & Raymond J. Stone Jr. | | |
| 60 Enterprise St | 40x116 | 1 Family | 20,900 |
| 135.24-1-46 | Sasha Massachi | | |
| 28-30 Magnolia St | 36x80 | 2 Family | 7,000 |
| 121.77-1-33 | Sasha Massachi | | |
| 66 Moulson St | 39x120 | 1 Family | 16,500 |
| 091.64-3-62 | Joseph J. Macko | | |
| 191 Roycroft Dr | 35x74 | 1 Family | 7,400 |
| 091.82-2-13 | Joseph J. Macko | | |

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

| | |
|------------|-------------------|
| Address: | 150 Lyell Ave |
| S.B.L.#: | 105-68-1-34 |
| Lot size: | 40x54 |
| Price: | \$450 |
| Purchaser: | *3 LG Development |

*Officers: Davu Stewart, Aaron Fletcher, Jumaane Stewart

Section 3. The Council hereby approves the sale of the following parcel of vacant land with proposal by sealed bid:

| | |
|------------|--------------------------------|
| Address: | 89 Avenue B |
| S.B.L.#: | 105.28-2-16 |
| Lot size: | 80x120 |
| Price: | \$250 |
| Purchaser: | **JR Cummings Development, LLC |

**Member: Joseph R. Cummings

Section 4. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

| Address S.B.L.# | Lot Size | Price Purchaser |
|----------------------------------|-------------|----------------------|
| South Portion of 4 Henry St | 33x99 | \$330 |
| Pt. of 106.40-3-50.1 | | Walter-James Chatman |
| North Portion of 810 Smith St | 20x53 | \$110 |
| Pt. of 105.74-3-47.1 | | Anastacio Colon |

Section 5. The Council hereby approves the negotiated sale of the following parcels of un-buildable vacant land for the sum of \$1.00:

| Address S.B.L.# | Lot Size | Sq. Ft. Purchaser |
|----------------------------|-------------|----------------------|
| 164 Bernard St | 37x150 | 5550± |
| 106.24-3-26 | | Frank Houser |
| 137 Cady St | 32x96 | 3072± |
| 120.60-2-1 | | Sylvia L. Barker |
| East ½ of 19 LaForce St | 18x130*** | 2349± |
| Pt. of 106.31-1-43 | | Phirun Kay |
| West ½ of 19 LaForce St | 18x131*** | 2358± |
| Pt. of 106.31-1-43 | | Maria Marcano |
| 357 Sawyer St | 40x6 | 240± |
| 135.25-3-10.2 | | Donna R. Hodge |

***Irregular

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

Section 7. Ordinance No. 2007-377, relating to the sale of parcels to Providence Olean-Kennedy Housing Development Fund Company, Inc. for the Olean & Kennedy Revitalization Project, is hereby amended by adding to the property at 20-28 Phelps Avenue, SBL #105.43-2-33, the southeastern part

of the parcel at 112-114 Fulton Avenue, part of SBL #105.43-2-78.

Section 8. Ordinance No. 2007-378, relating to a property tax exemption for the Olean & Kennedy Revitalization Project, is hereby amended by adding to the parcels eligible for the tax exemption and PILOT Agreement the southeastern part of the parcel at 112-114 Fulton Avenue, part of SBL #105.43-2-78.

Section 9. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-11
Re: Supplemental Residential Assistance
Program Funding for Emergency
Repairs

Transmitted herewith for your approval is legislation appropriating \$300,000 from the Residential Assistance Program (RAP) account of the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program, and authorizing agreements with nine neighborhood agencies to supplement RAP through June 30, 2008.

The RAP Minor Home Repair Program is administered throughout the city by neighborhood agencies to enable income eligible owner-occupants to make emergency repairs, exterior repairs and/or home security improvements. This winter, neighborhood agencies have advised the City that their original allocations have been exhausted, leaving no funds for weather-related emergency repairs. Grants of up to \$3,500 are provided. Additional amounts of \$1,000 and \$3,500 are available, respectively, if lead paint issues are present, or when a complete roof tear-off is required. Residents may receive only one grant in any four-year period.

In June 2007, City Council authorized \$1,184,402 in RAP funding for 2007-08. This supplemental amount is available in a 2007-08 CDBG allocation reserved for RAP following the completion of the third-party evaluation of the program, anticipated in March 2008.

Listed below are the supplemental RAP allocations for 2007-08. Awards are based on present service area size, agency performance, and capacity to manage and complete additional projects in 2007-08.

| <u>Agency</u> <u>Neighborhoods</u> | <u>Amount</u> |
|---|---------------|
| 1. Charles Settlement House Charlotte, Maplewood | \$25,000 |

| | |
|--|--------|
| 2. Coalition of North East Assns. Upper Falls | 25,000 |
| 3. Group 14621 14621 Neighborhood | 20,000 |
| 4. Marketview Heights Assn. North & South Marketview Heights | 55,000 |
| 5. Montgomery Neighborhood Bullshead, Corn Hill, Genesee- Jefferson, Mayor's Heights, 19 th Ward, Plymouth-Exchange, Southeast Dutchtown | 45,000 |
| 6. North East Area Development Beechwood, Browncroft, Culver- Winton, Homestead Heights, Northland-Lyceum | 40,000 |
| 7. NCS Community Dev't. Corp. Brown Square, Edgerton, Lyell- Otis, North & Southwest Dutchtown, Susan B. Anthony | 40,000 |
| 8. South East Area Coalition Atlantic-University, Cobbs Hill, East Ave., Ellwanger-Barry, Highland, Park Ave., Pearl- Meigs-Monroe, Strong, Swillburg, Upper Monroe | 30,000 |
| 9. South Wedge Planning Committee South Wedge | 20,000 |

This supplemental funding is available on a one-time only basis for the 2007-08 fiscal year, and will have no bearing on future RAP allocations for administering agencies.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-11
(Int. No. 38)

**Authorizing Amendatory Agreements For
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 amendatory agreements in the following amounts with the following organizations for the administration of the Residential Assistance Program:

| <u>Administering Agency</u> <u>Neighborhoods</u> | <u>Amount</u> |
|---|---------------|
| Charles Settlement House Charlotte Maplewood | \$ 25,000 |
| Coalition of North East Associations Upper Falls | 25,000 |

| | |
|--|------------------|
| Group 14621 Community Association 14621 Neighborhood | 20,000 |
| Marketview Heights Association North Marketview Heights South Marketview Heights | 55,000 |
| Montgomery Neighborhood Center Bullshead Cornhill Genesee-Jefferson Mayor's Heights 19th Ward Plymouth-Exchange Southeast Dutchtown | 45,000 |
| North East Area Development Beechwood Browncroft Culver-Winton Homestead Heights Northland-Lyceum | 40,000 |
| Northwest Community Services Community Development Corporation Brown Square Edgerton Lyell-Otis North Dutchtown Southwest Dutchtown Susan B. Anthony | 40,000 |
| South East Area Coalition Atlantic-University Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe | 30,000 |
| South Wedge Planning Committee South Wedge | <u>20,000</u> |
| Total | \$300,000 |

Ordinance No. 2008-12
Re: Asset Control Area Program -
Rochester Housing Development
Fund Corporation

Transmitted herewith for your approval is legislation related to the Asset Control Area Program (ACA) financing. The ACA agreement with HUD permits the City to purchase FHA-foreclosed single-family houses at a discount. The vacant homes are then renovated for resale to income-eligible buyers through the Home Rochester program. The houses are transferred by the City to the RHDFC, which engages non-profit developers to renovate and sell the properties. Under the most recent ACA agreement (Phase 3), the RHDFC has acquired and renovated 167 properties. This legislation affects both Phase 2 and Phase 4 financing.

Phase 2: There are two properties remaining of the 169 acquired through the second ACA Agreement. In order to complete their rehabilitation and sale, the following legislation is required:

1. Amend the 2006-07 Consolidated Community Development Plan to extend two previously-approved float loans for Phase 2 through June 30, 2008. The loans include: \$2,000,000 of HOME funds to be used for interim construction financing; and \$405,000 from the Improving the Housing Stock and General Property Conditions allocation of the CDBG to be used for an interest reserve account. Both funds will be used by the Rochester Housing Development Fund Corporation (RHDFC) for Phase 2 of the ACA program.
2. Authorize continued appropriation of the funds as described above;
3. Authorize amendatory agreements with the RHDFC and other necessary parties to continue to use the funds described above through June 30, 2008, without interest. All other terms and conditions of the original agreements remain the same.

Phase 4: Phase 4 requires a new \$16 million capitalization to acquire and renovate an estimated 185 properties. The RHDFC capitalization takes the form of a non-revolving line of credit, which is structured as a participation loan. The City's participation of \$2,000,000 requires the following legislation:

1. Amend the 2007-08 Consolidated Community Development Plan to establish a new account, within the Improving the Housing Stock and General Property Conditions allocation of the CDBG, and appropriate these funds, for a \$2,000,000 float loan fund for interim construction financing for Phase 4 of the ACA Program;
2. Amend the 2007-08 City Development Fund Plan, to establish a new account, and appropriate the funds, for a \$238,000 float loan to

Section 2. The amendatory agreements shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

fund a loss reserve account for Phase 4 of the ACA Program;

3. Authorize agreements with the RHDFC and other necessary parties for use of the funds described above to provide new float loans for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City as part of Phase 4 of the ACA Program. The term of the loans will be 30 months, without interest.

As in the other three phases of financing, it is anticipated that JPMorgan Chase Bank will be the lead lender in providing the line of credit. The City's participation will be \$2 million, the same amount as in Phase 3. Commitments have been received from the Enterprise Foundation (\$2 million) and the Greater Rochester Housing Partnership (\$1 million). The balance will be contributed by other banking partners being recruited by JPMorgan Chase. Until such time as other banking partners are committed, JPMorgan Chase will finance the balance of the line of credit.

The loan loss reserve is designed to encourage participation and reduce the overall risk exposure among the investors.

The financing for Phase 3 of the ACA program was approved in March 2006.

Public hearings are required for both Phase 2 and Phase 4 financing.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-12
(Int. No. 6)

Authorizing Amendatory 2006-07 And 2007-08 Community Development Program Plans To Provide Loans For The Rochester Housing Development Fund Corporation

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

Section 1. The Council hereby approves amendments to the 2006-07 Consolidated Community Development Plan whereby two (2) previously approved float loans of \$2,000,000 and \$405,000 in Community Development Block Grant and/or HOME funds from the Improving the Housing Stock and General Property Conditions allocation shall be extended through June 30, 2008 for interim construction financing and for an interest reserve account, respectively. These funds will be used by the Rochester Housing Development Fund Corporation for Phase 2 of the Asset Control Area Program.

Section 2. The Mayor is hereby authorized to enter into agreements to participate in and extend the Rochester Housing Development Fund Corporation Phase 2 loans for interim construction financing and an interest reserve account. The loan

extensions shall be for a term through June 30, 2008, without interest, upon the original terms and conditions.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$2,405,000, and said amount, or so much thereof as may be necessary, shall continue to be appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program and/or HOME Program Funds.

Section 4. The Council hereby further approves an amendment to the 2007-08 Consolidated Community Development Plan whereby, within the Improving the Housing Stock and General Property Conditions Allocation of the Community Development Block Grant, \$2,000,000 shall be added in a new account for a float loan for interim construction financing for Phase 4 of the Asset Control Area Program. The Council hereby further approves an amendment to the 2007-08 City Development Fund Plan, a component of the 2007-08 Community Development Plan, whereby the sum of \$238,000 shall be added in a new account for a float loan to fund a loss reserve account for the capital loan pool for Phase 4 of the Asset Control Area Program.

Section 5. The Mayor is hereby authorized to enter into agreements with the Rochester Housing Development Fund Corporation and necessary parties to provide new float loans for interim construction financing and a loss reserve account for the capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City for resale as a part of Phase 4 of the Asset Control Area Program. The float loans shall be for terms not to exceed 30 months, without interest.

Section 6. The agreements shall obligate the City to pay an amount not to exceed \$2,000,000 for interim construction financing, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program, and to pay an amount not to exceed \$238,000 for a loan loss reserve account, and said amount, or so much thereof as may be necessary, shall be funded from the City Development Fund.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-13
 Re: Amending the CDBG - Agreement
 with the Rochester Regional
 Community Design Center

Transmitted herewith for your approval is legisla-
 tion establishing \$90,000 as maximum compensa-
 tion for an agreement with the Rochester Regional
 Community Design Center (RRCDC) for commu-
 nity design related services; and, to fund the
 agreement, amending the Consolidated Commu-
 nity Development Plan to establish the RRCDC
 Account as follows:

| <u>Year</u> | <u>From Account To Account</u> | <u>Amount</u> |
|-------------|---|---------------|
| 1999-2000 | Geographic Information Systems RRCDC | \$ 2 |
| 2003-04 | Geographic Information Systems RRCDC | 7,160 |
| 2003-04 | Neighbors Building Neighborhoods RRCDC | 16,000 |
| 2004-05 | Sector Planning Support RRCDC | 558 |
| 2004-05 | Neighbors Building Neighborhoods RRCDC | 40,000 |
| 2005-06 | Geographic Information Systems RRCDC | <u>26,280</u> |
| Total | | \$90,000 |

The Rochester Regional Community Design Cen-
 ter was established in 2003 as a not-for-profit
 entity of the American Institute of Architects Ur-
 ban Design Committee. Their mission is to sup-
 port quality design and preservation of community
 character in the Greater Rochester region.

The RRCDC has functioned as a volunteer organi-
 zation and provides design promotion, consulta-
 tion and assistance to community organizations. Past
 and current activities include: facilitating design
 charrettes; development of design education and
 training programs for City staff, City Boards and
 Commissions; and development, implementation
 and promotion of the value of good design through
 presentations and events such as the Reshaping
 Rochester Lecture Series.

This agreement will help the Center offer ex-
 panded services to citizens, community organiza-
 tions, and governmental agencies in the Rochester
 community. Programs anticipated to be enhanced
 or developed include:

Community Design Charrettes - Implement
 citizen-driven, participatory charrettes, mini-
 charrettes, and post-charrette work to be over-
 seen by a steering committee of stakeholders
 from the charrette area who are guided in the
 process by the RRCDC;

Neighborhood Design Support - Facilitate dis-
 cussions, workshops, scoping sessions, walk-
 throughs, and meetings to address issues, design
 problems or planning exercises that yield direc-
 tion or solutions;

Education and Staff Development - Provide
 opportunities for City staff development
 through lectures such as the Reshaping Roches-
 ter Lecture Series, community leader events,
 and special sessions to be coordinated and con-
 ducted at City Hall or the RRCDC; and

Creation of Production Plans and Design Strat-
 egy for Downtown Rochester - Finalize and re-
 fine drawings and plans and accompanying the
 report for the 2007 Downtown Rochester Char-
 rette.

A public hearing is required.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AH-5

Ordinance No. 2008-13
 (Int. No. 7)

**Authorizing Amendatory 1999-2000, 2003-04,
 2004-05 And 2005-06 Community Development
 Program Plans And Authorizing An Agreement
 For The Rochester Regional Community Design
 Center**

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

Section 1. The Council hereby approves an
 amendment to the 1999-2000 Community Devel-
 opment Program plan whereby the sum of \$2.00
 shall be transferred within the Support Neighbors
 Building Neighborhoods allocation from the Geo-
 graphic Information System (GIS) Account to a
 new Rochester Regional Community Design Cen-
 ter Account.

Section 2. The Council hereby approves an
 amendment to the 2003-04 Community Develop-
 ment Program Plan whereby within the Support
 Neighbors Building Neighborhoods allocation the
 sum of \$7,160 shall be transferred from the Geo-
 graphic Information System (GIS) Account, and
 the sum of \$16,000 from the Neighbors Building
 Neighborhoods Account, to a new Rochester Re-
 gional Community Design Center Account.

Section 3. The Council hereby approves an
 amendment to the 2004-05 Community Develop-
 ment Program Plan whereby within the Support
 Neighbors Building Neighborhoods allocation the

sum of \$558 shall be transferred from the Sector Planning Support Account, and the sum of \$40,000 from the Geographic Information System (GIS) Account, to a new Rochester Regional Community Design Center Account.

Section 4. The Council hereby approves an amendment to the 2005-06 Community Development Program Plan whereby the sum of \$26,280 shall be transferred within the Support Neighbors Building Neighborhoods allocation from the Geographic Information System (GIS) Account allocation to a new Rochester Regional Community Design Center Account.

Section 5. The Mayor is hereby authorized to enter into an agreement with the Rochester Regional Community Design Center for support of its activities.

Section 6. The agreement shall obligate the City to pay an amount not to exceed \$90,000, and of said amount, or so much thereof as may be necessary, \$26,280 is hereby appropriated from the Support Neighbors Building Neighborhoods allocation of the 2005-06 Community Development Program, \$40,558 is hereby appropriated from the Support Neighbors Building Neighborhoods allocation of the 2004-05 Community Development Program, \$23,160 is hereby appropriated from the Support Neighbors Building Neighborhoods allocation of the 2003-04 Community Development Program, and \$2 is hereby appropriated from the Support Neighbors Building Neighborhoods allocation of the 1999-2000 Community Development Program.

Section 7. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-14 and
Ordinance No. 2008-15

Re: Planned Development District #9 -
Canalside Business Center

Transmitted herewith for your approval is legislation relating to the creation of Planned Development District #9 (PD #9) in order to facilitate the reuse and potential redevelopment of the former Valeo facility and site at 1555 and 1651 Lyell Avenue and additional lands on Adirondack Street and Alvanar Road. Creating this new district requires the following legislation:

1. Amend the Zoning Map by rezoning the properties at 1555 and 1651 Lyell Avenue, 295, 303, 309, 315, 319 and 325 Adirondack Street and 270 Alvanar Road from M-1 Industrial to a Planned Development District (PD#9) Canalside Business Center;

2. Amend the Zoning Text by adding the PD#9 Canalside Business Center development concept regulations.

The proposed PD #9 encompasses approximately 123 acres of land located on the south side of Lyell Avenue, bounded by I-490 to the South, the Erie Canal to the west and Rochester and Southern Railroad to the east. The intent of the PD #9 is to utilize the entirety of the subject parcel for mixed use commercial, retail and industrial purposes. The legislation is resubmitted to Council for consideration after a public hearing and contains the amendments requested by the Council at Committee meetings held in December, 2007.

The existing properties, owned by Maguire Family Properties Inc., are currently zoned M-1 Industrial District, which limits new commercial development. The planned development designation is recommended since there is ample land area to support both industrial and commercial development, with certain areas of the site (e.g., those fronting on Lyell Avenue) being more appropriate for commercial redevelopment. The planned development regulations will ensure sufficient flexibility in redeveloping the site.

The PD#9 will be divided into four sub-areas.

Sub-Area 1 is approximately 98 acres and is comprised of the existing structure and related parking, and will permit both adaptive reuse opportunities within the existing structure as well as new construction that will allow uses similar to those currently permitted in the M-1 district, and specially permitted in the C-3 district.

Sub-Area 2 and Sub-Area 3 are located along the Lyell Avenue frontage. Sub-Area 2 is approximately 5 acres and may be developed with smaller scale retail and/or goods and service operations and drive-through uses.

Sub-Area 3 is a 20-acre area within a designated Empire Zone which may be developed with either a large-scale retail/warehouse use or with any of the permitted uses listed in Sub-Area 1 and Sub-Area 2 to allow for the market to determine its redevelopment.

Sub-Area 4 is a 5-acre area adjacent to the Erie Canal and will be developed in accordance with the Local Waterfront Revitalization Program (LWRP).

The project includes the abandonment of Adirondack Street extending from Lyell Avenue to its southerly end, as approved by Council at its meeting of December 18, 2007.

The Planning Commission held an informational hearing on November 19, 2007. There were two speakers in support of the proposal and no speakers in opposition. By a vote of 5-0-0, the Commission recommended approval. Information pertaining to that meeting is attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, The Director of Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

Public hearings are required on both items.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-14
(Int. No. 34)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Canalside Business Center As Planned Development District #9

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding the Development Concept Plan for the Canalside Business Center to read in its entirety as follows and by designating the Canalside Business Center as Planned Development District #9 - Canalside Business Center:

PLANNED DEVELOPMENT DISTRICT #9
Canalside Business Center
1555 Lyell Avenue

§ 1. Purpose.

The intent of the Planned Development District #9 (PD#9), Canalside Business Center, is to allow for the flexibility in establishing mixed-use commercial, retail and industrial purposes, and to provide for the orderly growth and development of the site with future adaptive uses, as described herein, to those that may be conducted within the existing structures or any expansion thereof. Significant architectural, site and wayfinding improvements will increase the overall aesthetic value of the property.

The proposed PD#9 encompasses approximately 123.0 acres of land located on the south side of Lyell Avenue, bordered by I-490 to the South, the Erie Canal to the west and Rochester and Southern Railroad to the east. There is an existing 1.5 million square foot manufacturing facility on the site that was previously utilized for the manufacturing and distribution of automotive parts.

The proposed PD#9 will be divided into three (3) areas for development and redevelopment, and one (1) area that is currently undeveloped adjacent to the Erie Canal.

The primary area, Sub-Area 1, is approximately 98 acres and consists of the existing industrial/manufacturing facility located at the rear of the site. This area will allow for adaptive reuse opportunities that can contribute to the District

character and offer a diversity of goods and services.

Sub-Area 2 involves redevelopment of approximately 5 acres of land between Gloster Road and Adirondack Street, having approximately 450 linear feet of frontage on Lyell Avenue. This area is proposed to be redeveloped as mixed-commercial, servicing both the surrounding community and the employees within the onsite facilities.

Sub-Area 3 is approximately 20 acres and is located in the northeast portion of the site with approximately 760 linear feet of frontage on Lyell Avenue. The proposed redevelopment in this portion of the property is proposed for a large-scale commercial/retail building with associated parking and infrastructure. Flexibility in the regulations for Sub-Area 3 also provides for potential development for light industrial and manufacturing.

Sub-Area 4 is approximately 5 acres and is located at the southwest portion of the site adjacent to the Erie Canal. This area is currently undeveloped and includes a large stand of mature trees and vegetation. Development within this area shall be consistent with the Local Waterfront Revitalization Program (LWRP).

§ 2. Permitted Uses and Structures.

A. The following uses are permitted in Sub-Area 1 when located in an enclosed building:

- (1) Animal daycare.
- (2) Animal hospitals and kennels.
- (3) Auto-related uses, including car washes, vehicle service stations, vehicle sales, vehicle rental services, vehicle repair stations including commercial vehicle repair, and vehicle sales accessory to vehicle repair stations, subject to additional requirements for specified uses in Article XVIII, provided no storage of unlicensed, partially dismantled or wrecked vehicles occur on site.
- (4) Bar, cocktail lounge and tavern including outdoor seating/assembly areas.
- (5) Community centers.
- (6) Corporate headquarters, regional headquarters and administrative offices.
- (7) Day care centers, subject to additional requirements for specified uses in §120-135.

- (8) Drive-throughs, subject to additional requirements for specified uses in §120-136.
 - (9) Food processing.
 - (10) Health clubs.
 - (11) Live entertainment.
 - (12) Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.
 - (13) Motels and hotels.
 - (14) Offices or clinics.
 - (15) Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products.
 - (16) Public and semipublic uses, including but not limited to schools, library, police stations and fire stations.
 - (17) Public utilities, subject to additional requirements for specified uses in §120-144.
 - (18) Recycle centers, subject to additional requirements for specified uses in §120-145.
 - (19) Research laboratories including testing facilities.
 - (20) Retail sales and service.
 - (21) Technical and vocational schools.
 - (22) Warehouse and distribution facilities.
- B. The following uses are permitted in Sub-Area 2 when located in an enclosed building:
- (1) Bar, restaurant, cocktail lounge and tavern, including outdoor seating/assembly areas.
 - (2) Day care centers, subject to additional requirements for specified uses in §120-135.
 - (3) Drive-throughs, subject to additional requirements for specified uses in §120-136.
 - (4) Office.
 - (5) Public and semi-public uses, including, but not limited to schools, library, police stations and fire stations.
- (6) Retail sales and service.
 - (7) Restaurants and banquet facilities, including outdoor seating/assembly and drive-throughs, subject to additional requirements for specified uses in §120-136.
- C. The following uses are permitted in Sub-Area 3 when located in an enclosed building:
- (1) Any permitted use in Sub-Area 1 and 2.
- D. The following uses are permitted in Sub-Area 4:
- (1) Any use permitted in the O-S Open Space District set forth in Section 120-89 of the Zoning Code.
- § 3. Special Permit Uses.
- A. The following uses are allowed as special permit uses in Sub-Area 1:
- (1) Amusement Centers.
 - (2) Entertainment uses, parks, playgrounds, stadiums, and outdoor recreation.
 - (3) Outdoor storage and/or sales of construction materials, equipment and vehicles, subject to requirements applying to all districts in §120-175, and shall be regulated in the same manner as the M-1 district.
 - (4) Truck centers, subject to additional requirements for specified uses in §120-150.
 - (5) Vehicle sales, subject to additional requirements for specified uses in §120-153.
 - (6) Waste stations, subject to additional requirements for specified uses in §120-155.
- B. The following uses are allowed as special permit uses in Sub-Area 2:
- (1) Live entertainment.
- C. The following uses are allowed as special permit uses in Sub-Area 4:
- (1) Any permitted use in Sub-Area 1 (except auto-related uses, drive-throughs and production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products) subject to the following:

- (a) All operations except outdoor seating, recreational and water uses shall be conducted in a completely enclosed building.
- (b) Outdoor storage shall be prohibited.
- (c) Any façade facing the Canal shall have an active building elevation.

- (3) Parking shall comply with the parking lot design and maintenance standards set forth in Zoning Code § 120-173F(2) and (3).
- (4) A proposed drive aisle along the Lyell Avenue frontage of Sub-Area 2 and Sub-Area 3 is subject to Site Plan Review approval by the Director of Zoning and may encroach within the building setback area.

§ 4. Lot, Area and Yard Requirements.

- A. The following lot, area and yard requirements shall apply to the PD#9:
 - (1) Lot Frontage Requirements - N/A.
 - (2) Lot Area Requirements - N/A.
 - (3) Site Coverage Requirements - N/A.
 - (4) Yard Requirements for buildings in Sub-Area 2 and Sub-Area 3:
 - (a) Front Yard Setback - zero (0) feet minimum, one hundred (100) feet maximum.
 - (5) Yard Requirements for all buildings and accessory uses in Sub-Area 4 (except pedestrian, water-front access and water related uses):
 - (a) Setback from the Canal - 75 feet. Structures in excess of 20 feet shall provide 75 feet plus one (1) foot for each foot over 20 feet in height.

B. Loading.

- (1) Loading shall comply with the requirements set forth in Zoning Code §120-172.

C. Access.

- (1) The intent of this Planned Development District is to provide coordinated circulation and access patterns for the overall development site. Therefore, no additional curb-cuts to Lyell Avenue will be permitted as redevelopment opportunities progress.

§ 5. Bulk Requirements.

- A. The following requirements shall apply to new construction in Sub-Area 2 and Sub-Area 3:
 - (1) Minimum Building Height - 18 feet.

§ 7. Accessory Uses And Structures

- A. The following uses are permitted accessory uses in Sub-Area 1 and Sub-Area 3:
 - (1) Defined outdoor storage areas or materials stored in containers accessory to a permitted use established within an enclosed building.
 - (2) Outdoor activity areas accessory to the following uses:
 - (a) Animal daycare, hospitals and kennels.
 - (b) Community Centers.
 - (c) Health Clubs.
 - (d) Retail sales and service.
 - (e) Technical and vocational schools.
 - (f) Bar, restaurant, cocktail lounge, tavern and banquet facilities.

§ 6. Off-Street Parking, Loading and Access Requirements.

- A. Parking.
 - (1) Parking for uses within the PD#9 may be located anywhere within the District.
 - (2) Proposals for development that provide parking in excess of the required parking as specified in § 120-173 of the Zoning Code shall be accompanied by a Parking Demand Analysis.

§ 8. Personal Wireless Telecommunications Facilities (PWTF)

- A. Personal wireless telecommunications facilities are permitted in the Planned Development District #9 in accordance with § 120-143 of the Zoning Code as follows:

- (1) Personal wireless telecommunications facilities in Sub-Area 1 shall be regulated in the same manner as in the M-1 district, except that a Special Permit shall be required for towers exceeding 100 feet in height.
- (2) Personal wireless telecommunications facilities shall be prohibited in Sub-Area 2, Sub-Area 3 and Sub-Area 4.
- (2) § 120-173, Parking.
- (3) § 120-175, Outdoor storage, except accessory to a specially permitted use.
- (4) § 120-177, Signage.
- C. Planned Development District #9 is subject to the requirements set forth in Article XVII of the City Zoning Code regarding Planned Development Districts.

§ 9. Signs.

- A. A Sign Program shall be developed for Sub-Area 1, which will include building identification, wayfinding, and kiosk signage for the entire Canalside Business Center. The Sign Program is subject to Site Plan Review approval by the Director of Zoning.
- B. Signs in Sub-Area 2 and 3:
 - (1) A maximum of 50 square feet of signage per lot including:
 - (a) Attached signs that include 0.5 square feet in area for every foot of building frontage; and/or
 - (b) One (1) detached monument style structure no greater than 6 feet in height.
 - (2) Setbacks from the principal street or drive shall be a minimum of 10 feet.
 - (3) Materials of all proposed signage shall match the principle structure for which it applies, and shall be coordinated to compliment the signage found throughout the PD #9.
 - (4) A Sign Program may be developed for Sub-Area 2 and Sub-Area 3, and is subject to Site Plan Review approval by the Director of Zoning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-15
(Int. No. 35)

Changing The Zoning Classification Of 1555 And 1651 Lyell Avenue, 295, 303, 309, 315, 319 And 325 Adirondack Street And 270 Alvanar Road From M-1 Industrial To PD #9 - Canalside Business Center

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 1555 and 1651 Lyell Avenue, 295, 303, 309, 315, 319 and 325 Adirondack Street and 270 Alvanar Road, from M-1 Industrial to PD #9-Canalside Business Center:

ALL THAT TRACT OR PARCEL OF LAND, being on the south side of Lyell Avenue, situate in the City of Rochester, County of Monroe and State of New York, more particularly known and described as follows:

Beginning at a point being the intersection of the centerline of Lyell Avenue and the centerline of Gates Street;

Thence (1) south 00°-17'-05" east along the centerline of Gates Street a distance of 238.00 feet to a point;

Thence (2) north 89°-55'-55" east a distance of 297.97 feet to a point;

Thence (3) south 00°-24'-05" east a distance of 2,220.87 feet to a point;

Thence (4) south 89°-56'-35" west along the northerly highway boundary line of the Western Expressway Interstate 490 a distance of 2,021.19 feet to a point;

Thence (5) north 68°-59'-34" west continuing along said northerly highway boundary line a distance of 322.17 feet to a point;

§ 10. Additional Regulations.

- A. Development and redevelopment in PD#9 is subject to the City-Wide Design Guidelines and Standards (Article XIX), and is equivalent to the C-3 and M-1 districts, except:
 - (1) § 120-158B, Building entrances.
- B. The PD #9 is subject to Requirements Applying to All Districts (Article XX), except:
 - (1) § 120-172, Loading.

Thence (6) north 14°-19'-10" west along the lands of the New York State Barge Canal a distance of 924.86 feet to a point;

By Councilmember Lightfoot
January 15, 2008

Thence (7) north 76°-09'-45" east a distance of 285.00 feet to the centerline of Alvanar Road;

To the Council:

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

Thence (8) north 13°-50'-15" west along the centerline of Alvanar Road a distance of 449.13 feet to a point;

Int. No. 8 - Authorizing Participation In The Trinidad Street And Hebard Street Improvement Project

Thence (9) north 89°-56'-50" east a distance of 176.92 feet to a point;

Int. No. 9 - Amending Bond Ordinance No. 2007-265 Relating To Street Improvements As A Part Of The 2007 Street Improvement Program To Reduce The Amount Of Bonds Authorized And Appropriated Therein

Thence (10) north 00°-15'-30" west a distance of 160.00 feet to a point;

Int. No. 10 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$424,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2008 Water Main Extension And Improvements Program In The City

Thence (11) south 89°-56'-50" west a distance of 215.60 feet to the centerline of Alvanar Road;

Int. No. 33 - Resolution Endorsing Improvements To The Genesee Waterways Center

Thence (12) north 13°-50'-15" west along the centerline of Alvanar Road a distance of 438.59 feet to a point;

Respectfully submitted,

Thence (13) north 89°-56'-50" east a distance of 453.11 feet to the centerline of Harcourt Road;

John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Thence (14) north 00°-05'-34" west along the centerline of Harcourt Road a distance of 13.08 feet to a point;

Thence (15) north 89°-56'-51" east a distance of 125.00 feet to a point;

Received, filed and published.

Thence (16) north 00°-05'-35" west a distance of 40.00 feet to a point;

TO THE COUNCIL
Ladies and Gentlemen:

Thence (17) north 89°-56'-51" east a distance of 100.00 feet to a point;

Ordinance No. 2008-16 and
Ordinance No. 2008-17
Re: Trinidad Street and Hebard
Street Improvements

Thence (18) south 00°-05'-35" east a distance of 120.00 feet to a point;

Transmitted herewith for your approval is legislation related to the Trinidad Street (North Union Street to Hebard Street) and Hebard Street (Trinidad Street to Peters Place) Improvement project. This legislation will:

Thence (19) north 89°-56'-50" east a distance of 275.00 feet to the centerline of Gloster Road;

1. Authorize any necessary agreements with the New York State Department of Transportation (NYSDOT) to participate in and administer the project;
2. Authorize acceptance of \$300,000 in Capital Project Multi-Modal Program funding from the New York State Department of Transportation to partially finance the cost of the Trinidad Street and Hebard Street Improvements, and appropriation of the \$300,000 from anticipated reimbursements from the State. This amount was made possible through the efforts of Assemblyman David Gantt.

Thence (20) north 00°-05'-34" west along the centerline of Gloster Road a distance of 423.67 feet to the centerline of Lyell Avenue;

Thence (21) south 89°-53'-45" east along the centerline of Lyell Avenue a distance of 119.07 feet to an angle point;

Thence (22) north 89°-55'-55" east continuing along said centerline a distance of 1,139.37 feet to the point of beginning.

Parcel contains 5,477,818 square feet which equals 125.754 acres as measured to centerline.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

3. Amend Bond Ordinance 2007-265 to reduce the bonds authorized therein, \$7,298,000, by \$300,000. This amount is no longer necessary due to the NYSDOT reimbursement.

The Trinidad Street and Hebard Street improvements will include rehabilitation or reconstruction of the pavement as necessary; replacement of concrete sidewalks and driveway aprons; granite curbs; street lighting improvements; drainage improvements; relocation of water utilities; new pavement markings and signage; and landscaping improvements.

The current estimated cost of the project is \$362,000, which will be funded as follows:

| | |
|-------------|--------------|
| State | \$300,000 |
| City Street | 50,000 |
| City Water | 6,000 |
| Pure Waters | <u>6,000</u> |
| Total | \$362,000 |

The City Street share will be funded with previously approved Bond Ordinance 2007-265, the City Water share from Bond Ordinance 2006-157, and Sewer share from Bond Ordinance 2003-194.

Design of the street improvements is being performed by City staff and is expected to be completed in the Spring 2008. Construction is anticipated to begin in the Summer 2008 and be substantially completed by Fall 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-6

Ordinance No. 2008-16
(Int. No. 8)

Authorizing Participation In The Trinidad Street And Hebard Street 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 Trinidad Street and Hebard Street Improvement Project.

Section 2. The Mayor is hereby authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for the City to participate in and administer the Project. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Department of Transportation providing for City responsibility for the maintenance and repair of the streets.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$62,000 for the Project, and of said amount, or so much thereof as may be necessary, \$50,000 shall be funded from Bond Ordinance No. 2007-265, \$6,000 shall be funded from Bond Ordinance No. 2006-157, and

\$6,000 shall be funded from Bond Ordinance No. 2003-194.

Section 4. The sum of \$300,000, or so much thereof as may be necessary, is hereby appropriated from Capital Project Multi-Modal Program Funds from the New York State Department of Transportation to fund the Trinidad Street and Hebard Street 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. 2008-17
(Int. No. 9)

Amending Bond Ordinance No. 2007-265 Relating To Street Improvements As A Part Of The 2007 Street Improvement Program To Reduce The Amount Of Bonds Authorized And Appropriated Therein

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

Section 1. The title and Sections 1, 2, and 3 of Bond Ordinance No. 2007-265, entitled:

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,298,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2007 Street Improvement Program

are hereby amended by reducing the amount of bonds authorized and appropriated in each place therein from \$7,298,000 to \$6,998,000. The total amount of the Project shall still be \$7,298,000, of which \$300,000 shall now be funded from funds from the State of New York appropriated at this meeting to fund improvements to Trinidad Street and Hebard Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-18
Re: Bond Authorization - Water
Main Extensions and
Improvements - Lakeshore
Boulevard

Transmitted herewith for your approval is legislation authorizing the issuance of \$424,000 in bonds and appropriating the proceeds thereof for the Water Main Extensions and Improvements Program. These funds, for water main improvements on Lakeshore Boulevard from Birch Hills Drive to

The Highlands, were anticipated in the 2005-06 and 2006-07 Capital Improvement Plans.

The Water Main Extensions and Improvements Program provides for the scheduled replacement of deteriorated and inadequate water mains. There are approximately 600 miles of pipe within the City's distribution system; approximately 350 miles of this pipe is over 75 years of age, the expected useful life of water mains.

The Lakeshore Boulevard improvements, approximately 0.7 miles, are designed to improve water pressure and flow for regular consumption and fire protection.

Bids for improvements were received November 26, 2007. The work will be performed by Randsco Pipeline, Inc. at a maximum cost of \$369,000 which is approximately \$216,000 less than the engineering estimate; an additional \$55,000 (15%) will be provided for contingencies.

The improvements are scheduled to begin in winter 2008 and be completed by summer 2008. Project inspection will be performed by Water Bureau personnel.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-7

Ordinance No. 2008-18
(Int. No. 10)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$424,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2008 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 2008 Water Main Extension and Improvements Program, including but not limited to water mains along Lakeshore Boulevard from the Birch Hills Drive Extension to the Highlands 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 \$424,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$424,000 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 \$424,000 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 \$424,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-5
Re: Genesee Waterways Center Grant

Transmitted herewith for your approval is legislation authorizing the receipt and use of a New York State Environmental Protection Grant by the Genesee Waterways Center. The Center, a not-for-profit organization, through a license agreement with the City, operates out of a City-owned facility at Genesee Valley Park. Their work focuses on promoting paddling, rowing and related activities on the waterways of the Genesee Region.

The \$189,500 grant will be used by the Center to make improvements at the Genesee Waterways Center facility in Genesee Valley Park, as well as improvements at the Lock 32 Whitewater Park in Pittsford, which is also operated by the Center.

The required match from the City is a \$35,000 paving project at Genesee Valley Park that was completed in Fall 2007.

The State requires this resolution before the grant funds can be released.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-5
(Int. No. 33)

Resolution Endorsing Improvements To The Genesee Waterways Center

WHEREAS, the Genesee Waterways Center has applied for and received a grant from the New

York State Office of Parks, Recreation and Historic Preservation (OPRHP) under the Environmental Protection Fund for a park project to be located in Genesee Valley Park, a site located within the territorial jurisdiction of this Council; and

WHEREAS, as a requirement under the rules of these programs, the Genesee Waterways Center must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located."

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

Section 1. The Council hereby approves and endorses the receipt and usage of a grant by the Genesee Waterways Center under the Environmental Protection Fund for a park project known as Improvements to the Genesee Waterways Center Facility at Genesee Valley Park and located within this community. Should the Genesee Waterways Center be unable to do so, said property shall be forever maintained by the City as a municipal park in this community consistent with the rules promulgated by OPRHP.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Miller
January 15, 2008

To the Council:

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

Int. No. 11 - Resolution Approving Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 12 - Approving The Sale Of 45 And 65 Hudson Avenue

Int. No. 13 - Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services For Parking Garages

Int. No. 27 - Establishing Maximum Compensation For A Professional Services Agreement For The Center City Signage Project And Appropriating Funds

Int. No. 28 - Authorizing Agreements For Environmental Site Assessment Services, As Amended

Int. No. 32 - Authorizing An Agreement For Operation Of The Washington Square Garage And The Wadsworth Square Parking Lot

Int. No. 36 - Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

Int. No. 39 - Establishing Maximum Compensation For A Professional Services Agreement For Master Planning For The Midtown Plaza Revitalization Project

The following entitled legislation is being held in Committee:

Int. No. 14 - Amending The Municipal Code Relating To Short Term Parking At Municipal Parking Garages

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-6
Re: Appointments - Downtown
Enhancement District
Advisory Committee

Transmitted herewith for your approval is legislation confirming the reappointment of six members of the Downtown Enhancement District Advisory Committee, whose terms expire December 31, 2007. The committee was established by City Council as part of the local improvement assessment legislation approved in 1989. The responsibilities of the committee are to: monitor the performance of district services; review the annual budget for the district prepared by the Mayor; and recommend a budget to City Council.

The Downtown Enhancement District includes all properties within the boundaries of Plymouth Avenue (west), Chestnut Street (east), Broad Street (south), and Church Street, Bragdon Place, and Pleasant Street (north), or connected to Main Street by an enclosed skyway. The area is further defined as two zones: Zone 1, the core area, includes all properties fronting on Main Street between Plymouth Avenue and Chestnut Street, or are connected to Main Street by an enclosed skyway; Zone 2 includes all remaining properties.

The District Advisory Committee has 11 members, six of whom represent property owners and tenants within the district. Membership is intended to fairly represent large and small properties, owners and tenants, and Zone 1 and Zone 2 properties.

New terms for these members will expire on December 31, 2009.

Name
Affiliation
Address

- Robert C. Tait
Broadstone Real Estate, LLC
140 Clinton Square, 14604
- William Kablack
Rochester Riverside Convention Ctr.
123 E. Main St., 14604
- Louis Nau
Canandaigua National Bank
45 E. Main St., 14604
- Robert Scott Grippo
Genesee Management, Inc.
25 Franklin St., Ste. 1122, 14604
- Christine Pullano
Xerox Corporation
100 S. Clinton Ave., 14644
- Mark Stevens
S. B. Ashley
600 Powers Building, 14614

Summary biographies for all six members are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-8

Resolution No. 2008-6
(Int. No. 11)

Resolution Approving 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 reappointment of the following persons to the Downtown Enhancement District Advisory Committee for terms which shall expire on December 31, 2009:

Name
Affiliation

- Robert C. Tait
Broadstone Real Estate, LLC
- William Kablack
Rochester Riverside Convention Center
- Louis Nau
Canandaigua National Bank
- Robert Scott Grippo
Genesee Management, Inc.
- Christine Pullano
Xerox Corporation
- Mark Stevens
S.B. Ashley

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-19
Re: Real Estate Transaction

Transmitted herewith for your approval is legislation authorizing the sale of 45 Hudson Avenue and 65 Hudson Avenue, which are vacant industrial lots, to Union City Contractors, Inc. for \$39,400.

Union City Contractors, Inc. is a locally owned and operated general contractor. The sale price was determined through an appraisal provided by Robert G. Pogel on March 6, 2007.

Union City Contractors, Inc. has provided preliminary drawings for the construction of a building for their corporate headquarters and interior storage of construction vehicles. They have met with the Zoning Department and will comply with the required zoning codes, building codes and design guidelines.

Additionally, Union City Contractors has provided proof of their financial capability to construct the proposed building that is projected to cost \$570,000. The company, founded in 1991, currently has twelve employees and plans to hire an additional five employees within 36 months. Union City Contractors has also committed to hiring local union workers to construct their building.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-19
(Int. No. 12)

Approving The Sale Of 45 And 65 Hudson Avenue

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

Section 1. The Council hereby approves the sale of 45 Hudson Avenue, SBL #106.64-2-69.2, and 65 Hudson Avenue, SBL #106.64-2-69.1, to Union City Contractors, Inc. for the sum of \$39,400.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-20
Re: Agreement - Appraisal of Parking
Garages - Midland Appraisal
Associates, Inc.

Transmitted herewith for your approval is legislation establishing \$7,200 as maximum compensation for an agreement with Midland Appraisal Associates, Inc. to complete property appraisals for eight downtown parking garages. The cost of this agreement will be funded from the 2007-08 Budget of the Department of Economic Development, Parking Fund.

Six of the garages are owned by the City - Court Street, Crossroads, High Falls, Midtown, Sister Cities, and Washington Square. The other two to be appraised are the East End Garage, owned by the Cultural Center Commission, and the South Avenue Garage, owned by the Rochester Urban Renewal Agency.

Proposals for this service were received from three local professional appraisal firms. Midland Appraisal Associates submitted the lowest cost proposal.

City Council approval of this agreement is being requested even though the amount is under \$10,000 because other appraisal contracts have been awarded to Midland which total more than \$10,000.

The purpose of obtaining appraisals for these garages is to determine the potential proceeds that could be derived from sale of these garages to a private operator.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-20
(Int. No. 13)

Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services For Parking Garages

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 a professional services agreement with Midland Appraisal Associates, Inc. for appraisal services for parking garages. Said amount shall be funded from the 2007-08 Budget of the Economic Development Department (Parking Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-21
Re: Center City Signage

Transmitted herewith for your approval is legislation related to the purchase and installation of a signage system for Center City. This legislation will:

1. Appropriate \$506,700 from anticipated reimbursements from the Federal Highway Administration to partially finance the cost of construction of the project;
2. Appropriate \$87,400 from anticipated reimbursements from the New York State Department of Transportation (NYSDOT) to partially finance the cost of design and construction of the project; and
3. Establish \$42,000 as maximum compensation for an agreement with Clark Patterson Lee (formerly Clark Patterson Associates), for Resident Project Representation services. The cost of this agreement will be funded from anticipated NYSDOT (\$6,300) and FHA (\$33,600) reimbursements, and from 2001-02 Cash Capital (\$2,100).

This project was originally authorized by Council in November 2001; design work by Clark Patterson Associates was also authorized through Ordinance Nos. 2002-4 and 2005-84.

The Center City signs are color-coded and designed as a wayfinding system for motorists. It will include both visitor welcome signs and signs directing visitors to 27 specific destinations within the Center City.

The contract for manufacture and installation was advertised on November 13, 2007 and bids were received on December 18, 2007. It is anticipated that manufacture will begin in February 2008 and that installation will be complete in August 2008.

The proposed appropriations will finance the cost of the manufacture and installation of the Center City Signage Program. The Federal share of these costs will be financed through a Transportation Improvement Program grant while the local share will be funded with \$28,700 of 2002 Cash Capital.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-21
(Int. No. 27)

Establishing Maximum Compensation For A 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 \$42,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Lee for resident project representation 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, \$6,300 shall be funded from the appropriations made in Section 2, \$33,600 shall be funded from the appropriations made in Section 3 and \$2,100 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 \$87,400, or so much thereof as may be necessary, to fund the Center City Signage Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$506,700, or so much thereof as may be necessary, to fund the Center City Signage Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-22
Re: Agreements - Brownfield Opportunity Area Site Assessment Program

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for environmental assessment and investigation services:

- | <u>Company</u> | <u>Address</u> |
|-----------------------------------|---|
| Stantec Consulting Services, Inc. | 2250 Brighton-Henrietta Town Line Road Rochester |
| LaBella Associates | 300 State Street, Suite 201 Rochester |
| Bergmann Associates | 28 East Main Street 200 First Federal Plaza Rochester |
| O'Brien & Gere Engineers, Inc. | 400 Andrews Street, Suite 400 Rochester |

The agreements will be financed from a 2007 brownfield assessment grant from the United States Environmental Protection Agency. A portion of the grant budget provides the City with \$188,200 for this program.

The BOA Site Assessment Program (BOA SAP) will provide site environmental assessments for priority and targeted sites identified through the

community-based BOA planning process. Two BOA areas, the Lyell, Lake and State Street BOA, and the proposed Vacuum Oil-South River Corridor BOA, have already been identified, and are 394 and 59 acres, respectively.

Under this program consultants will complete Phase I assessments, sampling plans, data review, environmental management plans, health and safety plans, Phase II investigations, and develop remedial and reuse concept plans. Specific assessment activities will be based on project needs and site conditions.

The Department of Environmental Services solicited proposals and ten companies responded; based on departmental review, these four are recommended. The selection of a specific company will depend upon the type of environmental investigation required, the company's experience and expertise, its ability to meet the City's schedule, and the quality and cost of its proposal. 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 three years 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 year and third year will be permitted subject to the City's approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-9

Ordinance No. 2008-22
(Int. No. 28, As Amended)

Authorizing Agreements For Environmental Site Assessment 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 environmental site assessment and investigation services as a part of the Brownfield Opportunity Area Site Assessment Program:

- Company
Address
- Stantec Consulting Services, Inc.
2250 Brighton-Henrietta Town Line Road
- LaBella Associates
300 State Street, Suite 201
- Bergmann Associates
28 East Main Street, 200 First Federal Plaza
- O'Brien & Gere Engineers, Inc.
400 Andrews Street, Suite 400

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$188,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from funds received from 2007 Brownfield Assessment Grant from the United States Environmental Protection Agency. The agreements shall have an initial term of three years, with two one-year renewal options. The unit prices may be adjusted after the first year with the approval of the [City Engineer] Manager of the Division of Environmental Quality.

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. 2008-23
Re: Operating Agreement - Washington Square Parking Garage

Transmitted herewith for your approval is legislation authorizing an agreement with Ampco System Parking, Cleveland, Ohio, for operation of the Washington Square Parking Garage and adjacent surface parking lots.

A request for proposals for operation of the garage was issued in November 2007. Proposals were received from Allright New York Parking Inc., DBA Central Parking System (current operator), Ampco System Parking, and AllPro Parking.

A staff review included the following factors: completeness of proposal; relevant experience; qualifications of key personnel; financial condition of company; customer service plan; special events planning; safe environment and staffing plans; maintenance plan; and compensation proposal.

Ampco System Parking scored the highest rating and is recommended for operation of the garage. Ampco System Parking has proposed a return to the City of 55.76% on the first \$1,300,000 in revenue after taxes. For revenue exceeding \$1,300,000, the City will receive a return of 80%. The current agreement with Central Parking provides 57% return in revenue after taxes for the first \$1.3 million and 75% on revenue exceeding \$1.3 million. Annual revenue since 2004 has averaged approximately \$750,000.

Ampco is the current operator for the Sister Cities Parking Garage and the City-owned surface parking lot at the northwest corner of West Main Street and North Plymouth Avenue.

The agreement will be for an initial term of three years beginning February 1, 2008 with two one-

year renewal options. The City reserves the right to terminate the agreement with sixty days notice if termination is deemed to be in the best interest of the city.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-23
(Int. No. 32)

Authorizing An Agreement For Operation Of The Washington Square Garage And The Wadsworth Square Parking Lot

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Ampco System Parking for operation of the Washington Square Parking Garage and adjacent surface parking lots, and the Wadsworth Square Parking Lot. The agreement shall obligate Ampco to pay to the City 55.76% of the gross revenue after taxes on the first \$1,300,000 annually, and 80% of the gross revenue after taxes above \$1,300,000 annually. The agreement shall obligate Ampco to be responsible for all operating expenses of the garage and lots. The agreement will have an initial term of three years with two additional one-year renewal options. The City shall reserve the right to terminate the agreement in the best interests of the City upon sixty days notice.

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. 2008-24
Re: Agreement - Environmental Review

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

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

Prior to 1987, for actions in which the Council was involved, the designation of a lead agency required formal approval by a majority of its members, which occasionally resulted in a delay of up to three weeks, the typical period of time between Council meetings at that time. To eliminate this delay, Council authorized an agreement between the Council President and the Mayor that designated the Mayor as lead agency for all actions in which both parties are involved, unless - for any individual action - the President otherwise specified. Since then, the Council has periodically authorized the renewal of this agreement, most recently in January 2006.

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

The term of the proposed agreement will be two years, as was the case for the prior agreement.

Respectfully submitted,
Robert J. Duffy Gladys Santiago
Mayor President

Ordinance No. 2008-24
(Int. No. 36)

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

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

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

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-25
Re: Midtown Revitalization Project -
Redevelopment/SEQRA
Consultant Agreement

Robert J. Duffy
Mayor

Ordinance No. 2008-25
(Int. No. 39)

Transmitted herewith for your approval is legislation establishing \$800,000 as maximum compensation for an agreement with LaBella Associates, P.C., for master planning and State Environmental Quality Review Act (SEQRA) assistance for the Midtown Revitalization Project; and appropriating \$750,000 in funds received from the Empire State Development Corporation to partially fund this agreement. The grant was authorized by Council in December 2007. The remaining \$50,000 will be funded from the Cash Capital allocation of the 2007-08 Budget.

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

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

The Midtown Plaza Revitalization Project includes the acquisition, demolition and subsequent sale or lease for redevelopment of the properties. The site consists of 8.6 acres, with 1.4 million square feet of commercial space. Paetec Communications, Inc. (PAETEC) has proposed constructing its 500,000 square foot world headquarters on a portion of the site. As required under SEQRA, impacts of the proposed actions must be considered, and mitigation measures identified.

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 with LaBella Associates, P.C. for master planning and State Environmental Quality Review Act services for the Midtown Plaza Revitalization Project. Of said amount, \$750,000 is hereby appropriated from grant funds from the New York State Urban Development Corporation d/b/a Empire State Development Corporation, and \$50,000 shall be funded from the 2007-08 Cash Capital allocation.

Under the scope of services, the consultant will create a redevelopment plan for the area, and prepare an Environmental Impact Statement (EIS) for the plan and the PAETEC project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The City issued a Request for Proposals for planning and SEQRA assistance for redevelopment of the Midtown Plaza properties on November 20, 2007. The City received seven proposals which were reviewed by City staff and representatives from Empire State Development. Proposals were evaluated on the following criteria: experience and qualifications; understanding of the project; project schedule; public/private cooperation; overall approach to the project; and project budget.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-26
Re: Parking Rate Changes

The proposal submitted by LaBella Associates, P.C. was unanimously selected. LaBella Associates will operate as project manager, and will provide the SEQRA and general engineering/architecture services. They have brought in several firms as part of the team, including EDAW Inc. (urban planning and design), Cushman & Wakefield (real estate/economic analysis), Walker Parking Consultants (parking & garage assessment), Fisher Associates (traffic analysis and modeling), Le Chase Construction (cost estimating) and John Fayko (architecture).

Transmitted herewith for your approval is legislation amending the City Code in order to change the rates for short-term parking at seven municipal parking garages. The current rate per half hour is \$.40 at the High Falls and Midtown garages, and \$.45 at the Court Street, Genesee Crossroads, Sister Cities, South Avenue, and Washington Square garages.

The \$800,000 cost of the agreement includes a \$50,000 contingency amount.

Proposed rates for all seven garages are: first 30 minutes free; 31-60 minutes, a flat fee of \$2.00; and \$.50 for each additional half hour, up to the existing daily maximum, which at most garages is \$6.35.

It is anticipated that the redevelopment plan and SEQRA process will be completed in December 2008. Input and comments from the public and stakeholders, relating to the redevelopment plan and the EIS, will be solicited during the planning process.

The short term rates were last adjusted in 2004 when some rates were increased \$.05 per half hour. The proposed rate changes will offer an incentive to parkers visiting a downtown destination to complete a quick task while allowing the City to capture higher revenue for longer term visitors.

Respectfully submitted,

It is expected that the new rate structure will reduce expenses for operating agreements and increase parking revenue, with a net return of approximately \$200,000 annually. This estimate is based on a survey completed in 2006. However, changes in the use of on-street metered parking and of surface lots could also affect this estimate. The new rate structure, which would become ef-

fective on February 1, 2008, will be evaluated after six months to determine its effectiveness.

Short term rates at other area and comparable garages are as follows:

Rochester Airport
30 minutes free, \$2.00 next 30 minutes then \$1.00 additional for each half hour up to \$24.00

Strong Hospital
\$2.00 for first hour, \$4.00 1-2 hours, 2-24 hours \$5.00

General Hospital
0-15 minutes free, 16-30 minutes, \$1.50, 30-60 minutes \$3.00, then \$1.00 for each additional hour up to \$6.00

Civic Center Garage
\$1.25 per 1/2 hour up to daily maximum of \$7.00

City of Syracuse
Generally \$2.00 per hour up to daily maximum of \$6.50

City of Buffalo
\$1.75-\$2.00 per half hour up to daily maximum \$6.00 to \$8.00

City of Albany
30 minutes free for Post Office visitors otherwise \$3.00 up to one hour then \$2.00 additional for each half hour up to daily maximum of \$11.00 (exit before 6 pm), otherwise \$16.00 maximum

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-26
(Int. No. 14, As Amended)

Amending The Municipal Code Relating To Short Term Parking At Municipal Parking Garages

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

Section 1. Section 111-119 of the Municipal Code, establishing the fees for use of parking garages, as amended, is hereby further amended by amending the first sentence of subsection A(1) to read in its entirety as follows:

Daytime rates, which shall apply from 6:00 or 6:30 a.m. to 5:00 or 5:30 p.m., depending upon the garage, Monday through Friday: the first [30 minutes] hour shall be free, \$2.00 [for 31-60 minutes] from 1-2 hours, and [.50] per each 30 minutes] \$1.00 for each hour thereafter, or any part thereof, up to the daily maximum.

Section 2. This ordinance shall take effect on [February] March 1, 2008.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember McFadden
January 15, 2008

To the Council:

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

Int. No. 15 - Authorizing A Grant Agreement And Amending The 2007-08 Budget For PAC-TAC

Int. No. 16 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 17 - Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2007-08 Budget

Int. No. 21 - Approving Applications, Agreements And The 2008 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau And Amending Ordinance No. 2007-398, Relating To Pre-K Transportation, As Amended

Int. No. 22 - Amending The 2007-08 Budget For An Elite Basketball League

Int. No. 24 - Establishing Maximum Compensation For A Professional Services Agreement For The Digital Studio Program

Int. No. 25 - Authorizing An Agreement For The Biz Kid\$ And Beyond Program

Int. No. 26 - Authorizing An Agreement And Appropriating Funds For The Junior Recreation Leader 2 Program

The Public Safety & Recreation Committee recommends for consideration the following entitled legislation:

Int. No. 19 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2008-09

The following entitled legislation is being held in committee:

Int. No. 18 - Establishing Maximum Compensation For An Agreement With Respect To Project IMPACT IV And Amending The 2007-08 Budget

Int. No. 20 - Authorizing An Agreement For The 2008 Twilight Criterium And Amending The 2007-08 Budget

Int. No. 23 - Establishing Maximum Compensation For A Professional Services Agreement For The Rites Of Passage Program

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
Gladys Santiago (Did not vote on Int. No. 22)
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-27
Re: Budget Amendment - Arch Chemical
Mini-Grant

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$2000 mini-grant from Arch Chemical, Inc. and amending the 2007-08 Budget of the Police Department to reflect the grant.

Arch Chemical provides mini-grants to police agencies throughout the country in areas where its production facilities are located. The current award is intended to be used for community policing enhancements, and will be used to purchase equipment for the local PAC-TAC program. No match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-27
(Int. No. 15)

Authorizing A Grant Agreement And Amending The 2007-08 Budget For PAC-TAC

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Arch Chemical, Inc. for a grant to the Rochester Police Department to enhance community policing.

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

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$2,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund equipment for the PAC-TAC Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-28
Re: STOP Violence Against
Women Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a grant in the amount of \$69,600, for the Stop Violence Against Women Program (VAWA) for the period January 1 through December 31, 2008.

The VAWA Program is intended to provide assistance to victims of domestic violence to ensure their immediate safety and to help them secure safe housing. Services include contacting victims prior to the arraignment of the perpetrators to offer legal advocacy, and other appropriate follow-up services to ensure their continued safety.

This is the ninth round of funding received under the VAWA program. The previous award was authorized by City Council Ordinance No. 2007-21 in January 2007. The renewal and the required 25% match were anticipated in the 2007-08 Budget of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-28
(Int. No. 16)

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. 2008-29
Re: Motor Vehicle Theft and Insurance
Fraud Prevention (MVTIFP) Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for

receipt and use of a grant in the amount of \$86,012, for the Motor Vehicle Theft and Insurance Fraud Prevention Program (MVTIFP) for the period April 1, 2008 through March 30, 2009, and amending the 2007-08 Police Department Budget to include \$21,500 for use in the remainder of 2007-08. The remaining funds will be included in the 2008-09 Budget.

The MVTIFP Program provides funding for the reduction of auto theft and insurance fraud in the City of Rochester through enhanced efforts of the Police Department, including deployment in high theft areas and increased investigative efforts to arrest individuals who commit insurance fraud. The grant will also be used to train police officers in specialized anti-theft techniques and technology usage.

The previous award was authorized by City Council Ordinance No. 2007-57 in February 2007. During the last grant period there were over 2500 investigations of auto theft opened, with over 800 arrests made. No local match is required for this grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-10

Ordinance No. 2008-29
(Int. No. 17)

Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2007-08 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State 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. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$21,500, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-30
Re: Rochester-Monroe County Youth Bureau 2008 Budgets

Transmitted herewith for your approval is legislation related to the Rochester-Monroe County Youth Bureau. This legislation will:

1. Approve the City's participation in the 2008 administrative and program budgets of the Youth Bureau;
2. Authorize agreements required to implement these budgets;
3. Appropriate \$238,961 from the 2007-08 Budget of the City of Rochester, of which:
 - a. \$94,800 is the City's contribution to the Youth Bureau's Administrative Budget, 50% (\$47,400) of which will be reimbursed to the City directly from the New York State Office of Children and Family Services;
 - b. \$144,161 is the City's contribution for program contracts, 100% of which will be reimbursed to the City directly from the New York State Office of Children and Family Services; and
4. Authorize subsequent amendments to these agreements that may be required by the New York State Office of Children and Family Services.

The Youth Bureau, jointly established by the City and County, provides a county-wide planning and service delivery system devoted to the welfare and development of children and youth. It is supervised by a Citizen/Youth Board, administered by the County, and supported financially by the City, the County and the NYS Office of Children and Family Services. The annual budget of the Youth Bureau is subject to the approval of the City and County.

The proposed Youth Bureau 2008 budget provides for administrative costs of \$526,191, a 7.01% increase from the prior year. The City's 2008 contribution of \$94,800 is 18.02% of the total.

The City will operate or administer the following programs:

| <u>Program</u> | <u>2007 Amount</u> | <u>2008 Amount</u> | <u>Change</u> |
|---|------------------------|------------------------|---------------|
| DRYS Recreation Bureau - Youth Recreation | \$ 91,438 | \$ 94,771 | \$3,333 |
| SPCC - Family Violence Program | 24,791 | 25,695 | 904 |
| Baden - Project B.A.S.E. | 16,088 | 16,674 | 586 |
| Baden - Project Odyssey | <u>6,774</u> | <u>7,021</u> | <u>247</u> |
| Total | \$139,091 | \$144,161 | \$5,070 |

In 2006, these programs served 910 youth (69% Black, 14% White, 14% Hispanic, 3% all other). Program descriptions are attached.

Agreements with the following agencies, for the period January 1- December 31, 2008, are expected to be required to implement the program:

- 1. Monroe County, on behalf of the Rochester-Monroe County Youth Bureau, for the administration of the program and for partial financing of the programs;
- 2. Society for the Protection and Care of Children, for operation of the Family Violence Program;
- 3. Baden Street Settlement, for operation of Project BASE and Project Odyssey.

The County Legislature will also consider the 2008 Youth Bureau budget in December 2007. The most recent Council action on this item was in December 2006 in Ord. No. 2006-381.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment AH-11

Ordinance No. 2008-30
(Int. No. 21, As Amended)

Approving Applications, Agreements And The 2008 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau And Amending Ordinance No. 2007-398, Relating To Pre-K Transportation

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

Section 1. The Council hereby approves the 2008 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2008 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2008 Comprehensive Youth Services Plan. The City's required contribution to the 2008 Youth Bureau Budget shall be financed equally from the 2007-08 and 2008-09 Budgets of the Department of Recreation and Youth 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 \$25,695, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 3. The 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 \$16,674, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 4. 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 \$7,021, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 5. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2007-398, relating to an agreement with the Rochester City School District for the transportation of City children to Pre-K educational programs, is hereby amended by authorizing the agreement with the Rochester Area Community Foundation instead of the Rochester City School District.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-31
Re: CDBG Appropriation and Budget
Amendment - City Recreation
Elite Basketball League

Transmitted herewith for your approval is legislation appropriating \$18,000 from the Job Creation/Youth Development account of the General Needs allocation of the 2007-08 Community Development Block Grant Program; and amending the 2007-08 Budget of the Department of Recreation and Youth Services to include these funds to administer the City Recreation Elite Basketball League.

The City Recreation Elite Basketball League will enhance the City's current basketball program, providing opportunities for more youth teams to participate. The Elite League will consist of 24 teams (up from 22 teams) of 15 members each, competing in league play. Enhancements include the addition of uniforms, field trips, referees, and mandatory youth asset development and character education workshops. Additionally, a technology-based literacy component is being added to support academic enrichment.

A project description and budget are attached.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AH-12

Ordinance No. 2008-31
(Int. No. 22)

Amending The 2007-08 Budget For An Elite Basketball League

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

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$18,000, which amount is hereby appropriated from the General Community Needs allocation of the 2007-08 Community Development Program to fund an Elite Basketball League for City youth.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-32
Re: Agreement - ArtPeace Young
Digital Studio

Transmitted herewith for your approval is legislation establishing \$9,900 as maximum compensation for an agreement with ArtPeace (104 Brookfield Rd., 14610) to conduct the Digital Studio Program for 12 at-risk gang youth in the community, ages 14-20, from February through September 2008. The cost of this agreement will be financed from the 2007-08 Budget of the Mayor's Office, as amended by Ordinance No. 2007-327, to support and fund youth outreach programs.

While this agreement does not technically meet the \$10,000 threshold required, for Council approval, it should be noted that there is a current contract with ArtPeace in the amount of \$23,800 for the Young Entrepreneur Project.

This ArtPeace Digital Studio Program will be offered as an alternative to negative behavior and provide the opportunity to engage clients in positive, productive training. The program staff will work with at-risk gang youth to provide the opportunity to improve communication skills, public speaking, team building and conflict resolution.

The key components of Digital Studio will include development of literacy and critical thinking skills (reading, research, writing, financial literacy and visual literacy), collaborative business plan and budget development, identity/brand creation, marketing and promotions of design services, websites and designed products, exposure to higher educa-

tion and real world careers in digital arts (guest speakers/instructors from local universities, field expeditions to companies and colleges, shadowing professional digital artists).

Pathways to Peace staff will nominate 12 clients to participate in this program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-32
(Int. No. 24)

Establishing Maximum Compensation For A Professional Services Agreement For The Digital Studio Program

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

Section 1. The sum of \$9,900, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with ArtPeace for the Digital Studio Program. Said amount shall be funded from the 2007-08 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-33
Re: CDBG Appropriation - Credit
Education Bureau - Biz Kid\$
and Beyond

Transmitted herewith for your approval is legislation establishing \$13,900 as maximum compensation for an agreement with the Credit Education Bureau to assist in coordinating the Biz Kid\$ and Beyond program and, to fund the agreement, appropriating \$13,900 from the General Community Needs allocation of the 2006-07 Community Development Block Grant.

The Credit Education Bureau will coordinate one-on-one mentoring for Biz Kid\$ graduates and Biz Kid\$ Buddies; develop and deliver seminars; and recruit and train youth participants and adult volunteers.

Since 1999, the Biz Kid\$ program has provided an opportunity for City youth to participate in an entrepreneurial program that teaches basic business skills, encourages youth enterprise and provides business start-up grants for graduates. Biz Kid\$ and Beyond is the second phase of the program that provides graduates of Biz Kid\$ an opportunity to further explore business topics and ideas.

Funding for Biz Kid\$ and Beyond (formerly Biz Kid\$ II) was previously approved by City Council through Ordinance No. 2007-50.

Respectfully submitted,
Robert J. Duffy
Mayor

Robert J. Duffy
Mayor

Attachment No. AH-13

Attachment No. AH-14

Ordinance No. 2008-33
(Int. No. 25)

Ordinance No. 2008-34
(Int. No. 26)

**Authorizing An Agreement For The Biz Kid\$
And Beyond Program**

**Authorizing An Agreement And Appropriating
Funds For The Junior Recreation Leader 2
Program**

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

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with the Credit Education
Bureau for the Biz Kid\$ and Beyond Program.

Section 1. The Mayor is hereby authorized to
enter into an agreement with the Center for Youth
Services for the Junior Recreation Leader 2 Pro-
gram.

Section 2. The agreement shall obligate the
City to pay an amount not to exceed \$13,900, and
said amount, or so much thereof as may be neces-
sary, is hereby appropriated from the General
Community Needs allocation of the 2006-07
Community Development Program.

Section 2. The agreement shall obligate the
City to pay an amount not to exceed \$20,000, and
said amount, and \$3,900 for Program expenses, or
so much thereof as may be necessary, is hereby
appropriated from the General Community Needs
allocation of the 2005-06 Community Develop-
ment Program.

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

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.

Section 4. This ordinance shall take effect
immediately.

Passed unanimously.

Passed by the following vote:

TO THE COUNCIL
Ladies and Gentlemen:

Ayes - President Santiago, Councilmembers Conk-
lin, Lightfoot, McFadden, Miller, Palumbo, Prit-
chard, Warren - 8.

Ordinance No. 2008-34
Re: CDBG Appropriation - Center for
Youth Services - Junior Recreation
Leader 2

Nays - None - 0.

Transmitted herewith for your approval is legisla-
tion establishing \$20,000 as maximum compensa-
tion for an agreement with The Center for Youth
Services to provide job readiness training and
payroll services related to the Junior Recreation
Leader Program, and appropriating \$23,900 from the
General Community Needs allocation of the
2005-06 Community Development Block Grant.
The cost of the agreement will be funded from this
appropriation; the remaining \$3,900 will be used
for other program expenses.

Councilmember Spaully abstained because she is
the Executive Director of Center for Youth.

The project is a continuation of the Junior Recrea-
tion Leader Program, through which youth partici-
pate during the school year in enrichment pro-
grams with the Bureau of Recreation. The funds
provide stipends to these youth for summer em-
ployment after completing school year require-
ments of attending tutoring sessions with RIT
students once a week, civic engagement activities,
and conflict resolution and job readiness training.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1582
Re: Care and Embellishment of Malls

The term of this agreement shall be March 1, 2008
through August 23, 2008.

Transmitted herewith for your approval is legisla-
tion authorizing the care and embellishment of
street malls during 2008 and appropriating the
associated costs of \$78,209 among the benefitted
properties.

Respectfully submitted,

The annual care and embellishment program pro-
vides for the maintenance of 24 street malls, by
either the Department of Recreation and Youth
Services (Group I) or street or neighborhood asso-
ciations (Group II). Minimum standards of main-
tenance are established by the department and the
appropriate street associations are asked whether
they wish to assume responsibility for this mainte-
nance.

If an association accepts responsibility, it may augment or enhance the level of care, subject to the willingness of the property owners on the affected street to pay the additional costs. All maintenance, however, is monitored by the department.

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Until these payments are received, the department advances the necessary funds to the street associations.

In 2007, 12 malls were maintained by the department and 12 malls were maintained by street or neighborhood associations. The total authorized costs were \$33,062 and \$43,726, respectively.

In 2008, the department will be responsible for the maintenance of 12 malls at a total cost of \$34,716. Street/neighborhood associations will be responsible for the maintenance of 12 malls at a total cost of \$43,493.

A list of Group I (City maintained) and Group II (maintained by street or neighborhood associations) street malls is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-15

Local Improvement Ordinance No. 1582
(Int. No. 19)

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2008-09

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 2008-09:

| | |
|----------------------|--------------|
| GROUP I | |
| Boulevard Parkway | \$ 2,028 |
| Burke Terrace | 446 |
| Carthage Drive | 560 |
| Central Park | 5,077 |
| Elmwood Mall | 3,157 |
| Glendale Park | 1,689 |
| Knickerbocker Street | 1,689 |
| Nye Park | 1,803 |
| Raines Park | 1,126 |
| Seneca Parkway | 12,181 |
| Sumner Park | 2,932 |
| Werner Park | <u>2,028</u> |
| GROUP I TOTAL | \$34,716 |

- b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2008-09:

| | |
|--------------------|--------------|
| GROUP II | |
| Arnold Park | \$ 2,830 |
| Hazelwood Terrace | 1,630 |
| Highland Parkway | 2,050 |
| Hillside Avenue | 2,200 |
| Huntington Park | 3,496 |
| Lafayette Park | 4,652 |
| Lakeview Park | 4,000 |
| Nunda Boulevard | 4,924 |
| Oxford Street | 9,795 |
| Portsmouth Terrace | 2,944 |
| Rundel Park | 2,000 |
| Sibley Place | <u>2,972</u> |
| GROUP II TOTAL | \$43,493 |
| | |
| GRAND TOTAL | \$78,209 |

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, 2008.

Section 4. The total cost of such improvements and work, estimated at \$78,209, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. The work described for Group I shall be performed by or at the direction of the Department of Recreation and Youth Services.

Section 6. It is hereby determined that it is impracticable to have the work described herein for Group II done by competitive contract. Therefore, contracts for the work described herein for Group II may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-35
Re: Agreement - Rochester Institute of Technology - Project IMPACT IV

Transmitted herewith for your approval is legislation establishing \$206,000 as maximum compensation for an agreement with the Rochester Institute of Technology (RIT) for crime data analysis services for Project IMPACT IV; and amending the 2007-08 Budget by transferring \$36,000 from Undistributed to the Budget of the Police Department to partially fund the agreement. This funding covers the period July 1, 2007 through June 30, 2008. Funding for the agreement is available in the 2007-08 Budget through funds which were appropriated in September 2007 under Ordinance No. 2007-363, from the Impact IV grant award from the New York State Division of Criminal Justice Services.

The IMPACT program funds initiatives to reduce violent crime through coordinated efforts among federal, state and local criminal justice agencies, using data-driven strategies. Under the agreement, RIT will analyze crime data to guide efforts in the Rochester area. The agreement provides funding to RIT for crime research specialists and related technical services required for data analysis. RIT has provided similar services to the City in the past. The most recent agreements were authorized in February and July 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-16

Ordinance No. 2008-35
(Int. No. 18)

Establishing Maximum Compensation For An Agreement With Respect To Project IMPACT IV And Amending The 2007-08 Budget

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

Section 1. The sum of \$206,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for crime data analysis services for Project IMPACT IV from July 1, 2007 through June 30, 2008. Said amount shall be funded from the 2007-08 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$36,000 from Undistributed Expense to the Rochester Police Department to fund this agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-36
Re: Agreement - Rochester Fatherhood Resource Initiative - Rites of Passage Program

Transmitted herewith for your approval is legislation establishing \$8,100 as maximum compensation for an agreement with Rochester Fatherhood Resource Initiative (RFRI), 775 S. Plymouth Ave., for provision of the Rites of Passage Program. The cost of this agreement will be financed from the 2007-08 Budget of the Mayor's Office, as amended by Ordinance No. 2007-327, to support and fund youth outreach programs.

While the cost of this agreement does not technically meet the \$10,000 threshold for Council approval, it should be noted that the RFRI has current contracts with the City through the Emergency Shelter Grant program in the amounts of \$21,100 (Recovery House) and \$15,000 (Enrich House).

The goal of the Rites of Passage Program is to promote academic achievement, leadership and responsibility. Through a variety of youth development, physical training and service learning strategies, the program fosters positive attitudes and discipline among participants, thereby building the future leaders of the community. A team of experienced facilitators (mentors) will work with assigned youth on a variety of skill-building techniques to assist youth, using discipline and self-awareness. Student workshop training offered will feature topics including leadership development, anger management, communication skills, self-discipline, responsibility, accountability, self-motivation and knowledge of self.

This agreement will cover the cost for 24 participants and includes expenses for registration, books, journal, overnights, food, field trips, uniform, graduation ceremony and general management. Pathways to Peace staff will nominate 24 at-risk youth, ages 12-16, for participation in the program. This agreement will cover the period of February-April 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-17

Ordinance No. 2008-36
(Int. No. 23)

Establishing Maximum Compensation For A Professional Services Agreement For The Rites Of Passage Program

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

Section 1. The sum of \$8,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with the Rochester Fatherhood Resource Initiative for the Rites of Passage Program. Said amount shall be funded from the 2007-08 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 20
Re: Budget Amendment and Agreement - Formula One Sports, Inc.

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Formula One Sports, Inc., (owner, Scott Page) Rochester, for support of competitive bicycling events, and amending the 2007-08 Budget by transferring \$100,000 from Contingency to the Department of Recreation and Youth Services to fund the agreement and to cover up to \$40,000 of police and other City support services for the cycling events.

The Twilight Criterium bicycle race and related competitive bicycling activities, both professional and amateur, will be held locally on August 8, 9, and 10.

The Criterium has grown significantly in only four years from 5,000 spectators to 30,000 last year. The growth of the event, and its consequent economic benefits, justifies the City's title sponsorship. The success of the event, which will now be known as The Rochester Twilight Criterium, has resulted in the addition of two racing competitions. The three events to be held are:

| <u>Date</u> | <u>Event</u> | <u>Estimated Attendance</u> |
|-------------|------------------------------|-----------------------------|
| August 8 | Rochester Time Trial | 5,000 |
| August 9 | Rochester Twilight Criterium | 60,000 |
| August 10 | Rochester Gran Prix | 25,000 |

The City's sponsorship will support event production costs, such as marketing and logistics, as well as in-kind services, such as police services and equipment rental. In addition, public benefits will include a program for youth bike safety, bicycle registration, distribution of 75 free bike helmets, and a motocross bike demonstration. The Criterium is free and open to the public, including all stage performances.

The 2007 Saturn Rochester Twilight Criterium featured professional athletes from all over the

world including Russia, Australia, New Zealand, Ireland, Argentina, Uruguay, Italy, England, Mexico, Serbia, Czechoslovakia, Canada and the United States. Many of these racers are former/current Olympians, world and/or national champions. This event is one of only 13 races in the US or Canada on the International UCI calendar, which is the highest level of international professional cycling.

Respectfully submitted,
Robert J. Duffy
Mayor

INTRODUCTORY NO. 20

AUTHORIZING AN AGREEMENT FOR THE 2008 TWILIGHT CRITERIUM AND AMENDING THE 2007-08 BUDGET

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Formula One Sports, Inc. for support of the 2008 Twilight Criterium.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$60,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services. The agreement may also obligate the City to provide City services in an amount not to exceed \$40,000, which shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

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

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency Allocation to the Department of Recreation and Youth Services to fund the agreement authorized herein and City services in support of the 2008 Twilight Criterium.

Section 5. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:43 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
FEBRUARY 12, 2008

Present - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Absent - Lightfoot - 1.

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

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

Recognition Ceremony

Retirement:

Environmental Services

- *Lewis Breedlove
- *Roberta (Robin) Britt
- *Bennie Brodie
- *Candell Nix, Jr.
- *Willie Walker
- *Marie Standing

Library

- *Maria L. Lucarelli

Fire Department

- *Douglas Lill

Police Department

- Thomas E. Klein
- Mark D. Mariano
- *James D. Schwenzer

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Organizational Meeting of January 2, 2008 and the Regular Meeting of January 15, 2008 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 3911-7
- Public Disclosure - CDBG Participation (2) 3912-7, 3913-7
- Public Disclosure - CDBG Participation - Retroactive Notification 3914-7
- Public Disclosure - HOME Participation (2) 3915-7, 3916-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Approving The Sale Of Land In The Rochester Science Park To 250 Science Parkway, LLC Int. No. 54 No speakers.

Approving An Option To Tower Rochester LLC For The Sale Of 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project Int. No. 55 No speakers.

Designating Tower Rochester LLC As Qualified And Eligible To Obtain An Option To Purchase And Develop 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project Int. No. URA-1 No speakers.

Approving An Option To Tower Rochester LLC For The Sale Of 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project, Cancellation Of A Ground Lease And Appropriating Sale Proceeds Int. No. URA-2 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 12, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 40 - Authorizing Agreements For Auctioneer Services

Int. No. 41 - 2007-08 Debt Resolution For The City School District

Int. No. 42 - Establishing Maximum Compensation For An Agreement For The 2008 Senior PGA Championship Golf Tournament

Int. No. 43 - Establishing Maximum Compensation For A Professional Services Agreement For The Design And Implementation Of The Video Surveillance Camera System

Int. No. 44 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Legal Services And Amending The 2007-08 Budget

Int. No. 65 - Cancellations Of Taxes And Charges

Int. No. 66 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Replacement Services

Int. No. 67 - Establishing Maximum Compensation For A Professional Services Agreement For A Health Insurance Study

Int. No. 68 - Establishing Maximum Compensation For A Professional Services Agreement For The Blue Cross Arena At The War Memorial

Int. No. 69 - Authorizing Payment Of A Portion Of The Fast Ferry Loan And Amending Ordinance No. 2006-84, As Amended

Int. No. 84 - Amending The Municipal Code. In Relation To Creating Disclosure Requirements For Income Tax Preparers Who Offer Income Tax Refund Anticipation Loans

Respectfully submitted,
 Carolee A. Conklin
 Carla M. Palumbo
 Lovely A. Warren
 Gladys Santiago (Did not vote on Int. Nos. 40, 41, 42, 43 & 44)
 FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2008-37
 Re: Agreement - Auctioneering Services

Transmitted herewith for your approval is legislation authorizing agreements with John T. Reynolds, Inc. of Newark, New York and Roy Teitsworth, Inc. of Groveland, New York for auctioneer services. The fee for services will be based upon and deducted from auction proceeds.

Equipment and materials that have been declared surplus by City departments are routinely sold at public auction, for which the City uses the services of professional auctioneers. The current agreements for these services, with John T. Reynolds and Roy Teitsworth, were authorized by City Council in July 2003, and expired on December 31, 2007.

A request for proposals for auctioneer services was issued, advertised publicly and mailed directly to eight auctioneers. Proposals were received from two firms: Reynolds Auction Co. with a commission rate of 7-10%, plus advertisement costs; and Roy Teitsworth Inc. with a commission rate of 10%, including advertising and mailings.

These proposals were reviewed by the Purchasing and Police Departments; both were recommended. Each auctioneer has had a successful history of auctioning City property and generating revenue. By using both auctioneers, we have the flexibility of maximizing our surplus dollars.

Reynolds Auction Co. will be used for Police Impound auto sales, light duty City vehicles and equipment, furniture and fixtures. Reynolds Auction Co. is equipped for smaller volume, repetitive auctions. Roy Teitsworth, Inc. will be used for heavy truck and specialty equipment sales. Teitsworth auctions are regional in nature and have a tendency to generate more revenue for the large and specialty equipment.

The auctioneers will provide an inventory of items to be sold and prepare a certified statement of sale results. All commissions will be deducted from the auction proceeds. Upon request, they will appraise the value of any surplus item. The agreements will be for an initial one-year period with provisions for renewal for four additional one-year periods.

The following is a summary of auction results for the past three years:

| Fiscal Year | Gross Sales | Commission |
|-------------|-------------|--------------|
| | Advertising | Net Proceeds |
| 2004-05 | \$627,082 | \$49,167 |
| | \$11,577 | \$566,338 |
| 2005-06 | \$971,025 | \$75,740 |
| | \$13,047 | \$882,238 |
| 2006-07 | \$883,071 | \$67,316 |
| | \$12,889 | \$802,866 |

Respectfully Submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2008-37
 (Int. No. 40)

Authorizing Agreements For Auctioneer 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 John T. Reynolds, Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials, except heavy and specialty equipment, for a term of one year, with four one-year renewal options. The agreement shall authorize John T. Reynolds, Inc. to retain 7 - 10% of the gross proceeds from the auctions, and the City shall be obligated to pay for advertising of the auctions in the *Democrat & Chronicle* at the auctioneer's contract rate.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Roy Teitsworth, Inc. for the provision of auctioneer services for the disposal of surplus City heavy and specialty equipment, for a term of one year, with four one-year renewal options. The agreement shall authorize Roy Teitsworth, Inc. to retain 10% of the gross proceeds from the auctions, and Roy Teitsworth, Inc. shall be obligated to pay for advertising of the auctions.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Resolution No. 2008-7
 Re: City School District Debt
 Authorization

Transmitted herewith for your approval is a resolution establishing \$15,905,500 as the maximum amount of debt to be authorized on behalf of the City School District during 2007-08.

By City Council policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed during that year. During 2007-08, the District will redeem \$15,905,492 in principal. Since the requested limit is equal to the principal redeemed, the request complies with the Council's debt limit.

To date, Council has authorized \$15,905,500 in the issuance of bonds on behalf of the District. \$12,155,492 was authorized in January 2008 to fund the District Capital Improvement Program. In addition, Bond Ordinance No. 2007-323, as amended in January 2008, authorized the issuance of \$3,750,000 in debt related to the Heritage Charter School.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-7
(Int. No. 41)

2007-08 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 2007-08 to \$15,905,500, which is less than the amount of debt to be redeemed in fiscal year 2007-08.

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-38
Re: Agreement - PGA Tournament Corporation, Inc. Hospitality Sponsorship for Senior PGA Tournament

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with PGA Tournament Corporation, Inc. for partial sponsorship of a hospitality tent at the Senior PGA Tournament to be held in Rochester, May 19-25, 2008. This agreement will be funded from the 2007-08 Budget of the Mayor's Office.

The tournament will be held in Rochester at the Oak Hill Country Club, May 19-25, 2008, and is expected to draw up to 75,000 to 100,000 visitors.

Sharing sponsorship of the hospitality tent are the Greater Rochester Enterprise with \$90,000, and the Rochester Business Alliance with \$15,000. This event provides a unique opportunity to market the region to an international group of visitors.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-38
(Int. No. 42)

Establishing Maximum Compensation For An Agreement For The 2008 Senior PGA Championship Golf Tournament

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established

as the compensation to be paid for an agreement between the City and the PGA Tournament Corporation, Inc. for partial sponsorship of a hospitality tent for the 2008 Senior PGA Championship Golf Tournament. Said amount shall be funded from the 2007-08 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-39
Re: Agreement - ECC Technologies

Transmitted herewith for your approval is legislation establishing \$260,000 as maximum compensation for an agreement with ECC Technologies, Fairport NY, to design and implement the video surveillance camera system on the City's internal computer network, and to provide ongoing network support for 2008-09. The cost of this agreement will be funded from the 2006-07 Cash Capital allocation (\$40,000) and 2008-09 Operating Budget (\$220,000) of the Information Technology Department.

The new Video Surveillance Camera environment requires complex network firewall and switch configuration changes. It also involves the installation of fiber connections and network switches at six network aggregation points throughout the City, and within the City's data center. This work is beyond the scope of current ITD staff.

Effective July 1, 2008, ECC Technologies will manage the City's network as work continues toward the integration of the Police Department and City networks into one standardized environment, and the implementation of enhanced security/filtering and the surveillance camera systems.

ECC Technologies has provided consulting services in the past for both the Police and City networks; they currently have a \$10,000 contract (expiring June 2008) to support minor network configuration and firewall changes for the City's computer system. ECC Technologies is listed on the New York State contract, and they are also providing computer network services for several government agencies in the state (e.g., Monroe County, Seneca County, Auburn City School District, and Niagara Frontier Transportation Authority).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-18

Ordinance No. 2008-39
(Int. No. 43)

Establishing Maximum Compensation For A Professional Services Agreement For The De-

sign And Implementation Of The Video Surveillance Camera System

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

Section 1. The sum of \$260,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with ECC Technologies for the design and implementation of a video surveillance camera system on the City's internal network environment and ongoing network support through June 30, 2009. Of said amount, \$40,000 shall be funded from the 2006-07 Cash Capital allocation and \$220,000 shall be funded from the 2008-09 Budget of the Information Technology Department, contingent upon approval of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-40
Re: Agreement - Legal Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Geiger & Rothenberg for legal representation, and amending the 2007-08 Budget to transfer \$40,000 from Contingency to the Law Department to fund the cost of the agreement.

As you know, Monroe Ambulance has brought an Article 78 challenge against the decision to award the City ambulance contract to Rural/Metro Medical Services. To avoid a possible conflict involving the Law Department, it is necessary to hire outside counsel to represent the City and the City Council.

A preliminary agreement with Geiger & Rothenberg for this purpose was for \$10,000. The amendment will increase maximum compensation by \$30,000, for a total of \$40,000. The agreement shall provide for David Rothenberg to represent the City at an hourly rate of \$275.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-40
(Int. No. 44)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Legal Services And Amending The 2007-08 Budget

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

Section 1. The sum of \$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 Geiger & Rothenberg for legal representation of the City and the City Council in an Article 78 challenge by Monroe Ambulance against the decision to award the City ambulance contract to Rural/Metro Medical Services. The agreement may extend for the duration of the legal proceeding. Said amount shall be funded from the 2007-08 Budget of the Law Department.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$40,000 from the Contingency Account to the Law Department to fund the legal services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-41
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$8,200.

One property had total charges cancelled in the amount of \$8,200 or 100.00% of the total. The property, 395 Saxton Street, recently transferred ownership and the code violations were attributed to the former owner. The original tickets, issued in 2005 were for: deteriorated roof eaves; building siding broken or missing; gutters, downspouts and window and storm door panes missing or in need of repair; unlicensed vehicles; high grass and weeds; and trash and debris.

The current owner bought the property before the unpaid tickets were added to the property tax bill. Municipal Code Violations Bureau has initiated a judgment against the former owner to settlement of these charges.

If this cancellation is approved, total cancellations thus far for 2007-08 will be \$176,613.27.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 24 | \$139,248.04 |
| Administrative | 111 | 37,365.23 |
| Total | 135 | \$176,613.27 |

These cancellations represent .076% of the taxes receivable as of July 1, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-19

Ordinance No. 2008-41
(Int. No. 65)

Cancellation Of Taxes And Charges

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

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

- (A) Ownership of this property has transferred. The code violation charges associated with the property were issued against the former owner.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|------------------|--------------|-----------------|-------------------------|
| <u>Address</u> | | | |
| 105.750-0001-004 | H | 2007 | <u>\$8,200.00</u> |
| 395 Saxton St | | | |
| Grand Total | | | \$8,200.00 |

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. 2008-42
Re: Agreement - David Mayor Associates -
Computer Software Selection

Transmitted herewith for your approval is legislation establishing \$110,000 as maximum compensation for an agreement with David Mayor Associates, Fairport, NY, to provide services related to the selection of new computer software for the Department of Finance, Bureau of Human Resource Management, and the Office of Management & Budget. The cost of this agreement will be funded from the 2006-07 Cash Capital allocation of the Information Technology Department.

As part of the City's ongoing effort to simplify and streamline processes, all existing computer systems and data management processes are being evaluated. The existing systems for financial and personnel information are dependent on manual input and tracking and are paper intensive, resulting in inefficiencies. The current systems are undocumented, relying on the knowledge base of current employees, many of whom will be retiring over the next five years. These legacy systems are written in computer languages that were current 35 years ago.

David Mayor Associates will direct an interdepartmental team in a process to select new software

known as Enterprise Resource Planning (ERP). This will result in the full definition of software requirements and the development of a request for proposals. The goal is to select, through the RFP process, and implement a modern, off-the-shelf ERP system that will promote major efficiencies, provide enhanced e-government services for citizens and employees, and mitigate the risk associated with upcoming retirements. The estimated cost to purchase and implement a new ERP system is \$3 to \$4 million, which will be planned for in the next two to three years of the City's Capital Improvement Program.

David Mayor Associates is a project management and business re-engineering consulting firm that has worked with several regional companies such as Xerox, Celltech Group, Gaylord Brothers, and Genencor International, Inc. on similar ERP re-engineering efforts. The firm is currently under contract, for \$64,000, with the City to provide training in and documentation of processes to be implemented with the 311 program.

Based on their expertise, experience and success in providing similar services to other organizations as well as to the City, David Mayor Associates are uniquely qualified to deliver these services within the City's time constraints.

The term of this new agreement will be from April 1, 2008 through December 31, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-42
(Int. No. 66)

Establishing Maximum Compensation For A Professional Services Agreement For Computer Replacement 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 David Mayor Associates for assistance with the selection process for new Financial and Human Resource Computer Systems. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-43
Re: Agreement - Health Insurance
Consultant

Transmitted herewith for your approval is legislation authorizing an agreement with Brown & Brown of New York, Inc., Rochester, and CIC Benefits Group, LLC, Williamson, NY, as co-consultants to conduct a comprehensive analysis, provide recommendations and develop a procedure for implementation of a cost effective group health insurance plan design for City employees and retirees.

A request for proposals for health insurance consultant services resulted in the receipt of ten proposals. Each proposal was evaluated based on the specific criteria as outlined in the RFP. Interviews were conducted for the top four ranking consultants - Brown & Brown, Mercer, Health Economics Group, and Kinloch Consulting. Brown & Brown/CIC Benefits Group have been selected as the most appropriate consultants to provide this service.

Specifically, the consultants at Brown & Brown/CIC Benefits Group demonstrated their experience and ability to gather and analyze utilization data, provide innovative and creative ideas and alternatives to our current plans and funding arrangements, and facilitate teams of management and labor representatives to reach effective levels of communication, trust and decision making. Brown & Brown/CIC Benefits Group also demonstrated specific experience working with public sector organizations and collective bargaining environments.

The proposed fee structure for this work will be paid through broker commissions that are currently incorporated into the health insurance premiums that the City pays to both Excellus and Preferred Care. These commissions range from 2% to 4% of paid premiums and are mandated by the State of New York Insurance Department for fully insured plans even if the group does not use the services of a broker. This fee will not exceed \$50,000. The designation of Brown & Brown as Broker of Record can be cancelled upon 30-day notice by the City. No additional funds will be required by the City of Rochester for this contract or services provided by Brown & Brown.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-43
(Int. No. 67)

Establishing Maximum Compensation For A Professional Services Agreement For A Health Insurance 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 an agreement between the City and Brown & Brown of New York, Inc. and CIC Benefits Group, LLC for a comprehensive analysis, recommendations and a

procedure for implementation of a cost effective group health insurance plan for the City's current and future employee and retiree population. Said amount shall be funded from broker commissions already incorporated into the City's health insurance premiums.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-44
Re: Agreement - Blue Cross Arena
At The War Memorial

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Stafford Sports, LLC of Medford, New Jersey, for evaluation and advise regarding various agreements relating to the Blue Cross Arena at the War Memorial. The cost of this agreement will be funded from the 2007-08 Budget for Undistributed Expense.

The current agreements with SMG for management and booking, and with Aramark for concessions, expire in June 2008. The agreements with the Amerks/Knighthawks also expire at that time. Since the origination of these agreements several years ago, there have been several corporate restructurings of the parties, changes to the Arena itself, and changes in the relevant business climate.

This process of dealing with these agreements has been delayed by the financial difficulties of the Amerks, but cannot wait any longer. While there is an option to renew the SMG agreement for five years, renewal would require careful consideration to the terms.

These agreements represent unique business arrangements that require relevant industry experience not present in the City or locally. The expertise of an experienced consultant will greatly facilitate the structuring and negotiation of new agreements.

Recommendations and information on appropriate consulting firms was sought through several contacts in the industry. Carl Hirsh of Stafford Sports, LLC of Medford, New Jersey, has been identified as an individual with the appropriate experience. He has worked in the industry for 25 years in management positions for arenas and arena management companies, and as a consultant for both private and public clients. His work has ranged from Madison Square Garden to the arena for the AHL franchise in Des Moines, Iowa.

It is anticipated that this work will be completed by late Spring 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-44
(Int. No. 68)

Establishing Maximum Compensation For A Professional Services Agreement For The Blue Cross Arena At The War Memorial

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 Stafford Sports, LLC for advice with respect to agreements relating to the Blue Cross Arena at the War Memorial. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to amend Int. No. 69.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-45
Re: Ferry Payment

Transmitted herewith for your approval is legislation authorizing payment of the sum of \$20,395,261 to the Export Finance and Insurance Corporation (EFIC) on the EFIC loan for the vessel Spirit of Ontario I. Said amount shall be funded from the balance of proceeds from the sale of the vessel by the Rochester Ferry Company, LLC (\$18,500,000) to reduce the principal amount, and from the 2007-08 Debt Service allocation (\$1,895,261) to pay principal and interest. Ordinance No. 2006-84 will also be amended to reflect the current status of the EFIC loan.

In May 2006, the Council approved the sale of the vessel Spirit of Ontario I to Euroferries, Limited, for the sum of \$29,800,000. The Council further approved the satisfaction of the City mortgage on the vessel, the assumption of the EFIC loan on the vessel, and the dissolution of the RFC. The sale to Euroferries was not completed and, on April 17, 2007, Council approved the sale of the vessel to Forde Reederei Seetouristik GMBH & Co. KG for the sum of \$30,000,000. After payment of the funds loaned by the City to the RFC pursuant to Ordinance No. 2006-13 and other obligations of

the RFC, there is a current balance of \$19,352,040 from the sale proceeds. The sum of \$852,040 is being retained for litigation expenses and other expenses relating to the fast ferry. Ordinance No. 2006-84 anticipated that the EFIC loan assumed by the City would be reduced to \$20,000,000 through use of the sale proceeds. This ordinance will be amended to reflect the reduction of the \$40,000,000 principal amount of the loan through use of the available funds.

As you are aware, the legal basis for the City assumption of the EFIC loan has been challenged in New York State Supreme Court. The case has been argued and a decision is expected by February 7. The payments authorized herein will be made on February 15 unless the Court directs otherwise.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-45
(Int. No. 69, As Amended)

Authorizing Payment Of A Portion Of The Fast Ferry Loan And Amending Ordinance No. 2006-84

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

Section 1. The Council hereby approves the payment of the sum of \$[20,395,261] 20,861,099 to the Export Finance and Insurance Corporation (EFIC) on the EFIC loan for the vessel Spirit of Ontario I. Of said amount, \$[18,500,000] 18,965,838 is hereby appropriated from the balance of the proceeds of the sale of the vessel by the Rochester Ferry Company, LLC (RFC) to reduce the principal amount, and \$1,895,261 shall be funded from the 2007-08 Debt Service Allocation to pay the interest currently due, with the remainder applied to reduce the principal amount. The sum of \$852,040, or so much thereof as may be necessary, is hereby appropriated from the balance of the proceeds of the sale of the vessel by the Rochester Ferry Company, LLC (RFC), to pay litigation and other expenses relating to the fast ferry, and, if proceeds remain, to pay the EFIC loan.

Section 2. Ordinance No. 2006-84, relating to City assumption of the EFIC loan, which anticipated a prior uncompleted sale of the vessel Spirit of Ontario I, is hereby amended to the extent that the City is authorized to assume the full \$40,545,917 amount of the loan, which shall then be reduced by payment of the amounts authorized herein.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-46
Re: Tax Refund Anticipation Loans

Transmitted herewith for your approval is legislation that would require full disclosure of costs and rates involved in Tax Refund Anticipation Loans (RALs). As we move into the tax filing season, it has become increasingly apparent that many tax preparers are aggressively advertising RALs, using such slogans as "Fast Money", "Rapid Refunds", and "Money Now." Unfortunately, the principal users of these RALs are lower-income households, many of whom are eligible for the Earned Income Tax Credit (EITC). The Children's Defense Fund conducted a study that found that the use of RALs has significantly reduced the impact of the EITC.

The study estimates that low-income taxpayers lost over \$690 million in charges and fees associated with RALs in 2003. If the costs of tax preparation fees are included, the total loss to these taxpayers was \$2.3 billion. In New York State, the loss is estimated at \$182 million.

Legislation to regulate RALs has been introduced in the State Legislature but has not yet been approved. As a result, New York City has enacted legislation providing regulation on a local level, and the Buffalo City Council is currently considering similar legislation.

We believe it is important to require that a clear statement of the costs and fees associated with RALs be posted in the offices of those who offer such a service. It is a clear tenet of consumer protection laws that an informed consumer is more able to weigh the pros and cons of any such proposition. Currently, no such requirements exist outside of New York City.

The proposed legislation would require that anyone offering RALs provide a clear, plain language display that states that RALs are not required, that they constitute a loan, a comparison between the amount of the refund a taxpayer is eligible for, the amount that he or she would receive after the fees are deducted, and the total fees charged. It also requires notification of the approximate date upon which the refund would be received if the tax return is filed electronically.

The penalties for violation include civil fines of \$250-\$500 for the first violation and \$500 to \$750 for subsequent violation. The legislation also creates a civil cause of action, allowing citizens who have been injured by the failure of a tax preparer to follow the terms of this ordinance to seek compensatory and punitive damages, injunctive relief, and attorneys' fees and costs.

It is our hope that this issue will ultimately be regulated at the State or Federal level, assuring uniformity of both standards and enforcement. As a result, we have included a provision that the

City's ordinance will expire if and when one of those governmental authorities adopt such legislation.

Respectfully submitted,
Gladys Santiago Carolee A. Conklin
President Councilmember-at-Large

Carla M. Palunbo Lovely A. Warren
Councilmember Councilmember
Northwest District Northeast District

Ordinance No. 2008-46
(Int. No. 84)

Amending The Municipal Code, In Relation To Creating Disclosure Requirements For Income Tax Preparers Who Offer Income Tax Refund Anticipation Loans

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

Section 1. There is hereby added to the Municipal Code the following new Chapter:

Chapter 64. INCOME TAX REFUND ANTICIPATION LOANS.

Section 64-1. Definitions.

As used in this chapter, the words and phrases stated below shall have the following meanings:

REFUND ANTICIPATION LOAN - Any loan a taxpayer may receive against his or her anticipated income tax refund.

TAX PREPARER - A person, partnership, corporation or other business entity, that for valuable consideration, advises or assists or offers to advise or assist in the preparation of income tax returns for another.

Section 64-2. Refund anticipation loans.

- A. Any tax preparer who advertises the availability of a refund anticipation loan may not directly or indirectly represent such a loan as a refund. Any advertisement which mentions a refund anticipation loan must state conspicuously that it is a loan and that a fee or interest will be charged by the lending institution. The advertisement must also disclose the name of the lending institution.
- B. Before any taxpayer enters into a refund anticipation loan, the tax preparer facilitating such loan shall provide the disclosure set forth in subdivision C below to the taxpayer in writing, in English and Spanish, in at least 14-point type. In the event that the taxpayer does not understand English or Spanish, the tax preparer shall also provide a point-by-point oral explanation of such required disclosure in a language understood by the taxpayer.

C. The required disclosure form shall contain substantially the following language:

- (1) YOU ARE NOT REQUIRED TO ENTER INTO THIS REFUND ANTICIPATION LOAN AGREEMENT MERELY BECAUSE YOU HAVE RECEIVED THIS INFORMATION.
- (2) IF YOU DO SIGN A CONTRACT FOR A REFUND ANTICIPATION LOAN, YOU WILL BE TAKING OUT A LOAN. YOU WILL BE RESPONSIBLE FOR REPAYMENT OF THE ENTIRE LOAN AMOUNT AND ALL RELATED COSTS AND FEES, REGARDLESS OF HOW MUCH MONEY YOU ACTUALLY RECEIVE IN YOUR TAX REFUND.
- (3) IF YOU DO NOT TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU ARE ELIGIBLE TO RECEIVE A GROSS TAX REFUND OF APPROXIMATELY \$ [insert amount].
- (4) IF YOU DO TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU WILL BE RESPONSIBLE TO PAY \$ [insert amount] IN FEES FOR THE LOAN. AFTER THESE FEES ARE PAID, YOU WILL RECEIVE APPROXIMATELY \$ [insert amount] AS YOUR LOAN.
- (5) THE ESTIMATED ANNUAL PERCENTAGE RATE OF YOUR REFUND ANTICIPATION LOAN IS [insert amount]%. THIS IS BASED ON THE ACTUAL AMOUNT OF TIME YOU WILL BE LENT MONEY THROUGH THIS REFUND ANTICIPATION LOAN.
- (6) IF YOU DO TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU CAN EXPECT TO RECEIVE YOUR LOAN WITHIN APPROXIMATELY TWO BUSINESS DAYS OF [insert date].
- (7) IF YOU DO NOT TAKE OUT THIS REFUND ANTICIPATION LOAN, YOU CAN STILL RECEIVE YOUR TAX REFUND QUICKLY. IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND RECEIVE YOUR TAX REFUND THROUGH THE MAIL, YOU CAN EXPECT TO RECEIVE YOUR REFUND WITHIN APPROXIMATELY TWO BUSINESS DAYS OF [insert date]. IF YOU FILE YOUR TAX RETURN ELECTRONICALLY AND HAVE YOUR TAX REFUND DIRECTLY DEPOSITED INTO A BANK AC-

POSITED INTO A BANK ACCOUNT, YOU CAN EXPECT TO RECEIVE YOUR REFUND WITHIN APPROXIMATELY TWO BUSINESS DAYS OF [insert date].

- D. It shall be the obligation of the tax preparer to complete the required disclosure accurately with all relevant information for each consumer, to provide the required point-by-point oral explanation when necessary, and to ensure that the completed disclosure form is signed by the consumer before he or she enters into a refund anticipation loan.

Section 64-3. Penalties.

A tax preparer who violates any provision of this chapter shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and, for each succeeding violation, a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars.

Section 64-4. Civil cause of action.

- A. Any person claiming to be injured by the failure of a tax preparer to act in accordance with this chapter shall have a cause of action against such tax preparer in any court of competent jurisdiction for any or all of the following relief:
 - (1) compensatory and punitive damages;
 - (2) injunctive and declaratory relief;
 - (3) attorneys' fees and costs; and
 - (4) such other relief as a court may deem appropriate.

Section 2. This ordinance shall take effect 30 days after the date of its adoption and shall expire when the State of New York or the Federal Government adopts legislation regulating refund anticipation loans.

Passed unanimously.

By Councilmember Warren
February 12, 2008

To the Council:

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

Int. No. 45 - Authorizing The Sale Of Real Estate

Int. No. 46 - Authorizing Agreements And Amending The 2007-08 Budget For The Restore NY Communities Initiative Program

Int. No. 47 - Appropriating Funds And Authorizing Agreements For The Homebuyer Assistance Program

Int. No. 48 - Resolution Approving Appointment To Rochester Preservation Board

Int. No. 82 - Authorizing An Agreement For The Temporary Lease Of Space For The Webster Community Center

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-47
Re: Sale of Real Estate

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

The first five properties were sold at the August 2007 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

The next property is a vacant lot which was also sold at the August 2007 public auction.

The next property is being sold to the Rochester Housing Development Fund Corporation for its appraised value. The property will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester Metropolitan Statistical Area.

The next two properties are vacant lots that were sold through a sealed bid process to the adjoining property owners. The purchasers will combine the parcels with their adjoining properties.

The last three properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcel with their adjoining properties.

The first year projected tax revenue for these twelve properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,962.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-20

Ordinance No. 2008-47
(Int. No. 45)

Authorizing The Sale Of Real Estate

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

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

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Legal</u> <u>Use</u> | <u>Price</u> |
|----------------------------------|---|----------------------------|--------------|
| 450 Central Pk 106.52-1-24.1 | 80x120 *La La Griner Landscaping Inc. | 1 Family | \$ 1,200 |
| 278 Columbia Av 120.68-3-46 | 40x100 Sean Foster | 1 Family | 4,700 |
| 52 Crombie St 106.44-4-37 | 40x110 Robert Napier | 1 Family | 4,900 |
| 19 Cutler St 091.69-1-69 | 40x110 Robert Napier | 1 Family | 12,400 |
| 419 Hague St 105.80-1-50 | 38x100 Mose Mendenhall | 1 Family | 12,100 |

*Member: Jowanda Betances

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

Address: 532 Hudson Av
S.B.L.#: 106.41-2-3
Lot size: 40x110
Price: \$50
Purchaser: Harry Persad Maraj, Ronald
Maraj & Shawn Maraj

Section 3. The Council hereby approves the negotiated sale of the following parcel of improved property:

Address: 51 Midvale Ter
S.B.L.#: 135.23-3-58
Lot size: 40x110
Price: \$34,500
Purchaser: **Rochester Housing
Development Fund Corp.

**Officers: Jean A. Lowe, President; R. Scott Schmid, Vice President

Section 4. The Council hereby approves the sale of the following parcels of vacant land with proposal by sealed bid:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|-----------------------------------|---|--------------|
| 16-18 Barton St 135.27-2-32 | 41x147 ***22 Barton St., LLC | \$250 |
| 217-219 Kenwood Av 120.58-1-17 | 43x130 Rickey L. King | 50 |

***Member: Kathy Goldberg

Section 5. The Council hereby approves the negotiated sale of the following parcels of un-buildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Sq.</u> <u>Ft.</u> |
|----------------------------------|---|--------------------------|
| 351 Alphonse St 106.34-1-2 | 40x79 ***CB Estate, LLC | 3160 |
| 2 Glenora Dr 075.78-1-6 | 8x51^ Gregory C. Cooper Sr. Trust | 408± |
| 357 Sawyer St 135.25-3-10.2 | 40x6 Donna R. Hodge | 240 |

^Irregular

***Managing Agent: Judy Dolan

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

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-48
Re: Restore NY Communities
Initiative - Round 2

Transmitted herewith for your approval is legislation appropriating the funds of a \$6,000,000 grant from the Empire State Development Corporation (ESDC) through its Restore NY Communities Initiative Program. The application for the grant and agreement with ESDC were previously authorized by Council in September 2007. In addition, this legislation will:

1. Amend the 2007-08 Cash Capital Budget of the Department of Community Development by \$1,900,000 to reflect the receipt and use of a portion of this grant to partially finance the City Demolition Program for 2007-08;

2. Establish maximum compensation, to be funded from the grant, for agreements as follows for four rehabilitation projects:

| <u>Developer/Principal Project</u> | <u>Amount</u> |
|--|---------------|
| Fitzhugh Associates LLC George Traikos, Managing Member Academy Building 13 South Fitzhugh Street | \$ 800,000 |
| Maximus Cox Richard Ferguson, Taib Elkettani Cox Building 36-48 St. Paul Street | \$1,000,000 |
| Parry Building LLC Mimi Tilton, Peter Freund Parry Building 222-230 Mill Street | \$ 300,000 |
| HH Warner Associates II Anthony DiMarzo Warner Building 72-82 St. Paul Street | \$2,000,000 |

Restore NY provides funds for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned residential and/or commercial buildings.

Demolition. \$1.9 million will be used for the demolition of up to 160 residential, mixed-use, and commercial structures. These structures have been assessed for possible re-use and demolition is recommended. The demolitions will be publicly bid.

Rehabilitation/Reconstruction. As part of the revitalization of the Center City, Restore NY funds will be used to create 145 new rental housing units and for the renovation of 49,472 sq. ft of commercial space in four existing downtown buildings. A detailed summary of these projects is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-21

Ordinance No. 2008-48
(Int. No. 46)

Authorizing Agreements And Amending The 2007-08 Budget For The Restore NY Communities Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Fitzhugh Associates LLC, or a subsidiary, for the rehabilitation of the Academy Building at 13 South Fitzhugh Street. The agreement shall obligate the City to pay an amount not to exceed \$800,000, and said amount, or so much thereof as may be necessary, is hereby

appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Maximus Cox LLC, or a subsidiary, for the rehabilitation of the Cox Building at 36-48 St. Paul Street. The agreement shall obligate the City to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 3. The Mayor is hereby authorized to enter into an agreement with Parry Building LLC, or a subsidiary, for the rehabilitation of the Parry Building at 222-230 Mill Street. The agreement shall obligate the City to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 4. The Mayor is hereby authorized to enter into an agreement with HH Warner Associates II, or a subsidiary, for the rehabilitation of the Warner Building at 72-82 St. Paul Street. The agreement shall obligate the City to pay an amount not to exceed \$2,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 5. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$1,900,000, which amount is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program to fund the City Demolition Program.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-49
Re: 2007 HOME Funds - Homebuyer Assistance Program

Transmitted herewith for your approval is legislation appropriating \$175,000 from the Buyer Assistance Account of the 2007 HOME Program to finance the continuation of the Homebuyer Assis-

tance Program, and authorizing any necessary agreements for program implementation.

The Homebuyer Assistance Program provides financial assistance of up to \$6,000 to first-time homebuyers with low or moderate incomes (household incomes do not exceed 80% Median Family Income for the Metropolitan Statistical Area - MFI) who purchase houses through the City's Housing Initiative, as described in the Consolidated Community Development Program. The financial assistance may be used for closing costs and down payment.

A recipient of assistance is required to provide a five-year promissory note. If the recipient continues to reside in the house and the property is not resold during this period, the note is satisfied.

Since the inception of the program in September 1993, \$4,250,219 has been disbursed to 812 homebuyers. The total unexpended balance available for HOME program recipients will be \$144,234, of which \$48,000 is already committed to qualified first-time buyers.

The most recent HOME appropriation for the continuation of the program was approved in July 2007 in the amount of \$300,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-49
(Int. No. 47)

Appropriating Funds And Authorizing Agreements For The Homebuyer Assistance Program

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

Section 1. The sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated from 2007 HOME Program Funds to fund the Homebuyer Assistance Program.

Section 2. The Commissioner of Community Development is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-8
Re: Appointment - Preservation Board

Transmitted herewith for your approval is legislation confirming the appointment of Jon Schick, 53 Aberthaw Road to the Rochester Preservation Board. Mr. Schick will replace Corey Knapp who resigned from the Board on October 1, 2007 and whose term expires on February 28, 2008. Mr. Schick's term will expire February 28, 2010.

A copy of Mr. Schick's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-8
(Int. No. 48)

Resolution Approving Appointment To The Rochester Preservation Board

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

Section 1. The Council hereby approves the appointment of Jon Schick, 53 Aberthaw Road, to the Rochester Preservation Board for a term which shall expire on February 28, 2010. Mr. Schick shall replace Corey Knapp, who has resigned and whose term is expiring.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-50
Re: Lease Agreement - Adonai
Community Fellowship

Transmitted herewith for your approval is legislation authorizing a lease agreement with Adonai Community Fellowship Hall, located at 509 North Goodman Street, for the use of 5,000 square feet as a temporary location for the Webster Community Center during the construction of the Thomas P. Ryan, Jr. Community Center. The City will pay \$2,500 per month over a term of 18 months. The total amount of \$45,000 will be funded from 2007-08 Cash Capital (\$10,000), and the 2008-09 (\$30,000) and 2009-10 (\$5,000) Budgets of the Department of Recreation and Youth Services.

The Webster Community Center provides programs and services for children and families in the City's northeast area. During its demolition and the construction of the new facility, programs will relocate to the leased space at Adonai or to #25 School at the corner of Bay and Goodman.

Demolition of the Webster Center is scheduled to begin in March, 2008; completion of the new facility is slated for September, 2009.

This lease agreement is for an 18 month term, with the stipulation for monthly renewal after the first

twelve months until the occupancy is no longer needed.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-22

Ordinance No. 2008-50
(Int. No. 82)

Authorizing An Agreement For The Temporary Lease Of Space For The Webster 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 Adonai Community Fellowship Hall for the lease of its facility at 509 North Goodman Street as a temporary location for the Webster Community Center during the construction of the Thomas P. Ryan, Jr. Community Center and Library. The agreement shall extend for a term not to exceed eighteen months.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$45,000 in rent, payable in the amount of \$2,500 per month, and of said amount, or so much thereof as may be necessary, \$10,000 shall be funded from the 2007-08 Cash Capital Allocation, \$30,000 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services and \$5,000 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services, contingent upon adoption of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
February 12, 2008

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 49 - Authorizing Agreements For Mechanical/Electrical/Plumbing Engineering Services

Int. No. 50 - Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

Int. No. 51 - Authorizing An Agreement With Selden P. Chase For The Lease Of Farmland

Int. No. 52 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Water Quality Model

Int. No. 53 - Authorizing Extension Of The Agreement With The Monroe County Water Authority

Int. No. 70 - Establishing Maximum Compensation For A Professional Services Agreement For The Erie Canal Aqueduct Replacement Project

Int. No. 71 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$90,000 Bonds Of Said City To Finance The Cost Of Planning Services Related To The Erie Canal Aqueduct Replacement Project In The City

Int. No. 72 - Establishing Maximum Compensation For A Professional Services Agreement For The North Street Recreation Center Aquatic Park Project And Appropriating Funds

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden (Did not vote on Int. No. 49)
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-51
Re: Amendatory Agreements -
Mechanical, Electrical and
Plumbing Engineering Services

Transmitted herewith for your approval is legislation authorizing the renewal of agreements with the following companies for mechanical, engineering and plumbing services required for building renovation projects by the City:

- | <u>Company</u> | <u>Address</u> |
|-----------------------------|--|
| Q-Tech Engineering | 217 West Commercial Street |
| Erdman Anthony & Associates | 2165 Brighton-Henrietta Town Line Road |
| LaBella Associates, P.C. | 300 State Street |
| Lakeside Engineering | 333 Andrews Street |
| M/E Engineering, P.C. | 150 North Chestnut Street |

These agreements, originally authorized by Council in December 2005, will be extended for an additional two-year period. Each agreement provides for services to be performed on an as-needed basis, for an hourly rate established in the original authorization. The hourly rates may be adjusted

during the renewal term with approval of the City Engineer.

The cost of said services will be funded from the annual budget or from project appropriations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-51
(Int. No. 49)

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 renewal agreements with the following companies for mechanical/electrical/plumbing engineering services as required by the City:

Company
Address

- 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 & Associates, Inc.
2165 Brighton-Henrietta Town Line Road

Section 2. Each agreement shall have a term of two years. 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 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. 2008-52
Re: Job Training Pilot Program -
Maintenance of City-Owned Lots

Transmitted herewith for your approval is legislation establishing \$37,800 as maximum compensation for an agreement with Rochester Landscape Technicians Programs, Inc., 1100 Hudson Avenue, for the management of a pilot job training program involving the maintenance of City-owned lots. The

cost of the agreement will be funded from the 2007-08 Budget of the Department of Environmental Services/Special Services.

Youth employment and job skill development have been identified as initiatives in support of the City's priorities of public safety and economic development. The consultant, through its transition jobs program, will hire City residents between the ages of 18 to 28. The program promotes work readiness and self-sufficiency by helping employee participants to complete GED requirements and to adopt positive work-place behaviors.

The participants will provide trash and light debris removal and grass cutting for approximately 315 City-owned lots or lot equivalents, concentrated in an area within the southwest section of the City. Eight cutting cycles are proposed during the term of the agreement, which shall be six months, commencing on May 1, 2008 and ending on October 31, 2008.

The price to be paid for cleaning and cutting at each lot or equivalent shall be \$15 per lot.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-52
(Int. No. 50)

Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

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

Section 1. The sum of \$37,800, 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 Landscape Technicians Programs, Inc. for a lot maintenance services jobs training program. Said amount shall be funded from the 2007-08 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-53
Re: Lease Agreement

Transmitted herewith for your approval is legislation regarding the lease of a 14 acre parcel in the Town of Rush. The parcel is part of the property that was acquired by the City in 1990 in conjunction with the Rush Reservoir Rehabilitation Project. Acquisition was required to permit construction of a sediment depository during the project.

The project was completed in 1992. Under a lease agreement authorized by the City Council on Mar. 11, 2003, the parcel has since been used by Selden Chase to grow alfalfa and timothy hay.

This agreement expires on April 30, 2008. Under the proposed legislation, a new five-year agreement will be authorized. The proposed annual rental rate of \$30 per acre is an increase of \$10 per acre over the current rate.

Mr. Chase will continue to use the parcel for agricultural purposes. He will also assist the City in obtaining agricultural assessment status under Section 1224 of the NYS Real Property Tax Law.

A map of the area, illustrating the parcel to be leased, is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-23

Ordinance No. 2008-53
(Int. No. 51)

Authorizing An Agreement With Selden P. Chase For The Lease Of Farmland

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Selden P. Chase for the lease of approximately 14 acres of farmland owned by the City in the Town of Rush. The agreement shall extend for a term not to exceed five years at a rental rate of \$30. per acre per year. Mr. Chase shall also provide insurance and assist the City in obtaining an agricultural assessment for this property.

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. 2008-54
Re: Amendatory Agreement - Malcolm
Pirnie, Inc. - Water Quality

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Malcolm Pirnie, Inc., 300 State Street, for additional services related to the City's water system. The original agreement for \$45,000 was authorized in October 2005, and amended in 2007 to extend the term to October 2008. This amendment will modify the scope of the agreement to include computerized water quality modeling and assistance in

the design of a related water quality study. The amendment will increase the maximum compensation by \$21,000 to a total of \$66,000, and will increase the term of the agreement to October 2009. The cost of the amendment will be funded from the 2005-06 Department of Environmental Services Cash Capital allocation (Water Fund).

Under the original agreement, Malcolm Pirnie has assisted Water Bureau staff in developing a GIS based hydraulic model of Rochester's water system. Under this amendment, the consultant will use that model to help predict the impacts of different water storage scenarios on the formation of disinfection by-products (DBPs). DBPs are compounds that are formed when a disinfectant such as chlorine is added to water. Levels of DBPs are regulated by the US Environmental Protection Agency because of their potentially toxic effects. The consultant will also review historical data, and design a laboratory study that will help verify the modeling results.

This work is requested in order to gather information that will be helpful in making the final decisions about the future of Rochester's water storage reservoirs. An EPA regulation commonly referred to as LT2 will require the City to make major changes to its water storage system, beginning within the next two years. A study performed by the Water Bureau and a different consultant has identified a number of different storage options that could be pursued. Each option results in different water quality impacts, some negative and some positive. This work will help determine whether the DBP impacts of a given storage scenario are acceptable or unacceptable.

Malcolm Pirnie is particularly well-suited to perform this work, due to their in-depth familiarity with Rochester's GIS model and system hydraulics. The technical leader of the proposed study worked on development of the controlling EPA (DBP) regulations, and is a nationally recognized expert in water quality modeling. The work will be done in cooperation with personnel from the Water Bureau's Engineering and Water Production divisions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-54
(Int. No. 52)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Water Quality Model

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

Section 1. The sum of \$21,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Malcolm Pirnie for engineering consulting and support services for the creation of a water quality

model and study through October, 2009. Said amount shall be funded from the 2005-06 Cash Capital allocation (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-55
Re: Amendatory Agreement - Monroe
County Water Authority

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Monroe County Water Authority. This amendment will extend the term of the agreement, currently due to expire April 27, 2008, to December 31, 2008.

The original agreement was authorized in April 1978 for a 30 year term. The City and MCWA have been in discussions about the terms of a new agreement since May 2007. These discussions have been productive and have helped to clarify each party's system and operations. The level of detail and quantity of information has resulted in extremely time-consuming meetings. Both sides have agreed that an extension of the current agreement would allow time to complete these ongoing discussions in order to prepare a proposal for a new agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-55
(Int. No. 53)

**Authorizing Extension Of The Agreement
With The Monroe County Water Authority**

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

Section 1. The Mayor is hereby authorized to enter into an extension through December 31, 2008 of the current agreement with the Monroe County Water Authority.

Section 2. The agreement extension shall be on the same terms and conditions as contained in the current agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-56 and
Ordinance No. 2008-57
Re: Erie Canal Aqueduct Redevelopment
Project

Transmitted herewith for your approval is legislation establishing \$1,142,000 as maximum compensation for an agreement with FRA Engineering and Architecture, P.C., Henrietta, NY, for the development of a Master Plan, preliminary engineering, and right-of-way incidentals for the Erie Canal Aqueduct Redevelopment Project. Several aspects of funding for this project have already been accomplished through previous legislation in January 2000 and July 2002. In order to complete the funding for this agreement and aspects of the Project, this legislation will also:

1. Appropriate \$509,584 from anticipated reimbursements from the Federal Highway Administration;
2. Appropriate \$4,500 from anticipated reimbursements from New York State Department of Transportation/Marchiselli Aid Program; and
3. Authorize the issuance of bonds totaling \$90,000 and the appropriation of the proceeds thereof.

The agreement with FRA Engineering and Architecture, P.C will be financed as follows:

| <u>Source</u> | <u>Amount</u> | |
|----------------------------|---------------|-------------------------|
| FHA Program Reimbursements | \$ 509,584 | current appropriation |
| | 404,016 | previous appropriations |
| Marchiselli Aid | 4,500 | current appropriation |
| | 66,000 | previous appropriations |
| 2005-06 Cash Capital | 67,900 | |
| Bonds | <u>90,000</u> | current request |
| Total | \$1,142,000 | |

The initial step of the Project is the development of the Master Plan, which will guide the conceptual, preliminary and final design of the re-use of the Erie Canal Aqueduct, one of the City's most historic structural assets. FRA Engineering will develop a comprehensive inventory and analysis of the Erie Canal Corridor (Broad Street) from the Rundel Library to West Main Street. The Master Plan will incorporate land use projections, developers' recommendations, professional analysis, community input, parking plans, traffic analysis, and potential mixed-use in-fill as part of the final design.

The Master Plan will also guide economic development along the entire corridor. Historic interpretation, preservation standards, creative mitigation and re-use strategies are several of the primary goals of the entire project.

The preliminary cost estimate for the project is \$6,974,100, including right-of-way acquisition, construction and contingency, and will be financed from Federal funding (\$5,137,400), NYS Marchiselli Aid (\$524,730) and a combination of City debt, cash capital and operating funds (\$1,311,970).

The following chart summarizes the uses and sources of funds that are available for this project.

| <u>Phase</u> | <u>Total</u> | <u>Federal</u> | <u>State</u> | <u>City</u> |
|-------------------------------|------------------|----------------|------------------|-------------|
| Planning, PE, Design & Admin. | \$1,101,980 | | | |
| | \$ 881,580 | \$ 49,500 | \$ 170,900 | |
| ROW Incidentals | 140,000 | | | |
| | 112,000 | 21,000 | 7,000 | |
| ROW Acquisition | 560,000 | | | |
| | 448,000 | 84,000 | 28,000 | |
| Const., RPR & Contingency | <u>5,172,120</u> | | | |
| | <u>3,695,820</u> | <u>370,230</u> | <u>1,106,070</u> | |
| Total | \$6,974,100 | \$5,137,400 | \$524,730 | \$1,311,970 |

The City's administrative costs, estimated at \$99,980, will be funded from the Federal Highway Administration reimbursements (\$79,985), with the City's local share of \$19,995 coming from the 2007-08 Budget of the Department of Environmental Services.

Qualifications and proposals were solicited from thirty area firms. Eight firms responded: FRA Engineering, Chaintreuil, Jensen & Stark, Clark Patterson Associates, LaBella Associates P.C., Bergmann Associates, Stantec Group Inc., DesignWorkshop, and Peter J. Smith Associates. The qualifications and proposals were rated by staff and, based on these ratings, FRA Engineering was selected to assist the City with both the development of the Master Plan and with various engineering aspects required for the Project.

Comprehensive planning and community outreach is scheduled to begin in the spring of 2008 and be completed before the end of 2008. Based on the current design schedule, construction could proceed on recommended redevelopment options by the Fall of 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Palumbo moved to amend Int. No. 70.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Ordinance No. 2008-56
(Int. No. 70, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Erie Canal Aqueduct [Replacement] Redevelopment Project

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

Section 1. The sum of \$1,142,000, 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 and Architecture, P.C. for development of a master plan, preliminary engineering and right-of-way incidentals related to the Erie Canal Aqueduct [Replacement] Redevelopment Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$509,584 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$404,016 shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated in Ordinances No. 2000-7 and 2002-219, \$4,500 is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation, \$66,000 shall be funded from anticipated reimbursements from the New York State Department of Transportation appropriated in Ordinance No. 2000-7, \$67,900 shall be funded from the 2005-06 Cash Capital allocation, and \$90,000 shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 71.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Ordinance No. 2008-57
(Int. No. 71, As Amended)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$90,000 Bonds Of Said City To Finance The Cost Of Planning Services Related To The Erie Canal Aqueduct [Replacement] Redevelopment Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of development of a master plan, preliminary engineering and right of way incidentals related to the Erie Canal Aqueduct [Replacement] Redevelopment Project in the City (the "Project"). The total estimated cost of the Erie Canal Aqueduct [Replacement] Redevelopment Project is currently estimated to be in excess of \$5,000,000. The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,142,000. 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 \$67,900 in current City funds, \$913,600 in anticipated reimbursements from the Federal Highway Administration appropriated in Ordinances No. 2000-7 and 2002-219 and at this meeting, and \$70,500 in anticipated reimbursements from the New York State Department of Transportation appropriated in Ordinance No. 2000-7 and at this meeting, 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 \$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 11.00 a.10 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued

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

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

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

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

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

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-58
Re: North Street Recreation
Aquatic Park

Transmitted herewith for your approval is legislation related to the construction of a water play facility at the North Street Recreation Center. This legislation will:

1. Establish \$40,000 as maximum compensation for an agreement with McCord Landscape Architecture (principal, Doug McCord) for mechanical engineering and design services; and
2. Appropriate \$260,000 in 2007-08 CDBG funds from the Neighborhood Playground Improvements account of the Improving the Housing Stock and General Property Conditions allocation to fund the agreement and the construction of improvements at the North Street Recreation Center water play facility.

The in-ground swimming pool at the Center will be replaced with a zero depth water play facility. Improvements will include new water service and ancillary equipment, new play equipment and associated site improvements.

Proposals for engineering design services were solicited from five area firms: LaBella Associates, McCord Landscape Architecture, Erdman Anthony & Associates, Lakeside Engineering, and Q-Tech Engineering PC. McCord is recommended based on their responsiveness and understanding of the scope of services.

Design of the project is scheduled to be completed in late summer of 2008. Construction is scheduled for fall 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-58
(Int. No. 72)

Establishing Maximum Compensation For A Professional Services Agreement For The North Street Recreation Center Aquatic Park Project And Appropriating Funds

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 McCord Landscape Architecture for mechanical engineer-

ing and design services for the North Street Recreation Center Aquatic Park 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 2.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program, the sum of \$260,000, or so much thereof as may be necessary, to fund the design and construction of improvements for the North Street Recreation Center Aquatic Park Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
February 12, 2008

To the Council:

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

Int. No. 79 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,216,000 Bonds Of Said City To Finance The Cost Of Acquisition Of The Midtown Plaza Properties

Int. No. 80 - Amending The 2007-08 Budget Relating To Acquisition Of The Midtown Plaza Properties

Int. No. 81 - Establishing The Price For The Acquisition Of The Midtown Plaza Parcels To Further The Midtown Urban Renewal Plan And Center City Master Plan

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

Int. No. 54 - Approving The Sale Of Land In The Rochester Science Park To 250 Science Parkway, LLC

Int. No. 55 - Approving An Option To Tower Rochester LLC For The Sale Of 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
William F. Pritchard

ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-59,
Ordinance No. 2008-60 and
Ordinance No. 2008-61

Re: Midtown Plaza Revitalization
Project

Transmitted herewith for your approval is legislation related to the Midtown Plaza Revitalization Project. This legislation will:

1. Authorize the issuance of bonds totaling \$4,216,000 and the appropriation of the proceeds thereof to finance acquisition of the Midtown Plaza properties;
2. Amend the 2007-08 budget by transferring \$476,600 from the Contingency Account to Cash Capital to fund acquisition and relocation activities; and
3. Establish \$5,900,000 as maximum compensation for acquisition, by negotiation or condemnation, of the Midtown Plaza properties.

Acquisition of the Midtown Plaza properties, by negotiation or condemnation, was authorized per Ordinance No. 2007-485. A public hearing was held on November 13, 2007 pursuant to Eminent Domain Procedure Law and the Determination and Findings relating to the acquisition by condemnation was adopted per Ordinance No. 2007-480.

In consideration that Federal funds may be utilized for the project in the future, Eminent Domain Procedure Law and Federal guidelines were followed for establishing the purchase price for the properties. These guidelines require that the highest two independent appraisals be undertaken to determine the value, and that a review of each appraisal be completed.

The properties were appraised by Midland Appraisal Associates, Inc., with a determination of value of \$5,300,000, and Bruckner, Tillett, Rossi, Cahill & Associates, with a determination of value of \$5,900,000. The appraisals were reviewed by Pogel, Schubmehl & Ferrara, LLC. Under the guidelines, the City is required to pay the property owner the higher value of the two appraisals which has been established at \$5,900,000.

Midtown Plaza is comprised of four parcels. The properties to be acquired are as follows:

| <u>Address</u> | <u>Reputed Owner</u> | <u>Type</u> |
|----------------------------|----------------------------------|-------------|
| 285 East Main Street | Midtown Rochester Properties LLC | Commercial |
| 18-26 South Clinton Avenue | Midtown Rochester Properties LLC | Commercial |

32-58 South Clinton Avenue
Midtown Rochester Properties LLC
Commercial
100 South Clinton Avenue
Midtown Rochester Properties LLC
Commercial

The anticipated costs and sources of funds for the acquisition, relocation, and planning phase of the Midtown project are as follows:

| Uses | |
|--|---------------------|
| Acquisition | \$ 5,900,000 |
| Relocation consultant | 255,100 |
| Redevelopment/SEQRA consultant | 800,000 |
| Relocation of tenants | 6,000,000 |
| Contingency (title, filing fees, carrying costs) | <u>580,376</u> |
| Total | \$13,535,476 |
| Sources | |
| Bond proceeds | \$ 4,216,000 |
| Cash Capital | 2,248,100 |
| Contingency Account | 476,600 |
| Empire State Development (approved) | 750,000 |
| HUD 108/BEDI (application pending) | 5,000,000 |
| Rochester Economic Development Corp. (approved) | 500,000 |
| Proceeds from proposed sale of 58-72 N. Clinton Ave. | <u>344,776</u> |
| Total | \$13,535,476 |

Proceeds from issuance of \$4,216,000 in bonds will be used for acquisition of the Midtown Plaza properties. A total of \$2,248,100 in Cash Capital will be funded from the 1996-97, 1997-98, 1998-99, 2000-01, 2001-2, 2002-03, 2003-04, 2004-05 and 2007-08 budgets for acquisition and relocation activities. The transfer of \$476,600 from the contingency fund to Cash Capital will be used for acquisition and relocation activities.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-59
(Int. No. 79)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$4,216,000 Bonds Of Said City To Finance The Cost Of Acquisition Of The Midtown Plaza Properties

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of the Midtown Plaza properties, consisting of a 1.4 million square foot mixed-use, office and retail complex covering approximately 8.6 acres, centrally located in downtown Rochester, and known as 285 East Main Street, SBL #121.24-1-

8.1; 18-26 South Clinton Avenue, SBL #121.24-1-28; 32-58 South Clinton Avenue, SBL #121.24-1-29; and 100 South Clinton Avenue, SBL #121.24-1-24.1, as authorized in Ordinance No. 2007-485, to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,900,000. The plan of financing includes the issuance of \$4,216,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,684,000 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 \$4,216,000 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 \$4,216,000. 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 authori-

zation of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to 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. 2008-60
(Int. No. 80)

Amending The 2007-08 Budget Relating To Acquisition Of The Midtown Plaza Properties

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

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$476,600 from the Contingency Account to the Cash Capital allocation to fund acquisition and relocation activities relating to the Midtown Plaza Revitalization Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-61
(Int. No. 81)

Establishing The Price For The Acquisition Of The Midtown Plaza Parcels To Further The Midtown Urban Renewal Plan And Center City Master Plan

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

Section 1. The Council hereby establishes the sum of \$5,900,000 as the maximum price to be paid for the acquisition of the Midtown Plaza properties, consisting of 285 East Main Street, SBL #121.24-1-8.1; 18-26 South Clinton Avenue, SBL #121.24-1-28; 32-58 South Clinton Avenue, SBL #121.24-1-29; and 100 South Clinton Avenue, SBL #121.24-1-24.1; as authorized in Ordinance No. 2007-485, to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan.

Section 2. Of said amount, or so much thereof as may be necessary, \$4,216,000 shall be funded from a bond ordinance adopted for this purpose, \$102,800 shall be funded from the 1996-97 Cash Capital allocation, \$108,900 shall be funded from the 1997-98 Cash Capital Allocation, \$9,400 shall be funded from the 1998-99 Cash Capital allocation, \$35,200 shall be funded from the 1999-2000 Cash Capital allocation, \$256,100 shall be funded from the 2000-01 Cash Capital allocation, \$27,500 shall be funded from the 2001-02 Cash Capital allocation, \$713,200 shall be funded from the 2002-03 Cash Capital allocation, \$74,400 shall be funded from the 2003-04 Cash Capital allocation, \$131,600 shall be funded from the 2004-05 Cash Capital allocation, and \$224,900 shall be funded from the 2007-08 Cash Capital allocation. Necessary closing costs shall be funded from the 2007-08 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-62
Re: Sale of Science Park Land

Transmitted herewith for your approval is legislation authorizing the sale of two parcels of land approximately 3.74 acres in size in the Rochester Science Park to 250 Science Parkway, LLC, doing business as LogicalSolutions.net, Inc., for a total of \$224,400.

Parcels 8 and 9, 220 and 250 Science Parkway, are approximately 3.74 acres in size, and will be used by LogicalSolutions.net, Inc. for the construction of a 16,000 square-foot building, to be completed by the end of 2008. Future expansion may include a 13,000 square-foot building on the same site,

depending on growth of the company. A map of the area is attached.

LogicalSolutions.net, Inc., currently located at 3490 Winton Place, Rochester, New York, employs approximately 29 individuals. Employment is anticipated to grow as high as 56 by January 2010, and 81 by January 2013. Total project investment in the City is anticipated to be approximately \$1.7 to \$1.9 million.

LogicalSolutions.net, Inc. is a full-service internet company providing website and application development, hosting, and marketing solutions. Founded in 1995 by its current CEO, James Salviski, LogicalSolutions.net has developed over 800 web applications and hosted over 3,500 applications in their datacenter.

The sale price is based on an appraisal of \$60,000 per acre provided by Pogel, Schubmehl & Ferrara, LLC on September 26, 2007.

A SEQR has been completed and the Director of Zoning has issued a Negative Declaration for this project.

A public hearing is required for the sale of land in the Rochester Science Park.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-24

Ordinance No. 2008-62
(Int. No. 54)

Approving The Sale Of Land In The Rochester Science Park To 250 Science Parkway, LLC

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

Section 1. The Council hereby approves the sale of Parcels 8 and 9, 220 and 250 Science Parkway, in the Rochester Science Park, to 250 Science Parkway, LLC for the sum of \$224,400.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-63
Re: St. Joseph's Urban Renewal District -
Sale of Urban Renewal Property

Transmitted herewith for your approval is legislation relating to the sale of Rochester Urban Renewal Agency (RURA) property at 58-72 N. Clinton Avenue. This legislation will:

- 1. Authorize a ten-year Purchase Option Agreement between RURA and Tower Roch-

- ester LLC, for the disposition by RURA of 1.70 acres 58-72 North Clinton Avenue for \$565,000;
2. Authorize the assignment of agreements relating to the St. Joseph's Parking Garage, currently held by Community Initiatives Development Corporation, to Tower Rochester LLC;
 3. Authorize the termination of the Ground Lease Agreement between RURA and the County of Monroe Industrial Development Agency (COMIDA) upon Tower Rochester LLC's exercise of the Purchase Option;
 4. Authorize payments to the City of Rochester of outstanding embellishment and water charges, estimated to be \$155,000, and to the County of Monroe for past due payment in lieu of taxes (PILOT) and Pure Water charges, totaling \$71,705.22, from the sales proceeds;
 5. Cancellation of past due PILOT payments of approximately \$344,776 (estimated for January 2008); and
 6. Appropriate remaining proceeds from the sale of the purchase option to be used toward the relocation expenses related to the Midtown Plaza Revitalization Project.

Community Development Initiatives Inc. (CIDC) is the current owner of the St. Joseph's Parking Garage located at 58-72 N. Clinton Avenue. Since the garage opened in 2000, the owner has not been able to generate sufficient revenues, resulting in past due PILOT agreement payments, City special charges, City water charges, and County of Monroe Pure Water charges.

Tower Investments, LLC, located in Woodland, CA, is owner of the bonds secured by St. Joseph's Parking Garage by CIDC. CIDC is in default to Tower Investments for non-payment of the principal and interest. Tower has reached an agreement with CIDC to take ownership of the garage, and assume all existing agreements with the City and COMIDA.

The City established the St. Joseph's Urban Renewal District in 1995 with the purpose of acquiring properties and assembling land for construction of a privately-owned parking garage. RURA retained ownership of the land and leased the property to COMIDA for a period of 35 years. CIDC funded the construction of the garage with proceeds raised through \$5,655,000 in tax exempt bonds issued by COMIDA, and the purchase of 376 parking spaces by the City for public use for \$3,625,000. The total cost to construct the garage was approximately \$10 million. The garage opened in May 2000 with 1,000 parking spaces.

Tower Investments is a privately-held company specializing in the purchase of underperforming properties with the goal of realizing long-term capital appreciations of the assets. The company is

primarily owned by Stephen Marks, Sr. and has a significant investment portfolio that includes over 100 real estate projects in the U.S. and Canada. The company is well capitalized and will begin paying all PILOT and other City and County charges on an ongoing basis.

Tower Rochester LLC has been formed as the proposed owner-entity of the land and the garage. Under the Option Agreement, Tower Rochester will pay the City \$565,000. The Option term is 10 years and may be exercised at any time during that period by written notice to RURA. The Option consideration is due upon execution of the Purchase Option Agreement and is non-refundable.

The following agreements will be assigned from CIDC to Tower Rochester LLC:

City-COMIDA Parking Space Agreement terminating on June 30, 2033 for public use of 376 parking spaces in the garage;

City Operating Agreement terminating on June 30, 2033 for operation of the public spaces;

COMIDA Ground Lease Agreement terminating on November 1, 2022; and

COMIDA PILOT Agreement terminating in 2022.

Since the property will no longer be in RURA ownership at the time the purchaser exercises the Purchase Option Agreement, the RURA-COMIDA Ground Lease, originally scheduled to end on June 30, 2033, will be terminated at that time. Assignment of the agreements to Tower Rochester LLC was approved by COMIDA at their April 17, 2007 Board meeting.

Proceeds from the sale of the property will be used to pay the County of Monroe delinquent PILOT and Pure Water charges in an amount not to exceed \$71,705, and City property and water charges not to exceed \$155,000 (estimated for January 2008). Past due PILOT and associated fees will be cancelled with the remaining balance of the sale proceeds, estimated at approximately \$338,295, being appropriated for relocation expenses for the Midtown Plaza Revitalization Project.

A public hearing on the sale of RURA property is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-25

Ordinance No. 2008-63
(Int. No. 55)

Approving An Option To Tower Rochester LLC For The Sale Of 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Tower Rochester LLC (hereinafter called "Redeveloper"), for a ten year option to purchase 58-72 North Clinton Avenue (hereinafter called "Disposition Parcel") in the St. Joseph's Area Urban Renewal Project to continue the use of the parking garage located thereon; and

WHEREAS, the Agency desires to enter into an option for the sale of the Disposition Parcel to the Redeveloper for such purpose; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on February 12, 2008 to consider the proposed option for the sale of the Disposition Parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said parcel by the Redeveloper and the terms of the option for the sale of said Disposition Parcel are satisfactory;
3. That the option for the sale of said Disposition Parcel by negotiation is the appropriate method making the land available for redevelopment;
4. That the Redeveloper possesses the qualifications and financial resources necessary to use the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory;
5. That the proposed option price is a satisfactory price for use in accordance with the Urban Renewal Plan;
6. That the proposed option for sale complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and
7. That the option for the sale of said Disposition Parcel and conditions established for redevelopment are satisfactory.

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Disposition Parcel and approves said Redeveloper as a qualified and eligible sponsor to purchase and redevelop the parcel. The Council further finds that the notice provisions of Section 507(c)(1) of the General Municipal Law have been met.

Section 2. The Council hereby authorizes a ten year option for the sale of the Disposition Parcel by

the Agency to the Redeveloper for the sum of \$565,000, which amount shall be paid for the option, shall be non-refundable and shall also constitute the sale price for the Disposition Parcel if the option is timely exercised, in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law. Said amount shall fund adjustments for past due payment in lieu of tax payments and Pure Waters charges to the County of Monroe and for past due embellishment and water charges to the City.

Section 3. The Council further approves the assignment of all agreements relating to the St. Joseph's Parking Garage, including the payment in lieu of tax (PILOT) agreement, from Community Initiatives Development Corporation to Tower Rochester LLC.

Section 4. The Council further approves the cancellation of the past due PILOT payments due to the City by the Community Initiatives Development Corporation relating to the Disposition Parcel.

Section 5. The Council further approves the cancellation of the ground lease between the Rochester Urban Renewal Agency and the County of Monroe Industrial Development Agency (COMIDA) for the Disposition Parcel.

Section 6. The Mayor is authorized to enter into such agreements and execute such documents as may be necessary to effectuate the project. Such agreements and documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
February 12, 2008

To the Council:

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

Int. No. 56 - Establishing Maximum Compensation For A Professional Services Agreement For The Hudson Avenue Firehouse Renovation And Expansion Project

Int. No. 57 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance The Cost Of Design And Engineering Services For Repairs And An Addition To The Hudson Avenue Firehouse

Int. No. 58 - Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Training And Information Network

Int. No. 59 - Authorizing An Agreement For Reimbursement For Fire Investigator Overtime

Int. No. 60 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2007-08 Budget

Int. No. 61 - Amending The 2007-08 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 62 - Authorizing Agreements For The School #28 After School Program And Amending The 2007-08 Budget

Int. No. 63 - Establishing Maximum Compensation For An Agreement With Camp Day Dreams And Amending Ordinance No. 2007-426, As Amended

Int. No. 64 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival Celebrating The Work Of Women

Int. No. 73 - Authorizing An Agreement And Appropriating Funds For The Junior Recreation Leader And Biz Kid\$ Programs

Int. No. 77 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$100,000 Bonds Of Said City To Finance The Cost Of New Equipment, Machinery, Apparatus Or Furnishings For The Rochester Police Department

Int. No. 78 - Standardization Of The PODSS@ Camera System Manufactured By RMS Technology Solutions

Int. No. 83 - Establishing Maximum Compensation For An Agreement With Rochester Fatherhood Resource Initiative And Amending The 2007-08 Budget

Int. No 20 - Authorizing An Agreement For The 2008 Twilight Criterium And Amending The 2007-08 Budget

The following entitled legislation is being held in Committee:

Int. No. 74 - Establishing Maximum Compensation For An Agreement For The 2008 Rochester International Jazz Festival

Int. No. 75 - Establishing Maximum Compensation For An Agreement For The 2008 Rochester MusicFest

Int. No. 76 - Establishing Maximum Compensation For An Agreement For A WDKX Anniversary Concert

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
William F. Pritchard

PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-64 and
Ordinance No. 2008-65
Re: Hudson Firehouse Renovation
and Expansion Project

Transmitted herewith for your approval is legislation related to the Hudson Avenue Firehouse Renovation and Expansion Project. This legislation will:

1. Establish \$392,000 as maximum compensation for an agreement with Bergmann Associates, Rochester, for pre-design and engineering services related to the project; and
2. Authorize the issuance of bonds totaling \$250,000 and the appropriation of the proceeds thereof to finance the partial cost of the agreement. The remaining cost of the agreement will be financed from 2007-08 Cash Capital.

The firehouse, built in 1905, is a two-story masonry structure of approximately 11,000 square feet. This project will include both renovations and expansion. Renovations will affect the kitchen, locker rooms, sleeping quarters, lounge and storage areas. The addition will include two apparatus bays for two Quints/ladder trucks and lockers. The renovations and expansion will adhere to LEED (Leadership in Energy and Environmental Design) building standards as certified by the U.S. Green Building Council.

Approval of acquisition of the adjacent property to accommodate the expansion will be requested during design of the project. The cost estimate for the project is \$4,510,000, including fees, testing, acquisition, construction and contingency. This amount has been planned for in the 2008-09 Capital Improvement Program.

Pre-design services shall include developing a scope of work, schedule, and budget; program development; preparation of a facility condition survey and report; and preparation of schematic design options. Engineering services shall include structural engineering; foundation design; civil engineering; landscape design; and mechanical, electrical, plumbing, fire detection and sprinkler system design.

Qualifications and proposals were solicited from 23 area firms. For pre-design services, responses were received from: Bergmann Associates P.C., Clark Patterson Associates, Erdman Anthony & Associates, IBC Engineering P.C., M/E Engineering P.C., Pathfinder Engineers LLP, KCI Engineering of New York, and McMahon Larue Associates P.C. Engineering services proposals were received from: Architectura P.C., Barkstrom & LaCroix

Architects, Bergmann Associates P.C., Chaintreuil-Jensen Stark Architects, Clark Patterson Associates, LaBella Associates P.C., Pardi Partnership Architects P.C., Passero Associates, and Smith Accordo Architects PLLC. Staff ratings of qualifications and proposals resulted in the recommendation of Bergmann Associates for both project phases.

It is anticipated that the design will commence in the spring of 2008, and will be completed in time for construction to begin in summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-26

Ordinance No. 2008-64
(Int. No. 56)

Establishing Maximum Compensation For A Professional Services Agreement For The Hudson Avenue Firehouse Renovation And Expansion Project

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

Section 1. The sum of \$392,000, 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 pre-design and engineering services related to program development, condition survey and reporting, and schematic design for the Hudson Avenue Firehouse Renovation and Expansion Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$142,000 shall be funded from the 2007-08 Cash Capital allocation and \$250,000 shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-65
(Int. No. 57)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance The Cost Of Design And Engineering Services For Repairs And An Addition To The Hudson Avenue Firehouse

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of design and engineering services for repairs and an addition to the Hudson Avenue Firehouse at 704 Hudson Avenue in the City, including repairs to the

kitchen, locker rooms, sleeping quarters, lounge areas and equipment storage, and the addition of two new apparatus bays (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$392,000. The plan of financing includes the issuance of \$250,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$142,000 in current funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-66
Re: ETIN - Educational Training
Information Network

Transmitted herewith for your approval is legislation establishing \$76,400 as maximum compensation for an agreement with Triveni Digital for continuation of services related to the enhancement and software system support needed for the Emergency Training and Information Network (ETIN). The cost of the first two years of this agreement will be funded from the 2007-08 (\$47,400) operating budget of the Rochester Fire Department with the third year of the agreement funded from the future 2008-09 operating budget of the Fire Department (\$29,000). The term of this agreement is three years, beginning April 1, 2007, with the option of two one-year renewals.

The original agreement for ETIN services was authorized by Council in July, 2005.

This agreement will cover all ETIN units in operation as well as support of the Skyscraper Platform for ETIN. SkyScraper is a software package from Triveni that converts data into a signal that can be transmitted for digital television, satellite, broadband and WiMAX broadcast. SkyScraper provides a secure and reliable data path to deliver training and operational and emergency alert information to targeted first responder sites.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-66
(Int. No. 58)

Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Training And Information Network

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

Section 1. The sum of \$76,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Triveni Digital Inc. for continued support services for the Emergency Training and Information Network for a term of three years. Said amount shall be funded from the 2007-08 and subsequent Budgets of the Rochester Fire Department, contingent upon the adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-67
Re: Agreement - Bureau of Alcohol,
Tobacco, Firearms and Explosives -
Fire Department Reimbursement

Transmitted herewith for your approval is legislation authorizing an agreement with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives to establish a procedure for the reimbursement of overtime salary and other costs, with prior ATF approval, incurred by the Fire Department during joint law enforcement operations. These reimbursements are typically less than \$10,000 per year.

The agreement will become effective when all parties have signed it and will terminate on September 30, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-67
(Int. No. 59)

Ordinance No. 2008-68
(Int. No. 60)

Authorizing An Agreement For Reimbursement For Fire Investigator Overtime

BE IT 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 Bureau of Alcohol, Tobacco, Firearms and Explosives for funding for overtime incurred by Fire Investigators assisting the Bureau through September 30, 2010.

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. 2008-68
Re: Agreement - NYS Governor's
Traffic Safety Committee -
Selective Traffic Enforcement
Program

Transmitted herewith for your approval is legislation authorizing an application and agreement with the Governor's Traffic Safety Committee for funding in the amount of \$20,726 under the Selective Traffic Enforcement Program (STEP) for the period October 1, 2007 to September 30, 2008 and amending the 2007-08 Budget of the Police Department to reflect receipt and use of \$9,600 of these funds. The remaining \$11,126 will be included in the 2008-09 Budget.

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. GTSC will reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents. Enforcement strategies include the use of Laser RADAR speed detection and saturation patrol with marked and unmarked police vehicles. During the previous funding period, 587 citations were issued to motorists for infractions related to unsafe or aggressive driving. This is the sixth year of GTSC funding to the City under this program. A grant for the STEP program was most recently approved in January 2007 for the period October 1, 2006 through September 30, 2007. No match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2007-08 Budget

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

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

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$9,600, 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. 2008-69
Re: Appropriation of Forfeiture Funds
for Accident Investigation Technology
and Amending the 2007-08 Budget

Transmitted herewith for your approval is legislation authorizing appropriation of \$25,000 in funds realized by forfeiture of property used for illegal purposes and amending the 2007-08 Budget by the inclusion of this appropriation.

These funds will be used to purchase technology that will allow computer-enhanced crime scene diagramming and accident reconstruction. It will also provide training in the use of this technology for members of the Police Department's Technician Unit.

The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (March 1994) Section V. A.

The balance available in the Rochester Police Department's forfeiture fund after this transaction is \$121,210, which includes revenues for the period ending January 23, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-69
(Int. No. 61)

Robert J. Duffy
Mayor

Amending The 2007-08 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Ordinance No. 2008-70
(Int. No. 62)

Authorizing Agreements For The School #28 After School Program And Amending The 2007-08 Budget

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. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$25,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the purchase of special accident investigation hardware, software and training for members of the Technician's Unit.

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for the after school programming at School #28.

Section 2. This ordinance shall take effect immediately.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Julie Christensen for services for the after school programming at School #28.

Passed unanimously.

Section 3. The amendatory agreement shall obligate the City to pay an amount not to exceed \$18,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

TO THE COUNCIL
Ladies and Gentlemen:

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

Ordinance No. 2008-70
Re: RASA I - Rochester Area Community Foundation Grant

Section 5. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$40,000, which amount is hereby appropriated from grant funds to be received from the Rochester Area Community Foundation to fund after school programming at School #28.

Transmitted herewith for your approval is legislation related to the Rochester After School Academy provided at Henry Hudson School #28. This legislation will:

1. Authorize an amendatory agreement with Julie Christensen as Program Manager. The original agreement, authorized by Ordinance No. 2007-440, established \$13,500 as maximum compensation. This amendment will authorize an additional \$18,000, bringing the total to \$31,500, and extending the contract to cover March 1, 2008 through June 30, 2008.
2. Authorize an agreement with the Rochester Area Community Foundation for receipt and use of a grant for \$40,000.
3. Amend the 2007-08 Budget of the Department of Recreation and Youth Services to reflect this grant.

Section 6. This ordinance shall take effect immediately.

The cost of the amendatory agreement will be funded from the grant proceeds. The remainder of the grant will be used to support the operation and activities for 100 students at the after school program at School #28 from March 3, 2008 to June 30, 2008.

Passed unanimously.

During the 2006-07 school year, a total of 99 children participated - 40 boys and 59 girls. Of those, there were 58 African Americans, 28 Hispanics, 6 Caucasians, and 7 others.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-71
Re: Camp Day Dreams

Respectfully submitted,

Transmitted herewith for your approval is legislation authorizing \$5,000 as maximum compensation for an agreement with Camp Day Dreams (John McIntyre, Director), with business offices at 205 Grosvenor Road, 14610 to provide summer camp experience for five inner-city youth ages 7-15. This agreement will be funded from the 2007-08 Budget of the Mayor's Office/ Pathways (\$2,000) and the Pathways to Peace Trust Fund (\$3,000). The Trust Fund was established to accept donations from the public for Pathways activities.

These funds will support youth in a six-day stay at a residential summer camp in the Adirondacks

(Camp Chateaugay). This camp is an education based residential summer camp and year-round support camp for children ages 7-17. The agreement will also fund school year reunions of campers to be held locally.

When youth reach 15 years old, they are enrolled in a three year leadership program with year round activities and responsibilities. The program assists young people in their overall development. The goal is to challenge and empower youth to serve themselves, family, and community as vibrant individuals and dynamic citizens.

While the cost of this agreement does not technically meet the \$10,000 threshold for Council approval, it should be noted that Camp Day Dreams had another contract this fiscal year for \$10,000 for similar services. That contract was completed last summer.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-71
(Int. No. 63, As Amended)

Establishing Maximum Compensation For An Agreement With Camp Day Dreams And Amending Ordinance No. 2007-426

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Camp Day Dreams for a summer camp program for City youth at Camp Chateaugay in the Adirondack Mountains, and school year reunions. Of said amount, \$3,000 is hereby appropriated from the Pathways to Peace Trust Fund and \$2,000 shall be funded from the 2007-08 Budget of the Mayor's Office.

Section 2. Ordinance No. 2007-426, relating to agreements for the Youth Violence Strike Force, is hereby amended by deleting the authorization for an agreement with Tony Alvarez, as set forth in Section 2 thereof, and by inserting in its place authorization for an agreement with Todd Wingate.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-72
Re: Agreement - Picture Fest,
International - Rochester/High
Falls Film Festival

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Picture Fest, International, d/b/a High Falls Film Festival, 45 East Avenue to support the Rochester/High Falls Film Festival. The cost of the agreement will be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

The High Falls Film Festival is a six-day event to be held April 30 - May 5, 2008, and showcases the exceptional work of women in all areas of film and video throughout the world. The festival will include over 80 films including full-length, shorts, and documentaries.

Last year over 7,000 film enthusiasts attended the festival from throughout the country. A critical aspect of the festival is to encourage emerging works. Other specialty areas are Children's Programming, Foreign Language Films and Digital Technology.

A similar agreement, paid for entirely with City funds, was authorized by City Council Ordinance in September 2006 for a maximum amount of \$25,000.

In December 2007, Council authorized the City to act as a pass through agency for a New York State grant of \$25,000 to be used in support of the Rochester/High Falls Film Festival.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-72
(Int. No. 64)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival Celebrating The Work Of Women

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Picture Fest, International, for the 2008 Rochester/High Falls International Film Festival, showcasing and celebrating the exceptional work of women in film and video. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-73
Re: CDBG - Jr. Recreation Leader and Biz
Kid\$ - Coordinated Care Services, Inc.

Transmitted herewith for your approval is legislation establishing \$13,900 as maximum compensation for an agreement with Coordinated Care Services, Inc. to provide a coordinator for the Jr. Recreation Leader and Biz Kid\$ programs. The cost of this agreement will be funded from the General Community Needs allocation of the 2006-07 Community Development Block Grant.

The coordinator will have responsibility for the overall operation and logistics of both programs.

Since 2001, the Jr. Recreation Leader program has provided job readiness training and a six-month internship with the Bureau of Recreation to 15 City youth, ages 14 and 15. Since 1999, the Biz Kid\$ program has provided an opportunity for City youth to participate in an entrepreneurial program which teaches basic business skills, encourages youth enterprise and provides business start-up grants for graduates.

Funding for Jr. Recreation was previously approved by City Council through Ordinance No. 2007-15 and funding for Biz Kid\$ was previously approved by City Council through Ordinance No. 2007-124.

The term of the agreement is from July 1, 2008 through June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-27

Ordinance No. 2008-73
(Int. No. 73)

Authorizing An Agreement And Appropriating Funds For The Junior Recreation Leader And Biz Kid\$ Programs

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Coordinated Care Services, Inc. to provide a coordinator for the Junior Recreation Leader and Biz Kid\$ Programs.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$13,900, and said amount, or so much as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-74 and
Ordinance No. 2008-75
Re: Overt Video Surveillance Project

Transmitted herewith for your approval is legislation related to the Overt Video Surveillance Project. This legislation will:

1. Authorize the issuance of \$100,000 in bonds and appropriating the proceeds thereof to fund improvements for a Command Center in the City Public Safety Building. Funding in this amount was included in 2003-04 Debt Authorization Plan, in the category of Security Improvements.
2. Authorize the standardization, for purchasing purposes, of the camera system, which is the PODSS system manufactured by RMS Technology Solutions.

During 2007-08, the City anticipates spending over \$2 million in Cash Capital and grant funds on the Overt Video Surveillance Project, including \$1.5 million for the radio infrastructure and the initial 25 cameras for the surveillance system.

The requested debt funding will be used for improvements at the Public Safety Building Command Center, including new workstations, equipment, and apparatus to allow central monitoring of the video images received from remote cameras located throughout the city.

Standardization of the camera system, i.e., limiting purchases to the RMS Technology Solutions cameras, will enhance efficiency, economy and performance. The surveillance camera system has been manufactured by RMS Technology Solutions specifically to meet the needs of the City and has been approved by the Police and Information Technology Departments after an intensive review of technical requirements and systems in use in other cities. The cameras are integral to the overall surveillance system.

The camera components are field-proven and highly reliable. This equipment also integrates with RMS' ALERTSS (Advanced Law Enforcement Real Time Surveillance Suite) software system for automatic camera control in the event of a sensor detection, with the following capabilities:

- Integration of PODSS cameras, and the Genetec video management system.
- Integration of sensors such as gun shot detection, license plate recognition and 911 dispatch calls into unified alert and monitoring system.
- Immediate notification of any sensor detection to any user on the ALERTSS network.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2008-74
(Int. No. 77)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$100,000 Bonds Of Said City To Finance The Cost Of New Equipment, Machinery, Apparatus Or Furnishings For 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 new equipment, machinery, apparatus or furnishings for a Command Center for the Rochester Police Department, located in the City Public Safety Building at 185 Exchange Boulevard in the City of Rochester, including, but not limited to, new workstations, equipment and apparatus to allow central monitoring of video images received from the video surveillance system to be installed throughout 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 \$100,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$100,000 bonds of the City to finance said appropriation, 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 \$100,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.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.

Ordinance No. 2008-75
(Int. No. 78)

Standardization Of The PODSS® Camera System Manufactured By RMS Technology Solutions

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

Section 1. Based on a transmittal submitted by the Mayor, and information collected by the Rochester Police Department and the Information Technology Department, the Council finds the PODSS® camera system manufactured by RMS Technology Solutions contains the following advantages over other video surveillance cameras for deployment in high crime areas:

- 1) The PODSS® camera system is:
 - a. the only overt surveillance system on the market today that has been in the field for four years or more and has shown exceptional reliability in environments similar to Rochester.
 - b. the only overt surveillance system that is deployed in four of the twenty largest cities in the United States.
- 2) The PODSS® camera system has the following capabilities:
 - a. Polycarbonate laminate enclosure with optional UL Level 1 bullet resistance.
 - b. Field proven components that have functioned with high reliability. These components include:
 - i. Pan, Tilt, Zoom Camera
 - ii. Internal digital video recorder
 - iii. Video encoder
 - iv. Uninterrupted power supply
 - c. Ability to integrate with RMS' ALERTSS system for automatic camera control in the event of a sensor detection.
 - d. A sophisticated video network technology which includes the use of wireless point-to-point, point-to-multi-point and mesh technologies. This system has been used in the largest deployment of its size in the United States, over 200 square miles in the City of Chicago.
 - e. The ALERTSS (Advanced Law Enforcement Real Time Surveillance Suite) which is a proprietary software application developed by RMS Technology Solutions which provides the following capabilities:
 - i. Integration of PODSS® cameras, and the Genetec video management system.

- ii. Integration of sensors such as gun shot detection, license plate recognition and 911 dispatch calls into unified alert and monitoring system.
- iii. Immediate notification of any sensor detection to any user on the ALERTSS network.

Section 2. For reasons of efficiency, economy and performance, the Council hereby standardizes upon and directs the purchase of the PODSS® camera system manufactured by RMS Technology Solutions in all purchases of video surveillance cameras for deployment in high crime areas.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-76
Re: Rochester Fatherhood Resource Initiative

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with the Rochester Fatherhood Resource Initiative, 775 S. Plymouth Avenue, for continuing services for fathers and families; and amending the 2007-08 Budget by transferring \$25,000 from Contingency to the Department of Recreation and Youth Services to fund the agreement.

The Rochester Fatherhood Resource Initiative provides support services to fathers and their families through programs such as the Fathers Group which provides court advocacy and employment assistance, and the Rites of Passage program for youth mentoring. A computer lab supported by Time Warner is also available for community residents. The bulk of these efforts are supported entirely by the agency through the work of volunteers and other in-kind support.

However, circumstances have created a financial crisis for the agency, necessitating this one-time emergency grant to enable these services to be continued.

The agency is currently seeking ways to reduce overhead costs, which includes relocating to a less costly facility. Anticipated funding from additional grants will support their anticipated ongoing administrative and overhead costs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-76
(Int. No. 83)

Establishing Maximum Compensation For An Agreement With Rochester Fatherhood

Resource Initiative And Amending The 2007-08 Budget

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Fatherhood Resource Initiative for continuing operation as a support entity for fathers and families. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency Account to the Department of Recreation and Youth Services to fund this agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 20 was introduced January 15, 2008, and appears in its original form with its transmittal letter on page 40 of the current Council Proceedings.

Ordinance No. 2008-77
(Int. No. 20)

Authorizing An Agreement For The 2008 Twilight Criterium And Amending The 2007-08 Budget

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 74 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren -8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-78,
Introductory No. 75 and
Introductory No. 76

Re: Agreements - Rochester International Jazz Festival, MusicFest, WDKX

Transmitted herewith for your approval is legislation related to funding of three music festival events for 2008. This legislation will:

1. Establish \$250,000 as maximum compensation for an agreement with Rochester International Jazz Festival, LLC (RIJF) to designate the City of Rochester as the lead government sponsor of the 2008 Rochester International Jazz Festival;
2. Establish \$175,000 as maximum compensation for an agreement with RIJF to produce a one-day event to be called the Rochester MusicFest. As part of this agreement, RIJF will subcontract with WDKX, for an amount not to exceed \$25,000, to provide emcee and radio promotion services related to the MusicFest; and
3. Establish \$25,000 as maximum compensation for an agreement with Monroe County Broadcasting Co., LTD/ WDKX (principal, Andre Langston) to support the inclusion of young local talent in the WDKX anniversary concert to be held in the summer of 2008.

The cost of these agreements, a total of \$450,000, will be funded from the 2007-08 (\$440,000) and 2008-09 (\$10,000) Budgets of the Department of Recreation and Youth Services.

Rochester International Jazz Festival

The RIJF has quickly become one of the nation's most popular and most respected music festivals. Founded in 2002, attendance has grown each year, attracting music lovers from around the U.S. and the world. In 2002, attendance for the festival was 15,000. In 2007, attendance was over 120,000.

RIJF consistently delivers a multi-dimensional festival with something for everyone. From legendary performers and familiar favorites to rising stars and new discoveries, the festival navigates all genres of creative improvised music from all corners of the world.

The 2008 festival will be held June 13-21 and will include over 250 shows, including at least 35 free events, at 18 venues in and near the East End Cultural District.

Rochester MusicFest

The MusicFest will be held on June 22, 2008 at a site to be determined. This event has been an anchor of Rochester's summer festival season since 1995. Rochester MusicFest is one of the most popular urban musical events in the northeast and attracts 25% of its audience from out of town tourists. RIJF has clearly demonstrated their ability to organize successful music events. They will produce the event, including promotion, site selection, and booking of talent.

WDKX Anniversary Concert

Radio station WDKX has demonstrated an ability to reach young local audiences through their annual anniversary celebration; this agreement will help support the promotion of emerging talent.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-28

Ordinance No. 2008-78
(Int. No. 74)

**Establishing Maximum Compensation For
An Agreement For The 2008 Rochester Interna-
tional Jazz Festival**

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

Section 1. The sum of \$250,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for an agreement
between the City and the Rochester International
Jazz Festival, LLC (RIJF) for the 2008 Rochester
International Jazz Festival. Said amount shall be
funded from the 2007-08 Budget of the Department
of Recreation and Youth Services.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

Introductory No. 75

**ESTABLISHING MAXIMUM COMPEN-
SATION FOR AN AGREEMENT FOR THE
2008 ROCHESTER MUSICFEST**

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

Section 1. The sum of \$175,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for an agreement
between the City and the Rochester International
Jazz Festival, LLC (RIJF) for the 2008 Rochester
MusicFest. Said amount shall be funded from the
2007-08 Budget of the Department of Recreation
and Youth Services.

Section 2. This ordinance shall take effect im-
mediately.

Held in Committee.

Introductory No. 76

**ESTABLISHING MAXIMUM COMPEN-
SATION FOR AN AGREEMENT FOR A
WDKX ANNIVERSARY CONCERT**

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 agreement
between the City and Monroe County Broadcasting
Co., LTD for a WDKX anniversary concert. Of
said amount, \$15,000 shall be funded from the
2007-08 Budget of the Department of Recreation

and Youth Services and \$10,000 shall be funded
from the 2008-09 Budget of the Department of
Recreation and Youth Services, contingent upon
adoption of said budget.

Section 2. This ordinance shall take effect im-
mediately.

Held in Committee.

The meeting was adjourned at 8:45 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
MARCH 18, 2008**

Present - President Santiago, Councilmembers
Conklin, Lightfoot, McFadden, Miller, Palumbo,
Pritchard, Spaul, Warren - 9.

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:
Economic Development
Eric A. Rudin
Library
*Mary Lee Wilk

NET
*Kathleen A. Yankowski
Fire Department
*John S. Stoll
Police Department
Gregory A. MacCracken
*Thomas J. Rutherford

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Regular
Meeting of February 12, 2008 be approved as
published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFI-
CERS AND OTHERS.

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

The Mayor submits the following:

Administrative Cancellation or Refund of
Erroneous Taxes and Charges 3917-7
Public Disclosure - HOME Participation
3918-7

Public Disclosure - Board Member 3919-7
Quarterly Reports - 3920-7
Schedule of General Liability Claims
Schedule of Workers Compensation
Claims
Notice of Environmental Determination
3921-7

PRESENTATION AND REFERENCE OF PETI-
TIONS AND REMONSTRANCES.

Mt. Hope Moratorium (324 signatures) Petition
No. 1629.

RECEIVED AND FILED.

PUBLIC HEARINGS.

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

Authorizing An Amendatory 2003-04 Commu-
nity Development Program Plan To Provide A
Loan For The Rochester Housing Development
Fund Corporation And Amending Ordinance No.
2003-338 Int. No. 94 No speakers.

Establishing A Moratorium On Building Per-
mits And Certificates Of Zoning Compliance For
Mt. Hope Avenue Between Elmwood Avenue And
Raleigh Street Int. No. 95 13 speakers:
Alan Knauf, Helen Hogan, Melanie Warren, Dan
Erly, Joseph Walters, Mike Fisher, Ron Ellworth,
Charles Korn, Anna Harrington, Greg Walters,
Randall Peacock, Chris Harrington, Be Walters.

Authorizing Amendatory Community Devel-
opment And HOME Program Plans, Transferring
Funds, Amending Ordinances And Authorizing
An Agreement For The Redevelopment Of River
Park Commons Int. No. 96 No speakers.

Adopting The Housing Policy And Amending
Chapter 130 Of The Municipal Code, Comprehen-
sive Plan Int. No. 97 5 speakers: Charlie
Richardson, Joan Roby-Davison, William Gerling,
David Ahl, Rebecca Rowe.

Approving Changes In The Pavement Width Of
Rau Street Int. No. 101 No speakers.

Amending The Official Map By Dedicating
Parcels To Street Purposes And Adding Said Par-
cels To Rau Street And The Corners Of Seneca
Avenue And Rau Street And Seneca Avenue And
Reliance Street Int. No. 102 No speakers.

Approving The Brooks Avenue Improvement
Project Between Genesee Park Boulevard And
The West City Line And Changes In The Pavement
Width Of Brooks Avenue Int. No. 117
No speakers.

Local Improvement Ordinance - Snow Removal
At The Public Market Int. No. 111 No speak-
ers.

Local Improvement Ordinance - Security At
The Public Market Int. No. 112 No speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Conklin
March 18, 2008

To the Council:

The Finance Committee recommends for adoption
the following entitled legislation:

Int. No. 85 - Establishing Maximum Compensa-
tion For A Professional Services Agreement For
Information Technology Advisory Services

Int. No. 86 - Amending The 2007-08 Budget
For Wages And Benefits And Cash Capital And
Amending Ordinance No. 2008-46. As Amended

Int. No. 116 - Establishing Maximum Compensa-
tion For A Professional Services Agreement For
The Monitoring Center For The Video Surveil-
lance Camera System

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-79
Re: Agreement - Gartner, Inc.
Information Technology Services

Transmitted herewith for your approval is legisla-
tion establishing \$25,500 as maximum compensa-
tion for an agreement with Gartner, Inc. of Con-
necticut for information technology research and
advisory services. The cost of this agreement will
be funded from the 2007-08 Budget of the Infor-
mation Technology Department.

Gartner, Inc. is a leading independent information
technology (IT) research firm which provides
research and advice on vendors, product technol-
ogy, and best practices used in the field and in
governmental agencies. Gartner's expertise will
assist ITD in evolving its general strategy, making
recommendations on vendor selection, and the
implementation of related best practices within
ITD and other City departments. Gartner's serv-
ices have been used during the last year to assist
with the selection of appropriate vendors to two
key projects: Lagan Technologies for 311 and
RMS Technology Solutions for the Video Surveil-
lance Camera project.

The proposed agreement is for a term of one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-79
(Int. No. 85)

Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Advisory Services

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

Section 1. The sum of \$25,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Gartner, Inc. for information technology research and advisory services. Said amount shall be funded from the 2007-08 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-80
Re: Budget Amendments - AFSCME
Part-Time Wage Settlement and
Cash Capital

Transmitted herewith for your approval is legislation relating to two amendments to the 2007-08 Budget.

AFSCME Part-Time Wage Settlement

The first amendment will transfer \$77,000 from the Contingency Account to various departments, as summarized below, to fund the contract settlement with the newly-formed bargaining unit referred to as AFSCME Local 1635 P which represents part-time employees who have equivalent full-time titles and assignments in the existing AFSCME Local 1635 unit.

| <u>Purpose</u> | <u>Amount</u> |
|-----------------------------|---------------|
| Transfer To | |
| Benefits | |
| Undistributed | \$ 7,000 |
| Salaries and Wages | |
| Administration | 17,000 |
| Community Development | 1,500 |
| Economic Development | 1,000 |
| Emergency Communications | 1,500 |
| Environmental Services | 23,000 |
| Finance | 2,000 |
| Police | 15,000 |
| Recreation & Youth Services | <u>9,000</u> |
| Total | \$77,000 |

The contract with AFSCME Local 1635 P was negotiated and signed in December 2007. It provides for a retroactive wage increase of 2.75% effective July 1, 2007 and a 3.00% wage increase effective July 1, 2008. The final two years of the four-year contract will include similar wage increases as those that will be negotiated for the full-time AFSCME unit.

Cash Capital 2007-08

The 2007-08 Cash Capital Account will be amended to:

1. Increase expense and revenue by \$25,000 to reflect the use of funds and their subsequent reimbursement by Monroe Community College for their share of expenses related to the remediation of lead paint and asbestos from the Fire Department Apparatus Repair Garage located at the Public Safety Training Facility on Scottsville Road. The total cost of remediation to the City excluding the College's share was approximately \$83,000. The funds will be used for future remediation of hazardous materials.
2. Appropriate \$110,000 of the Cemetery Fund balance for transfer to Cash Capital for the purchase and installation of a replacement re-tort at the Mount Hope Crematory. This replacement is expected to provide for more effective operation of the crematory and an additional \$114,000 in annual revenue generated to the Cemetery.
3. Appropriate \$2,100,000 of the Refuse Fund balance for transfer to Cash Capital to finance the early purchase of ten rear-load refuse packers. This purchase was originally planned for 2008-09. However, an early purchase will mitigate problems in obtaining replacement parts for the current fleet of Freightliners, and will take advantage of a reduced cost.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-80
(Int. No. 86, As Amended)

Amending The 2007-08 Budget For Wages And Benefits And Cash Capital And Amending Ordinance No. 2008-46

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

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$77,000 from the Contingency Allocation to the following allocations, to fund wages and benefits for part time employees:

| <u>Transfer To</u> | <u>Amount</u> |
|-----------------------------|---------------|
| Undistributed | \$ 7,000 |
| Administration | 17,000 |
| Community Development | 1,500 |
| Economic Development | 1,000 |
| Emergency Communications | 1,500 |
| Environmental Services | 23,000 |
| Finance | 2,000 |
| Police | 15,000 |
| Recreation & Youth Services | <u>9,000</u> |
| Total | \$77,000 |

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$25,000, which amount is hereby appropriated from anticipated reimbursements from Monroe Community College to fund remediation of hazardous materials.

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$110,000, which amount is hereby appropriated from the Cemetery Fund for the purchase and installation of a replacement retort at the Mount Hope Crematory.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$2,100,000, which amount is hereby appropriated from the Refuse Fund for the purchase of refuse packers.

Section 5. Ordinance No. 2008-46, relating to disclosure requirements for income tax preparers who offer income tax refund anticipation loans, is hereby amended by extending the effective date for a period of 90 days from March 14, 2008 for any income tax preparer that makes application to the City Clerk for an extension in order to allow for additional time to comply with the new requirements.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2008-81
Re: Surveillance Camera System
Monitoring Equipment

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with Seibold Security, Rochester, for equipment and services related to the surveillance camera system. This agreement will be funded from Bond Ord. No. 2008-74 (\$100,000) and the 2006-07 Cash Capital allocation for the Police Department (\$150,000).

This agreement includes the purchase, installation, and maintenance of monitoring consoles, video displays, video management software and other items as necessary to provision the command and control monitoring center for the surveillance camera system. To provide optimum effectiveness, the system requires real-time monitoring in order to respond appropriately to, i.e., triage, criminal incidents and dangerous events. This enables appropriate dispatch of public safety and

municipal resources to provide service to the community. Real-time monitoring also provides necessary information for managing crises and/or natural disaster emergencies.

A Request for Proposal was sent to 20 firms nationally, and was posted on the City's web site. Eight firms responding were: IPVideo Corporation, Integrated Systems, Cell Plan, Technet Global and RMS Technology Solutions, Inc., Johnson Controls, Sound & Optics Systems, Total Recall Corporation, and Seibold Security.

Seibold Security was selected based on its satisfaction of the RFP criteria. Seibold has provided similar service to major institutions including the Metropolitan Museum of Art, the National Gallery of Art, the Colonial Williamsburg Foundation, the University of Tennessee, and the University of Rochester.

Installation is anticipated to begin in April and is expected to be complete within one week.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-81
(Int. No. 116)

Establishing Maximum Compensation For A Professional Services Agreement For The Monitoring Center For The Video Surveillance Camera System

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

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Seibold Security for the purchase, installation and maintenance of monitoring center equipment for the video surveillance camera system. Of said amount, \$150,000 shall be funded from the 2006-07 Cash Capital allocation and \$100,000 shall be funded from Bond Ordinance No. 2008-74.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
March 18, 2008

To the Council:

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

Int. No. 87 - Authorizing The Sale Of Real Estate

Int. No. 88 - Appropriating Funds And Authorizing Agreements For Housing Development Subsidies

Int. No. 89 - Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services

Int. No. 90 - Appropriating Funds And Authorizing Agreements For The 2007 Lead-Based Paint Hazard Control Grant Program

Int. No. 91 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinance No. 2006-40

Int. No. 92 - Authorizing Agreements For The NET Electronic Document Management System And Amending The 2007-08 Budget

Int. No. 93 - Amending Chapter 90 Of The Municipal Code, Property Conservation Code, And Amending Ordinance No. 2008-26, As Amended

Int. No. 114 - Resolution Endorsing A Grant Application For The New York Main Street Program

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

Int. No. 94 - Authorizing An Amendatory 2003-04 Community Development Program Plan To Provide A Loan For The Rochester Housing Development Fund Corporation And Amending Ordinance No. 2003-338

Int. No. 96 - Authorizing Amendatory Community Development And HOME Program Plans, Transferring Funds, Amending Ordinances And Authorizing An Agreement For The Redevelopment Of River Park Commons

Int. No. 97 - Adopting The Housing Policy And Amending Chapter 130 Of The Municipal Code, Comprehensive Plan

The following entitled legislation is being held in Committee:

Int. No. 95 - Establishing A Moratorium On Building Permits And Certificates Of Zoning Compliance For Mt. Hope Avenue Between Elmwood Avenue And Raleigh Street

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
Gladys Santiago (Did not vote on Int. Nos. 87 through 94)
William F. Pritchard (Did not vote on Int. Nos. 87 through 94)
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-82
Re: Sale of Real Estate

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

The first three properties were sold at the August 2007 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

The next property is being sold to the Rochester Housing Development Fund Corporation for its appraised value. The property will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester Metropolitan Statistical Area.

The first year projected tax revenue for these four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,448.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-29

Ordinance No. 2008-82
(Int. No. 87)

Authorizing The Sale Of Real Estate

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

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

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> | <u>Legal</u> <u>Use</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---------------------------|--|--------------|
| 77 Kosciusko St 091.73-1-27 | 30x115 | 1 Family Matthew Wood | \$ 2,100 |
| 48 Rugby Ave 120.57-2-3 | 43x135 | 1 Family Matthew Wood | 32,000 |
| 589 Seward St 120.84-1-61 | 34x121 | 1 Family Matthew Wood | 7,100 |

Section 2. The Council hereby approves the negotiated sale of the following parcel of improved property:

Address: 148 Gardiner Ave
S.B.L.#: 120.56-1-3
Lot size: 45x128
Price: \$4,000
Purchaser: *Rochester Housing Development Fund Corp.

*Officers: Jean A. Lowe, President; R. Scott Schmid, Vice President

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-83
Re: Home Rochester Program

Transmitted herewith for your approval is legislation authorizing agreements with the Rochester Housing Development Fund Corporation, 183 East Main Street, and with organizations that have been designated and certified as Community Housing Development Organizations (CHDO); and appropriating \$587,000 for development subsidies from the Home Rochester allocation of the 2007 HOME Program and appropriating \$500 from the Community Housing Development Organization allocation of the 2005 HOME 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 appropriations will provide subsidies averaging \$20,000 for the acquisition and rehabilitation of approximately thirty vacant structures by participating developers.

Participating developers include the Urban League of Rochester Economic Development Corporation, Housing Opportunities, Inc., and qualified CHDOs which include: Marketview Heights Association, NCS Community Development Corporation, Group 14621, North East Area Development, Isla Housing and Development Corporation, South Wedge Planning Committee, and the Ibero-American Development Corporation.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post- purchase home-buyer training classes and to reside in the properties for a minimum of 10 years.

The most recent appropriation of funds for development subsidies for the Home Rochester Program was approved in June 2006. The most recent appropriation of funds for development subsidies for CHDOs was approved in July 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-30

Ordinance No. 2008-83
(Int. No. 88)

Appropriating Funds And Authorizing Agreements For Housing Development Subsidies

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

Section 1. There is hereby appropriated from 2007 HOME Program funds the sum of \$587,000, and from 2005 HOME Program funds the sum of \$500, or so much thereof as may be necessary, to fund housing development subsidies through the Home Rochester Program by designated Community Housing Development Organizations (CHDOs) and the Rochester Housing Development Fund Corporation.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDOs and the Rochester Housing Development Fund Corporation for use of these funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-84
Re: Agreement - Bruckner, Tillett, Rossi, Cahill and Associates - Appraisal Services and Market Study

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for an agreement with Bruckner, Tillett, Rossi, Cahill and Associates for appraisal services related to the redevelopment of City-owned property at 1170 Genesee Street, currently the site of the Valley Court Apartment complex. The cost of

the agreement will be funded from the Property Management Account.

The size, 4.1 acres, and location on the Genesee River make this site a good candidate for redevelopment as market-rate housing through the City-Scape Program. This redevelopment would include a combination of both new construction and demolition or renovation of selected structures on the site.

Previous legislation related to the redevelopment of 1170 Genesee Street include Ordinance No. 2005-315, which funded an engineering and design study with Barkstrom & LaCroix Architects for \$9,000, Ordinance No. 2003-81 which authorized the acquisition of two adjacent properties at 63 and 69 Oak Hill View, and Ordinance No. 2007-175 which funded an agreement with Bero Architecture, P.C. for design services for \$25,600.

The appraisal firm's services will include an estimation of the value of the development site and the preparation of a market study to determine feasibility of developing the site with various types of market-rate housing units.

While the cost of this current agreement is less than the \$10,000 threshold required for Council approval, this firm has two additional contracts for similar services totaling \$32,500.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-84
(Int. No. 89)

Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services for the Valley Court Apartment Complex. Said amount is hereby appropriated from the Property Management Account.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-85
Re: 2007 Lead-Based Paint Hazard
Control Program

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. De-

partment of Housing and Urban Development for the receipt and use of a grant in the amount of \$1,606,710 for the Lead-Based Paint Hazard Control Program. This legislation will also establish maximum compensation for agreements, as follows, for implementation of the program:

1. \$16,500 for an agreement with Environmental Education Associates for Lead-Safe Work Practices training;
2. \$79,875 for an agreement with Environmental Education Associates for contractor training;
3. \$50,000 for an agreement with The Housing Council for professional services;
4. \$90,000, total, for agreements with the following lead hazard evaluation firms: Proway Management, Lew Corporation, Environmental Testing & Consulting, and Envoy Environmental Consultants.

All of these agreements will be funded from the grant.

The HUD award will support the City's Lead Hazard Control Program by providing funding to eligible owners of privately held owner-occupied and rental property. Up to \$24,000 of assistance per unit is available for lead hazard control for such work items as: window and door replacement; porch repair and/or replacement; painting; siding; roof repair; bare soil treatment; and minor rehabilitation. Duct cleaning is a mandatory work item included for each project. A requirement of the grant is that the City will produce 100 units of lead-safe housing over a three-year period, concluding on December 31, 2010.

A Request for Proposal was distributed to 46 area firms to obtain estimates for related services, including: lead-based paint risk assessments; child blood testing; lead-safe work practices training; and contractor training. Twelve responses were received; evaluations of proposal completeness and satisfaction of the service criteria resulted in the selection of the providers listed above.

Agreements will be for one year, expected to begin on April 1, 2008. A performance evaluation will be conducted at the conclusion of each agreement to determine if services are to be continued.

Work Practices Training. The program requires that participating property owners complete a HUD-approved lead-safe work practices training course. Courses will be offered monthly throughout the term of the program. Environmental Education Associates (EEA), the only firm responding to this aspect of the RFP, is an EPA-accredited firm with experience and ability to adequately service the program. EEA is currently under contract through the City's 2003 Lead Hazard Control Grant Program for this activity and is performing satisfactorily.

Contractor Training. Training is offered to local construction firms to enable the certification of work crews to undertake lead hazard abatement projects. EEA, again, was the sole responding firm. EEA was formerly under contract through the City's 2003 Program for these services and performed satisfactorily. The program goal is to certify 75 abatement workers and 25 abatement supervisors.

Housing Council. The Housing Council will recruit landlords for the program, providing related customer service, including: fielding phone calls, mailing applications, collecting documentation, and providing any necessary technical assistance. Staff will also provide public presentations and attend City-sponsored events to publicize the program. The Housing Council has been under contract with the City since 2004 for these services and has performed satisfactorily.

Lead Hazard Evaluation. Each unit enrolled in the program is required to complete a combined lead-based paint inspection and risk assessment report. Four firms responded to the RFP for these services; all were deemed appropriate. Each is EPA-certified with significant experience in lead-based paint evaluations. Three of these firms are currently under contract with the City and are performing satisfactorily.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-85
(Int. No. 90)

Appropriating Funds And Authorizing Agreements For The 2007 Lead-Based Paint Hazard Control Grant Program

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

Section 1. The sum of \$1,606,710, or so much thereof as may be necessary, is hereby appropriated from 2007 Lead-Based Paint Hazard Control Grant Program Funds to fund the 2007 Lead-Based Paint Hazard Control Grant Program.

Section 2. The sum of \$16,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Environmental Education Associates for lead-safe work practices training for program participants. Said amount shall be funded from the appropriation made in Section 1.

Section 3. The sum of \$79,875, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Environmental Education Associates for contractor training in lead hazard abatement. Said amount shall be funded from the appropriation made in Section 1.

Section 4. 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 the Housing Council in the Monroe County Area, Inc. for customer services for landlord applicants for the Program. Said amount shall be funded from the appropriation made in Section 1.

Section 5. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the total compensation to be paid for professional services agreements with the following organizations to provide lead-based paint inspections, risk assessments and clearance tests under the Program. Said amount shall be funded from the appropriation made in Section 1.

- (a) Proway Management Corporation.
- (b) Lew Corporation.
- (c) Environmental Testing & Consulting, Inc.
- (d) Envoy Environmental Consultants.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-86
Re: Housing Opportunities for Persons
With AIDS

Transmitted herewith for your approval is legislation related to the 2007-08 Federal Housing Opportunities for Persons With AIDS (HOPWA) Program. This legislation will:

- 1. Establish maximum compensation for agreements with two service providers as follows:

| <u>Organization</u> | <u>Amount</u> | <u>Households Served</u> |
|---|---------------|--------------------------|
| AIDS Rochester, Inc. | \$384,067 | 55 |
| Diocese of Rochester - Catholic Charities | \$221,811 | 92 |

- 2. Amend Ord. No. 2006-40 to reduce the compensation established for Catholic Charities by \$19,028 and re-appropriate that amount to partially fund the above agreement with AIDS Rochester, Inc.; and

- 3. Appropriate \$605,000 in 2007-08 HOPWA funds (included in the 2007-08 Consolidated Community Development Action Plan) to finance the cost of the agreements.

| | |
|-----------------------------|-----------|
| HUD allocation 2007-08 | \$605,000 |
| Unexpended from prior years | + 19,028 |
| Total available | 624,028 |
| Administration | - 18,150 |
| Available for agreements | \$605,878 |

The HOPWA program provides housing assistance services, long-term rent subsidies, and short-term emergency rent and utility assistance, to meet the

housing needs of persons with AIDS and related diseases. Data about the most recent completed program year is attached.

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

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-31

Ordinance No. 2008-86
(Int. No. 91)

Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinance No. 2006-40

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons With AIDS Grant Program:

| <u>Organization</u> | <u>Amount</u> |
|--------------------------|---------------|
| AIDS Rochester, Inc. | \$384,067 |
| Catholic Charities, Inc. | 221,811 |

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$605,878, and of said amount, \$586,850 is hereby appropriated from Housing Opportunities for Persons With AIDS Grant Funds and \$19,028 is reappropriated from funds reduced in Section 4.

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

Section 4. Ordinance No. 2006-40, appropriating funds and authorizing agreements for the Housing Opportunities for Persons With AIDS Grant Program, is hereby amended by reducing the amount authorized and appropriated therein for Catholic Charities, Inc. by the sum of \$19,028, which amount is reappropriated herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-87
Re: NET Electronic Document
Management System

Transmitted herewith for your approval is legislation related to an electronic document management system for the Neighborhood Empowerment Team Bureau. This legislation will:

1. Authorize an agreement with the New York State Education Department for the receipt and use of a Local Government Records Management Improvement Fund grant in the amount of \$101,800;
2. Amend the 2007-08 Budget of the Information Technology Department to reflect this grant; and
3. Establish \$42,500 as maximum compensation for an agreement with ExtraDev, Inc., Rochester, NY, to implement an Electronic Document Management System (EDMS) within the NET bureau.

ExtraDev will be responsible for configuration, assisting NET in developing associated policies and procedures, and training NET employees in the use of the new system. City employees from NET and the IT Department will provide ongoing system support following implementation. Remaining grant funds will be used to purchase and deploy servers and software.

In 2005, the Center for Governmental Research conducted an assessment of City records management and recommended that NET reduce reliance on paper records. In 2006, NET acquired 29 pen tablet PC's for use by inspectors to record data into the Building Information System.

CGR also recommended, as Phase II, specific NET processes that would be enhanced by using an EDMS to further eliminate paperwork and associated processing. The above grant is to implement Phase II of CGR's needs assessment.

Several firms were evaluated resulting in ExtraDev being selected based on their expertise, experience and success in providing similar EDMS services to other organizations. During the evaluation, ExtraDev demonstrated that it is uniquely qualified to deliver these services within the City's time constraints.

The term of this agreement will be from March 19, 2008 through June 30, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-87
(Int. No. 92)

Authorizing Agreements For The NET Electronic Document Management System And Amending The 2007-08 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for a Local Government Records Management Improvement Fund Grant for the NET Electronic Document Management System.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Information Technology Department by the sum of \$101,800, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the NET Electronic Document Management System.

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

Section 4. The sum of \$42,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with ExtraDev to implement the NET Electronic Document Management System. Said amount shall be funded from the 2007-08 Budget of the Information Technology Department.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-88
Re: Amendment - Municipal Code,
Chapter 90 - Property
Conservation Code

Transmitted herewith for your approval is legislation amending Chapter 90 of the Municipal Code, the Property Conservation Code, required by revisions to the New York State Fire Code and Property Maintenance Code.

Under New York State law, the City is mandated to conform its Fire Prevention and Property Conservation Codes to the corresponding State Codes. Amendments to fire safety and egress requirements in the Municipal Code will bring them into compliance with the State Codes. Property maintenance provisions relating to stairs are being deleted from the Municipal Code as the State Property Maintenance Code now contains applicable provisions.

Additionally, the City policy that property owners are responsible for maintaining the treelawn area between the sidewalk and the curb is being codified in §90-5 of the Code.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-88
(Int. No. 93, As Amended)

Amending Chapter 90 Of The Municipal Code, Property Conservation Code, And Amending Ordinance No. 2008-26

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

Section 1. Chapter 90 of the Municipal Code, Property Conservation Code, as amended, is hereby further amended as follows:

(a) Section 90-5, Applicability of provisions, is hereby amended by adding thereto the following new subsection B(10):

(10) Treelawns, which are defined as the area between the sidewalk and the curb.

(b) Section 90-10, Fire safety, is hereby amended by repealing Subsection A thereof, and by relettering and amending Subsections B through D thereof to read in their entirety as follows:

Section 90-10. Fire safety.

A. In one- and/or two-family dwellings, where it has been demonstrated that third-floor occupancy commenced before January 1, 1984, hardwired interconnected smoke alarms shall be installed in the basement and in all common areas on each level which are audible throughout the entire structure, except that for buildings with no common areas, hardwired interconnected smoke alarms shall be installed in the basement and on each level.

B. In multiple dwellings with at least five dwelling units, hardwired interconnected smoke alarms shall be installed in the basement and the public hallways on each floor. This requirement shall be met before a certificate of occupancy is issued pursuant to § 90-16 of the Municipal Code. The installation of these alarms shall comply with the Fire Code of New York State.

C. In addition to the above, a smoke or heat alarm shall be installed in the nonresidential portion of a mixed-occupancy building containing five or

more dwelling units to activate the alarms located in the public hallways on each floor of the residential portion of the building. This requirement shall be met before a certificate of occupancy is issued pursuant to § 90-16 of the Municipal Code.

- (c) Section 90-13, Egress requirements, is hereby amended to read in its entirety as follows:

Section 90-13. Egress requirements.

In every multiple dwelling over one story in height, every apartment, dwelling unit and rooming unit that does not, for its exclusive use, have direct exit to a street shall have access to at least one additional exit separate from and independent of the primary interior stairway or fire tower, constructed in accordance with the Building Code of the City of Rochester. In multiple dwellings of less than five units and less than three stories in height, hardwired interconnected smoke alarms may be installed in the basement and in all common areas on each level of the structure in lieu of the required second means of egress.

- (d) Section 90-14, Property maintenance, is hereby amended by repealing Subsection A thereof, and by relettering Subsection B as Subsection A.
- (e) Section 90-17, Vacant properties, is hereby amended by deleting the reference to Section "303" of the Property Maintenance Code of New York State where it appears in subsection B(1)(a) thereof, and by inserting in its place the reference to Section "304" of the Property Maintenance Code of New York State.

Section 2. Ordinance No. 2008-26, amending the Municipal Code relating to fees for short term parking at municipal parking garages, is hereby amended by amending Section 1 thereof to read in its entirety as follows:

Section 1. (a) Section 111-119 of the Municipal Code, establishing the fees for use of parking garages, as amended, is hereby further amended by amending the first sentence of subsection A(1) to read in its entirety as follows:

Short term rates, which shall apply from 6:00 or 6:30 a.m. to garage closing, depending upon the garage schedule: the first hour shall be free, \$2.00 from 1-2 hours, and \$1.00 for each hour thereafter, or any part thereof, up to the daily maximum.

(b) Section 111-119 of the Municipal Code is hereby further amended by repealing subsection A(2).

(c) Section 111-119 of the Municipal Code is hereby further amended by amending subsection A(5) to read in its entirety as follows:

(5) Weekend rates. The short term rates set forth in subsection A(1) above shall apply in the High Falls Garage, Court Street Garage and South Avenue Garage, with a daily maximum of \$4.00.

Section 3. This ordinance shall take effect on April 7, 2008, except that Section 2 shall take effect immediately and apply retroactively to March 1, 2008.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-9
Re: Main Street Grant

Transmitted herewith for your approval is legislation endorsing the application of the Charlotte Community Development Corporation to the New York State Division of Housing and Community Renewal (DHCR) for Main Street grants.

The New York Main Street Program was established in 2004. Under the terms of the program, not-for-profit organizations can apply for grants of up to \$200,000 to be applied to one of four program objectives: facade renovation, building renovation, streetscape enhancement and downtown anchor grants.

The legislation that created the program requires that the local legislative body provide a resolution of endorsement to ensure these applications are consistent with governmental policies and goals. The applicants must meet these requirements.

The applications will impact the following area: Lake Avenue, Latta Road, River Street and Stutton Street.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-32

Resolution No. 2008-9
(Int. No. 114)

Resolution Endorsing A Grant Application For The New York Main Street Program

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

Section 1. The Council hereby endorses the application of the Charlotte Community Development Corporation to the New York State Division of Housing and Community Renewal for inclusion in the New York Main Street Grant Program, and

finds that the application is consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Division of Housing and Community Renewal and to the applicant.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-89
Re: Amending the Consolidated
Community Development Plan -
Rochester Housing Development
Fund Corporation

Transmitted herewith for your approval is legislation related to the financing for the Rochester Housing Development Fund Corporation (RHDFC) to cover the costs related to two properties remaining of the original 169 acquired through the second Asset Control Area (ACA) program. This legislation will:

1. Amend the 2003-04 Consolidated Community Development Plan and Ord. No. 2003-338 to reduce the amount of HOME funds appropriated for the Employer Assisted Housing Initiative (EAHI) by the amount of \$287,345, and transfer these funds to the HOME Program loan for the Asset Control Area (ACA) 2 capital pool; and
2. Provide for the return of any HOME funds utilized for the program to their original account upon repayment of the loan which will occur no later than June 30, 2008.

The RHDFC allows the City to fulfill its obligation to HUD, through the ACA agreement, by acquiring properties for rehabilitation and resale to owner-occupants.

In April 2007, Council authorized a change in the source of the \$2,000,000 Community Development Block Grant (CDBG) float loan to include HOME Program funds as well as CDBG funds. That ordinance reduced certain HOME accounts, which are now needed for project implementation. These accounts will be re-funded with the EAHI funds. Program and project implementation will not be affected by this change. HOME funds will be returned to their original appropriation as they are repaid to the City.

The CDBG and HOME funds will continue to be used for the following purposes:

| | <u>Original Amount</u> | <u>Balance Due</u> | <u>Source</u> |
|--------------------------------------|----------------------------|------------------------|---------------|
| Acquisition and construction capital | \$2,000,000 | \$287,345 | HOME |
| Interest reserve | <u>405,000</u> | <u>405,000</u> | CDBG |
| Total | \$2,405,000 | \$692,345 | |

City Council authorized the extension of the above loans in January 2008.

A public hearing on the Consolidated Community Development Plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-89
(Int. No. 94)

Authorizing An Amendatory 2003-04 Community Development Program Plan To Provide A Loan For The Rochester Housing Development Fund Corporation And Amending Ordinance No. 2003-338

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

Section 1. The Council hereby approves an amendment to the 2003-04 Community Development Program Plan whereby the sum of \$287,345 shall be transferred within the HOME Program from the Employer Assisted Housing Initiative Account to the capital loan pool account for Phase 2 of the Asset Control Area Program used by the Rochester Housing Development Fund Corporation.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement to participate in the Rochester Housing Development Fund Corporation loan pool.

Section 4. The amendatory agreement shall obligate the City to pay an amount not to exceed \$287,345, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2003-04 HOME Program Funds.

Section 5. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2003-338, relating to the Employer Assisted Housing Initiative Program, is hereby amended by reducing the amount authorized and appropriated therein from 2003 HOME Program Funds by the sum of \$287,345, which amount is transferred and reappropriated herein.

Section 7. Upon repayment of the funds authorized and reappropriated in Section 6, the Director of Finance shall return said funds to their source program. Upon their return, the sums previously appropriated for the Employer Assisted

Housing Initiative Program are hereby reappropriated for said purpose.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-90
Re: River Park Commons - Relocation

Transmitted herewith for your approval is legislation related to the redevelopment of River Park Commons. This legislation will:

1. Establish \$800,000 as maximum compensation for an agreement with Conifer Realty LLC to provide relocation services for current tenants of River Park Commons; and
2. Amend previous legislation and Consolidated Community Development Plans, as summarized below, to consolidate into one account, the Relocation Assistance Fund, and appropriate those funds for the agreement with Conifer Realty.

HOME and CDBG Fund Transfers to the Relocation Assistance Fund

| <u>Ord. #</u> | <u>Program Source</u> | <u>Year</u> | <u>Amount</u> |
|------------------|----------------------------------|-------------|----------------|
| | <u>Transfer From</u> | | |
| 96-035 | CDBG Home Reoccupation | 1995-96 | \$ 500 |
| 96-175 | CDBG Graffiti Control | 1996-97 | 511 |
| 98-176 | CDBG RIPP | 1998-99 | 10,500 |
| 99-261 | CDBG Homestead/Vacant Grant | 1999-00 | 6,970 |
| 2001-025 | CDBG Homestead/Vacant Grant | 2000-01 | 200 |
| 2002-228 | CDBG Champion Streets | 2000-01 | 6,703 |
| 2002-228 | CDBG Champion Streets | 2002-03 | 4,570 |
| N/A | HOME Rental Housing Fund | 2003-04 | 130,000 |
| 2003-170 | CDBG EACH Program | 2003-04 | 7,000 |
| N/A | HOME EAHI | 2004-05 | 400,000 |
| 2004-235 | CDBG Landlord Tenant Services | 2004-05 | 5,749 |
| N/A | CDBG Rental Housing Fund | 2004-05 | <u>227,297</u> |
| Total City Funds | | | \$800,000 |

River Park Commons is a 402-unit multi-family project located at 185 and 225-405 Mt. Hope Avenue. The complex is deteriorating and has high vacancy rates. The existing NYS Urban Development Corporation (UDC) mortgage for the

project has been in arrears for several years. A viability assessment concluded that the low-rise structures are in such a deteriorated state that the only economically viable option is demolition.

Conifer Realty, who purchased the general partner interest of the project in April 2004, is redeveloping the site in two phases. Phase I, the high rise Hamilton Apartments, will include rehabilitation of the building and the environmental remediation of the site using an already approved agreement through the NYS Brownfield Cleanup Program. Phase I will proceed through HUD's 236(e)(2) decoupling program. Conifer will refinance the existing UDC mortgage with tax-exempt bonds and Low Income Housing Tax Credits. No tenants will be dislocated as a result of the rehabilitation and no rent increase is anticipated.

Phase II, Erie Harbor buildings, will include:

1. Relocation assistance for the approximately 60 households in the four low-rise buildings;
2. Asbestos removal and the demolition of the four structures;
3. Environmental remediation of the site using an already approved agreement through the NYS Brownfield Cleanup Program; and
4. Construction of approximately 100 units of rental housing, including 20 units for low-income households (at or below 60% of area median income). When Phase I is decoupled, Phase II will no longer be subject to any Federal or NYS restrictions.

HUD's approval is required for the Section 236 decoupling and related waivers. Conifer submitted an application to HUD for the redevelopment of River Park Commons in October 2004. At the request of HUD, it was revised in April 2006 and again in January 2007. Conifer expects to receive HUD approval of the decoupling this Spring.

An Antidisplacement Plan for Phase II, approved by HUD in November 2005, as required, addressed only the replacement of the townhouse units in the community's affordable rental housing - not the relocation of the tenants. All 200 units in the low-rise structures have already been replaced in the community.

An Environmental Impact Statement is being prepared for Phase II and an application to rezone the entire site is being processed by the City.

All relocation assistance will be provided in accordance with the Uniform Relocation Assistance and Realty Property Acquisition Policies Act of 1970 (URA) and with the Section 104(d) regulations. As required by the URA, Conifer notified tenants in December 2004.

There are two groups that are potentially eligible for relocation assistance: one is the group of 20 households that moved out of the low-rise structures between April 2004 and December 2004; the

second consists of the 43 households currently living there. The total cost of relocation benefits for these two groups would be \$346,059 and \$855,714, respectively. An additional \$97,500 for relocation planning and advisory services for existing tenants will bring the total cost to \$1,299,273.

In October 2007, the Rochester Housing Authority agreed to include the existing 43 households on its "Waiting List Preference for Section 8 Housing Choice Vouchers"; and Conifer has agreed to pay for relocation costs in excess of \$800,000. If all 43 households receive the Section 8 Housing Choice Vouchers, the total cost of relocation would be reduced by \$777,768. Relocation is expected to start in Spring 2008 and be complete by Fall 2008.

The uses and sources of the funding for relocation assistance are as follows:

| | |
|------------------------------|--------------------|
| <u>Uses</u> | |
| Relocation advisory services | \$ 97,500 |
| Benefits for current tenants | 855,714 |
| Benefits for former tenants | <u>346,059</u> |
| Total | <u>\$1,299,273</u> |
| <u>Sources</u> | |
| City of Rochester | \$ 800,000 |
| Conifer Realty | <u>499,273</u> |
| Total | <u>\$1,299,273</u> |

The City's previous commitment to the project is \$2.5 million, of which City Council appropriated \$1 million for Phase 1 in December 2006. Conifer has indicated that they may need to shift \$500,000 of this amount to Phase 2, resulting in City funding of \$500,000 for Phase 1, and \$2 million for Phase 2. The agreement requested herein will bring total City support for this project to \$3.3 million.

A public hearing for the CDBG and Consolidated Plan amendments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-33

Ordinance No. 2008-90
(Int. No. 96)

Authorizing Amendatory Community Development And HOME Program Plans, Transferring Funds, Amending Ordinances And Authorizing An Agreement For The Redevelopment Of River Park Commons

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

Section 1. The Council hereby approves amendments to the following Community Development and HOME Program Plans whereby unappropriated or unencumbered balances remaining in the various accounts are hereby transferred, or the

amounts appropriated in the ordinances set forth are hereby reduced and transferred to new accounts in the Improving the Housing Stock and General Property Conditions allocation to provide Relocation Assistance for the Redevelopment of River Park Commons:

| <u>Ord. #</u> | <u>Funding Source</u> | <u>Program Year</u> | <u>Amount</u> |
|---------------------------|-----------------------|---------------------|----------------|
| <u>Transfer From</u> | | | |
| #96-035 | CDBG | 1995-96 | \$ 500 |
| Home Reoccupation | | | |
| #96-175 | CDBG | 1996-97 | 511 |
| Graffiti Control | | | |
| #98-176 | CDBG | 1998-99 | 10,500 |
| RIPP | | | |
| #99-261 | CDBG | 1999-00 | 6,970 |
| Homestead/Vacant Grant | | | |
| #01-025 | CDBG | 2000-01 | 200 |
| Homestead/Vacant Grant | | | |
| #02-228 | CDBG | 2000-01 | 6,703 |
| Champion Streets | | | |
| #02-228 | CDBG | 2002-03 | 4,570 |
| Champion Streets | | | |
| N/A | HOME | 2003-04 | 130,000 |
| Rental Housing | | | |
| #2003-170 | CDBG | 2003-04 | 7,000 |
| EACH Program | | | |
| N/A | HOME | 2004-05 | 400,000 |
| Employer Assisted Housing | | | |
| #2004-235 | CDBG | 2004-05 | 5,749 |
| Landlord Tenant Services | | | |
| N/A | CDBG | 2004-05 | <u>227,297</u> |
| Rental Housing | | | |
| Total | | | \$800,000 |

Section 2. The Mayor is hereby authorized to enter into an agreement with Conifer Realty LLC to provide Relocation Assistance for the Redevelopment of River Park Commons.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$800,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds transferred in Section 1 to the Improving the Housing Stock and General Property Conditions allocations of the various Community Development and HOME Programs.

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

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-91
Re: Amending the Comprehensive Plan -
Housing Policy

Transmitted herewith for your approval is legisla-
tion amending the City Code to adopt the Housing
Policy as an Implementing Policy of the Compre-
hensive Plan.

The Housing Policy, drafted by the Department of
Community Development and City Council, is the
culmination of a process that began with the com-
missioning of the Rochester Housing Market
Study in September 2006. This Policy is based on
the July 2007 recommendations of the Study,
comments received through an intensive public
and stakeholder involvement process, and the
recommendations of the City Planning Commis-
sion.

The Policy will serve as a guide for the City's
development of specific plans with the goals of
improving City neighborhoods, stabilizing and
enhancing the tax base, creating healthy real estate
markets, and providing an array of housing options
to address the diverse needs of the community.
The five major objectives of the Policy, along with
some of the related activities, are:

Promote the Rehabilitation, Redevelopment and
New Construction of Housing

- Maintenance, rehabilitation and/or historic pres-
ervation of diverse housing stock.
- Development consistent with unique geographic
and institutional assets, and/or market demand.
- Careful management and assembly of vacant
properties for large development projects.
- Encouraging environmentally responsible devel-
opment methods.
- Encouraging housing development that supports
commercial areas.

Promote Home Ownership

- Support programs to prevent foreclosure and
predatory lending.
- Support programs that encourage new homeown-
ers.

Promote Housing Choice

- Support fair housing practices.
- Work to reduce the concentration of poverty in
neighborhoods.
- Develop housing for populations requiring suppor-
tive services.

Implement Neighborhood and Asset-Based Plan-
ning

- Concentrate a portion of government grant pro-
grams for greater impact.
- Ensure citizen-based planning is at the core of
developing neighborhood plans.
- Base public investment decisions on data-based
research.
- Use market-based strategies for all planning.

Strengthen the Rental Market

- Provide support to landlords-as-business-owners
to improve accountability standards.
- Provide services to encourage responsible, longer-
term tenants.

The Housing Policy will be considered by the
Planning Commission on March 10; their report
will be forwarded prior to the March 18 Council
meeting. A draft copy of the policy is available in
the Clerk's office for review; a final copy will be
filed with the City Clerk upon City Council ap-
proval.

A public hearing on the amendment to the
Code/Comprehensive Plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-34

Ordinance No. 2008-91
(Int. No. 97)

**Adopting The Housing Policy And Amend-
ing Chapter 130 Of The Municipal Code, Com-
prehensive Plan**

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

Section 1. The Council hereby approves and
adopts the Housing Policy approved by the Plan-
ning Commission on March 10, 2008 and on file
in the Office of the City Clerk.

Section 2. Chapter 130 of the Municipal Code,
Comprehensive Plan, is hereby amended by add-
ing thereto the following new Section 130-7:

Section 130-7. Adopted policies.

A. The following policies shall constitute
implementing policies for the Comprehen-
sive Plan:

- (1) Housing Policy.

Section 3. This ordinance shall take effect
immediately.

Passed unanimously.

Councilmember Warren moved to discharge Intro-
ductory No. 95 from Committee.

The motion was seconded by Councilmember
Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conk-
lin, Lightfoot, McFadden, Miller, Palumbo, Prit-
chard, Spaull, Warren - 9.

Nays - None - 0.

Councilmember Warren moved to amend Introductory No. 95.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-92
Re: Development Moratorium -
Mt. Hope Avenue

Transmitted herewith for your approval is legislation authorizing a six-month moratorium on the issuance of all building permits and Certificates of Zoning Compliance for the portion of Mt. Hope Avenue extending between Elmwood Avenue and Raleigh Street. The moratorium is requested by the City Planning Commission for the purpose of conducting a land use, transportation and planning study for this important corridor.

There are several efforts currently underway that, for maximum long-term benefit and construction and planning efficiencies should be considered together. These projects include:

1. The City is in the design phase for the complete reconstruction of Mt. Hope Avenue between Elmwood Avenue and Crittenden Blvd.
2. The University of Rochester will be submitting a new Master Plan this spring that will guide campus development. A mixed-use, "college-town" theme is being proposed along the west side of Mt. Hope Avenue.
3. Two locations on the east side of Mt. Hope Avenue are being considered for private development - in advance of the street reconstruction project and the adoption, by City Council, of the University's Master Plan and associated zoning map and text amendments.
4. The Mt. Hope Neighborhood and Merchant Associations are reviewing the Strong Neighborhood Study, conducted in the 1990's, of the neighborhoods adjoining the University/Hospital area, to determine whether the study effectively addresses current and future conditions and trends.
5. The intersection of Kendrick Road/I-390 interchange that feeds into this area is being evaluated by the City and the University for changes in traffic control.

The position of the Planning Commission is that a coordinated planning effort would better serve the

area. A team that will include representatives of the University, the Mt. Hope Avenue Neighborhood and Merchant Associations, along with City staff will be assembled to work on this task.

On February 11, 2008, the City Planning Commission conducted an informational hearing. There were five speakers in support of the proposed moratorium and two in opposition. The Commission recommended approval by a vote of 5-0-0.

A public hearing on the moratorium is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-35

Ordinance No. 2008-92
(Int. No. 95, As Amended)

Establishing A Moratorium On Building Permits And Certificates Of Zoning Compliance For Mt. Hope Avenue Between Elmwood Avenue And Raleigh Street

WHEREAS, there are currently pending or expected in various City Departments and before City Boards and Commissions a number of important projects affecting the land use and transportation in the area of Mt. Hope Avenue between Elmwood Avenue and Raleigh Street, including:

The City of Rochester is in the design phase of the reconstruction of Mt. Hope Avenue between Elmwood Avenue and Crittenden Boulevard and, in accordance with the moratorium, will delay the completion of the design until the completion of a comprehensive land use, transportation and planning study for the area. In addition, the State is considering changes to the East Henrietta Road/West Henrietta Road/I-390 Interchanges and a feasibility study is being conducted by the City and the University of Rochester of a Kendrick Road/I-390 Interchange. These changes may significantly alter traffic patterns on Mt. Hope Avenue and throughout the area.

The University of Rochester has indicated that in the spring of 2008, it will be submitting a new Master Plan that will guide development of its campus. A mixed-use, "college-town" theme is being proposed along the west side of Mt. Hope Avenue between Elmwood Avenue and Crittenden Boulevard. This new Master Plan may lead to the City proposing zoning map and text amendments for the area.

A private developer is considering development possibilities at two locations on the east side of Mt. Hope Avenue between Elmwood Avenue and Fort Hill Terrace which may significantly affect land use and traffic patterns.

The Mt. Hope neighborhood and merchant association are revisiting the Strong Neighborhood Study, a study conducted in the 1990's of

the neighborhoods adjoining the University of Rochester/Strong Hospital, to determine whether the study effectively addresses current and future conditions and trends; and

WHEREAS, these projects have so far received separate consideration, but the City does not want to make a decision on any single project that may not be appropriate for the area and the City as a whole; and

WHEREAS, due to the importance of these decisions to the area residents and to the vitality of the City as a whole, the City needs time to conduct a comprehensive land use, transportation and planning study for this important corridor which will consider all of the projects; and

WHEREAS, new projects for the immediate area should be viewed in light of the overall plans for the area as they are developed over the next several months; and

WHEREAS, a moratorium imposed for building permits and certificates of zoning compliance for a six month period shall allow for the completion of a comprehensive land use, transportation and planning study for the area;

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

Section 1. There shall be a six (6) month moratorium on the acceptance of applications for, and on the approval of, building permits and certificates of zoning compliance for properties at 1286-1500 Mt. Hope Avenue (even), 1325-1481 Mt. Hope Avenue (odd), 30 E. Henrietta Road and 793-797 Elmwood Avenue, excluding demolition permits and permits deemed necessary by the Manager of Plan Review for health and safety purposes, for the purpose of conducting a land use, transportation, and planning study for the portion of the Mt. Hope Avenue corridor between Elmwood Avenue and Raleigh Street. However, this moratorium shall not apply to the acceptance, review, determination or continued processing of applications from the current owner for the currently proposed development of the parcel at 1380-1394 Mt. Hope Avenue.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

By Councilmember Lightfoot
March 18, 2008

To the Council:

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

Int. No. 98 - Establishing Maximum Compensation For A Professional Services Agreement For A Marina Market And Feasibility Study

Int. No. 99 - Authorizing An Application And Agreement For A Grant For High Falls

Int. No. 100 - Establishing Maximum Compensation For A Professional Services Agreement For A Kendrick Road/I-390 Interchanges Feasibility Study And Amending Ordinance No. 2005-240

Int. No. 113 - Establishing Maximum Compensation For An Agreement For Dredging Services In The Genesee River

Int. No. 119 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvements And ARTWalk II Enhancements Project

Int. No. 120 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Broad And Allen Firehouse Renovations

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

Int. No. 101 - Approving Changes In The Pavement Width Of Rau Street

Int. No. 102 - Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Rau Street And The Corners Of Seneca Avenue And Rau Street And Seneca Avenue And Reliance Street

Int. No. 103 - Establishing Maximum Compensation For A Professional Services Agreement For The Rau Street Improvement Project

Int. No. 117 - Approving The Brooks Avenue Improvement Project Between Genesee Park Boulevard And The West City Line And Changes In The Pavement Width Of Brooks Avenue

Int. No. 118 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Brooks Avenue Improvement Project

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden (Voted on Int. Nos. 98 and 99)
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-93
Re: Port Marina Market and Feasibility
Study Professional Services
Agreement

Transmitted herewith for your approval is legislation establishing \$181,300 as maximum compensation for an agreement with Abonmarche of Benton Harbor, Michigan, for the performance of a Marina Market and Feasibility Study for the Port of Rochester. The cost of the agreement will be financed from the 2007-08 Cash Capital allocation of the Department of Environmental Services.

Abonmarche will team with Passero Associates of Rochester to assess the feasibility of developing marina facilities on City-owned land at the Port of Rochester. While a market and feasibility study has yet to be undertaken, the City has included marina facilities as a component of redevelopment in all of its recent plans for the Port including: the 1999 Port Schematic Plan, the March 2001 Port of Rochester Public Improvement Project plans and Generic Environmental Impact Statement, and most recently in the master plan completed by Sasaki Associates in December 2006. Development of a marina must be consistent with the City's Local Waterfront Revitalization Plan (LWRP).

The primary objective for the study is to determine if there is a market for a marina facility at the Port. If it is determined that there is a market, additional objectives are to:

- 1) Evaluate the characteristics of the marina market and determine what types of marina facilities would be marketable and that would meet current and projected demand;
- 2) Determine direct and indirect economic benefits of a marina to the City;
- 3) Identify viable options for marina locations, configurations, and amenities;
- 4) Develop feasible conceptual marina options;
- 5) Prepare estimates of the probable cost for marina detailed design, construction and operations based on the conceptual options; and
- 6) Identify possible sources of funding and mechanisms to finance the project.

During the project, the City and the Abonmarche/Passero team will periodically meet with the 21 member Port Marina Advisory Group and the Charlotte Community to review study progress and issues. The Advisory Group is comprised of Federal, State, County, and City staff; local developers; marina operators; and local community members.

Proposals were solicited from nine firms; four submitted proposals: Abonmarche; LaBella Associates, Rochester; Moffatt & Nichol, New York

City; and Passero Associates, Rochester. Proposals were evaluated by an interdepartmental team of City staff. All four were interviewed.

Abonmarche was selected to perform the study based on the combination of its specialized expertise in marina and waterfront market analysis, engineering and development; its significant experience with similar marina projects in the Great Lakes and in settings like the Port of Rochester; and the competitiveness of its proposed fee. After the completion of the proposal review process and its selection, Abonmarche was asked to add a local consulting firm to its team in order to provide local representation and support during the study. Abonmarche contacted local firms and chose to add Passero Associates as a project team member.

The proposed agreement amount includes a contingency of \$16,480 for additional out of scope services that may be identified during the study. It is anticipated the market analysis phase of the study will be completed during the summer, and marina concepts and cost estimating will be completed by late fall of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-36

Ordinance No. 2008-93
(Int. No. 98)

Establishing Maximum Compensation For A Professional Services Agreement For A Marina Market And Feasibility Study

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

Section 1. The sum of \$181,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Abonmarche for a Marina Market and Feasibility Study for the Port of Rochester. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-94
Re: New York State Grant
Application - High Falls
Rehabilitation

Transmitted herewith for your approval is legislation authorizing an application to the New York State Office of Parks, Recreation and Historic Preservation for a \$250,000 grant through the Environmental Protection Fund Heritage Areas Program. The grant will provide funding for the

needed preservation and maintenance of both new and historic facilities in the High Falls area.

The total cost for this project is estimated to be \$500,000; the remaining \$250,000 will be financed by the City as the required local match.

Several rehabilitation priorities have been identified, including repairs to the Brown's Race raceway, structural improvements to the High Falls Festival site, and masonry repairs at Triphammer Forge. The project also includes several upgrades to enhance the use of High Falls as a residential, retail and tourist area, including rehabilitation of the Triphammer Wheel and refurbishment of all street bollards. State funding would provide an important catalyst for increasing the priority of this project, enabling project construction in 2009.

It is anticipated that the local match will be provided through the Capital Improvement Planning process.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-94
(Int. No. 99)

Authorizing An Application And Agreement For A Grant For High Falls

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 under the Environmental Protection Fund's Heritage Areas Program for funding for the preservation and maintenance of facilities in the High Falls Area.

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. 2008-95
Re: Kendrick Road/I-390 Transportation
Feasibility Study

Transmitted herewith for your approval is legislation which establishes \$20,000 as maximum compensation for an agreement with FRA Engineering and Architecture, P.C., for a portion of a transportation feasibility study for the proposed Kendrick Road/I-390 interchange. The cost of the agreement will be financed from 2004-05 Cash Capital.

The purpose of the transportation feasibility study is to explore the benefits and potential impact of installing a full interstate interchange on I-390 at Kendrick Road. If constructed, this interchange would become the primary connection point to the University of Rochester. It is expected that this interchange will be part of the University's pending Master Plan, which also affects the Mt. Hope Avenue neighborhoods. In addition to preparing roadway plans and determining the layout of the new traffic features, FRA will conduct workshop meetings with the New York State Department of Transportation and use their input to finalize plans and design recommendations.

The City's portion of the Kendrick Road/I-390 Transportation Feasibility Study is \$20,000, including engineering services and contingency. This study is in partnership and consultation with the University of Rochester, which will participate through a separate agreement with FRA.

The study is planned to commence in March 2008 and be completed in October 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-37

Ordinance No. 2008-95
(Int. No. 100)

Establishing Maximum Compensation For A Professional Services Agreement For A Kendrick Road/I-390 Interchanges Feasibility Study And Amending Ordinance No. 2005-240

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering & Architecture, P.C. for a Transportation Feasibility Study for the Kendrick Road/I-390 Interchanges. 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. Ordinance No. 2005-240, relating to the Atlantic Avenue Improvement Project, is hereby amended by reducing the amount authorized in Section 4 from the 2004-05 Cash Capital allocation for an agreement for design services by the sum of \$20,000.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-96
Re: Agreement - US Army Corps of
Engineers, Port of Rochester
Dredging

Ordinance No. 2008-96
(Int. No. 113)

Transmitted herewith for your approval is legislation establishing \$141,000 as maximum compensation for an agreement with the U.S. Department of the Army for the dredging of the Genesee River. The cost of this agreement will be financed from the 2007-08 Cash Capital allocation of the Department of Environmental Services.

There are three City locations where near-shore dredging is required to provide for access from the water to City-owned riverfront facilities. These locations are: the area adjacent to the Port terminal building, the North River Street Marina, and the South River Street Marina. Use of these City facilities is contingent on water depths that provide adequate draft for boats and ships. Decreasing water depths due to sedimentation are currently affecting access and use of the River Street Marina and will limit the City's ability to attract deep draft vessels, such as Great Lakes Cruise ships, to the Port terminal docks.

The US Army Corps of Engineers (USACE) periodically dredges the Federal navigation channel in the Genesee River; the City areas requiring dredging are outside the Federal channel. The USACE is scheduled to dredge the Federal channel this spring.

In order to save money and time, the City requested that the dredging required for City purposes be added to the USACE's contract for maintenance dredging of the Federal channel in the Rochester Harbor. By having the USACE perform the dredging, the City will avoid the time and expense associated with design, bidding and contractor mobilization and it will pay a lower unit cost per yard because of the volume-based quantity discounts available to the USACE. The City is in the process of securing a renewable joint New York State Department of Environmental Conservation-USACE permit for the proposed dredging at the City's facilities.

The cost of the dredging, including design, inspection and mobilization, is estimated to be \$141,000. The agreement will obligate the City to obtain the required permits and to pay the estimated cost in advance. Upon completion, the USACE is obligated to return to the City any funds not expended for the dredging. A similar agreement was authorized by Council in April 2001.

It is anticipated that the dredging will take place as part of the USACE's river dredging project beginning in May 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-38

**Establishing Maximum Compensation For
An Agreement For Dredging Services In The
Genesee River**

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

Section 1. The sum of \$141,000, 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 United States Army Corps of Engineers for dredging services in the Genesee River. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-97
Re: University Avenue Improvements
(Union Street - N. Goodman Street)
and ARTWalk 2 Enhancements
Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates for additional design services for the University Avenue (Union Street to N. Goodman Street) Improvements and ARTWalk 2 Enhancements Project. The original agreement, authorized by Ord. No. 2007-313, established \$210,000 as maximum compensation for Bergmann Associates. This amendment will increase compensation by an additional \$35,000 for a total not to exceed \$245,000. The additional cost will be financed from the 2004-05 (\$25,550), and 2006-07(\$9,450) Cash Capital allocations.

The University Avenue improvements will include: reconstruction of the pavement; replacement of concrete sidewalks and driveway aprons; granite curbs; street lighting improvements; drainage improvements; relocation of water utilities; replacement of traffic signal equipment as necessary; new pavement markings and signage; landscaping improvements; and extension of the existing City telecommunication conduit system.

The ARTWalk 2 enhancements will extend the existing ARTWalk infrastructure along University Avenue from its present terminus on University Avenue at Goodman Street to Prince Street and extend it along Goodman Street from College Avenue to East Avenue, as illustrated in the attached map. The infrastructure may include installation of an integrally colored concrete sidewalk with an imprinted border, concrete paver or cast-in-place concrete crosswalks, installation of curbed bump-outs, tabled intersections and crosswalks, installation of median pedestrian-refuge

islands, identification and planning of public art sites, pocket parks and other amenities.

While this project is not subject to the Percent for Art program authorized by Council in December 2007, it is illustrative of the desired collaboration of public and private efforts to support community art.

Additional services from Bergmann are needed to coordinate aspects of the project involving the Memorial Art Gallery (MAG). MAG will commission an artist to design artworks for the MAG property and the Goodman Street/University Avenue intersection. Services also include relevant planning, coordinating and holding informational meetings for the project area that will assist in the development of various ARTWalk elements.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-39

Ordinance No. 2008-97
(Int. No. 119)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvements And ARTWalk II Enhancements Project

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for additional design services for the University Avenue Improvements (Union Street-North Goodman Street) and ART-Walk II Enhancements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$25,550 shall be funded from the 2004-05 Cash Capital allocation and \$9,450 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-98
Re: Amendatory Agreement - Broad & Allen Street Firehouse Renovations

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with FRA Engineering & Architecture, P.C., Henrietta, for additional design services for renovations at the Broad & Allen Street Firehouse. The original agreement, authorized by Ord. No. 2007-277,

established maximum compensation at \$53,000. This amendment will increase compensation by \$13,280, for a maximum of \$66,280. The increase will be funded from 2006-07 Cash Capital.

The additional design services are the result of the installation of generators at the firehouse, coinciding with planned renovations authorized by Council in July 2007. The total cost of design services and the generator installation is estimated to be \$115,000, including contingencies, and will be financed from the 2006-07 Cash Capital allocation.

In February 2006, Erdman Anthony Associates was commissioned to evaluate the condition of emergency generators at various firehouses. Their report included cost estimates, preliminary designs, and appropriate generator sizing for the Broad & Allen Street Firehouse.

It is anticipated that the generator design will commence in the summer of 2008, and will be completed to provide for installation by Winter 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-98
(Int. No. 120)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Broad & Allen Firehouse Renovations

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

Section 1. The sum of \$13,280, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering & Architecture, P.C. for additional design services for the Broad & Allen Firehouse Renovations. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-99,
Ordinance No. 2008-100 and
Ordinance No. 2008-101
Re: Rau Street Improvement Project

Transmitted herewith for your approval is legislation related to the Rau Street Improvement Project. This legislation will:

1. Authorize changes in pavement width on Rau Street as follows:
 - a. An increase of eight feet, from 20 feet to 28 feet, beginning at North Clinton Avenue easterly to Lehaco Street;
 - b. Installation of a bump-out on the south east corner of Rau Street and Lehaco Street;
 - c. An increase of 12 feet, from 20 feet to 32 feet, beginning at the previous point to the east 240 feet;
 - d. A taper from 32 feet to 28 feet, beginning at the later point easterly for 60 feet; and
 - e. An increase of eight feet, from 20 feet to 28 feet, beginning at the later point to Seneca Avenue.
2. Amend the Official Map by dedicating three parcels, all of which are part of the School #50 grounds, as public right-of-way. One parcel is along Rau Street east of Lehaco Street, one is at the corner of Rau and Seneca Avenue, and the third is at the corner of Seneca and Reliance Street.
3. Establish \$190,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., for Resident Project Representation (RPR) services related to the project. The cost of the agreement will be financed from previously authorized street (\$145,000) and water (\$45,000) bonds (Ord. Nos. 2007-265 and 2007-266, respectively).

This project will include reconstruction/rehabilitation of the pavement; installation of new curbs, driveway aprons, and catch basins; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed. The pavement width changes on Rau Street were requested by the adjacent property owners and the City School District.

To accommodate the proposed pavement width changes adjacent to School 50, additional right-of-way is required. In addition, the City has requested additional right-of-way from the School District at the northwest corner of Seneca Avenue and Reliance Street to accommodate anticipated highway improvements associated with a future project to improve Seneca Avenue in this area.

The Official Map Amendment was approved by the City Planning Commission on November 21, 2007.

The project is being designed by the City's Bureau of Architecture and Engineering Services of the Department of Environmental Services, and will be included as part of the Bremen Street Group Improvements, which City Council authorized in December 2007. It is anticipated the design will be completed in the Spring 2008 and construction

will begin in the Summer 2008, with substantial completion by the Spring of 2009.

Stantec Consulting Services, Inc., was selected to perform resident project representation services subsequent to solicitation of qualifications from 5 local consulting firms. Stantec was selected based on the rating of the firm's qualifications and availability of staff.

Public informational meetings were held on November 1, 2007 and February 5, 2008. Copies of the meeting minutes are attached. The pavement width changes will be presented for endorsement at the March 4, 2008 Traffic Control Board meeting.

Public hearings on the pavement width changes and the Official Map Amendment are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-40

Ordinance No. 2008-99
(Int. No. 101)

Approving Changes In The Pavement Width Of Rau 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 Rau Street as part of the Rau Street Improvement Project:

- a. An increase of 8 feet, from 20 feet to 28 feet, beginning at North Clinton Avenue easterly to Lehaco Street;
- b. Installation of a bump out on the southeast corner of Rau Street and Lehaco Street;
- c. An increase of 12 feet, from 20 feet to 32 feet, beginning at the previous point easterly for 240 feet;
- d. A taper from 32 feet to 28 feet, beginning at the latter point easterly for 60 feet; and
- e. An increase of eight (8) feet, from 20 feet to 28 feet, beginning at the latter point easterly to Seneca Avenue.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-100
(Int. No. 102)

**Amending The Official Map By Dedicating
Parcels To Street Purposes And Adding Said
Parcels To Rau Street And The Corners Of
Seneca Avenue And Rau Street And Seneca
Avenue And Reliance Street**

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

Section 1. Chapter 76 of the Municipal Code,
Official Map or Plan, as amended, is hereby fur-
ther amended by dedicating the following de-
scribed property to street purposes and adding said
property to Rau Street:

All that tract or parcel of land situate in the City
of Rochester, County of Monroe, State of New
York, being part of lands of the City of Roches-
ter School No. 50, and more particularly
bounded and described as follows:

Beginning at the intersection of the southerly
ROW line of Rau Street (50'ROW) and the
easterly ROW line of Lehaco Street
(50'ROW); thence

- 1) N87°56'37"E, along said southerly ROW
line of Rau Street, a distance of 305.00
feet to a point; thence
- 2) S3°20'50"E, on a line parallel with Le-
haco Street and through said lands of the
City of Rochester, a distance of 4.00 feet
to a point; thence
- 3) S87°56'37"W, on a line parallel with Rau
Street and through said lands of the City
of Rochester, a distance of 305.00 feet to
the said easterly ROW line of Lehaco
Street; thence
- 4) N3°20'50"W, along the easterly ROW
line of Lehaco Street, a distance of 4.00
feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land
containing 1220± square feet to be dedicated for
highway purposes. Subject to covenants, ease-
ments or restrictions of record, if any.

Being part of the same premises conveyed to
the City of Rochester by various deeds for
School No. 50 at 48 Reliance Street.

Section 2. Chapter 76 of the Municipal Code,
Official Map or Plan, as amended, is hereby fur-
ther amended by dedicating the following de-
scribed property to street purposes and adding said
property to the corner of Seneca Avenue and Rau
Street:

All that tract or parcel of land situate in the City
of Rochester, County of Monroe, State of New
York, being part of lands of the City of Roches-
ter School No. 50, and more particularly
bounded and described as follows:

Beginning at the intersection of the southerly
ROW line of Rau Street (50'ROW) and the
westerly ROW line of Seneca Ave
(66'ROW); thence

- 1) S3°20'58"E, along said westerly ROW
line of Seneca Ave, a distance of 10.00
feet to a point; thence
- 2) N47°42'11"W, through said lands of the
City of Rochester, a distance of 14.30 feet
to the southerly ROW line of Rau Street;
thence
- 3) N87°56'37"E, along the southerly ROW
line of Rau Street, a distance of 10.00 feet
to the Point or Place of Beginning.

Hereby intending to describe a parcel of land
containing 50± square feet to be dedicated for
highway purposes. Subject to covenants, ease-
ments or restrictions of record, if any.

Being part of the same premises conveyed to
the City of Rochester by various deeds for
School No. 50 at 48 Reliance Street.

Section 3. Chapter 76 of the Municipal Code,
Official Map or Plan, as amended, is hereby fur-
ther amended by dedicating the following de-
scribed property to street purposes and adding said
property to the corner of Seneca Avenue and Reli-
ance Street:

All that tract or parcel of land situate in the City
of Rochester, County of Monroe, State of New
York, being part of lands of the City of Roches-
ter School No. 50, and more particularly
bounded and described as follows:

Beginning at the intersection of the northerly
ROW line of Reliance Street (50'ROW) and
the westerly ROW line of Seneca Ave
(66'ROW); thence

- 1) S87°56'37"W, along said northerly
ROW line of Reliance Street, a distance
of 10.00 feet to a point; thence
- 2) N42°17'49"E, through said lands of the
City of Rochester, a distance of 13.98
feet to the westerly ROW line of Seneca
Ave; thence
- 3) S3°20'58"E, along the westerly ROW
line of Seneca Ave, a distance of 10.00
feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land
containing 50± square feet to be dedicated for
highway purposes. Subject to covenants, ease-
ments or restrictions of record, if any.

Being part of the same premises conveyed to
the City of Rochester by various deeds for
School No. 50 at 48 Reliance Street.

Section 4. This ordinance shall take effect
immediately.

Passed unanimously.

Ordinance No. 2008-101
(Int. No. 103)

Establishing Maximum Compensation For A Professional Services Agreement For The Rau Street Improvement Project

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

Section 1. The sum of \$190,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Rau Street Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$145,000 shall be funded from Bond Ordinance No. 2007-265 and \$45,000 shall be funded from Bond Ordinance No. 2007-266.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-102 and
Ordinance No. 2008-103
Re: Brooks Avenue Improvement
Project (Genesee Park Blvd. -
West City Line)

Transmitted herewith for your approval is legislation related to the Brooks Avenue (Genesee Park Blvd. to West City Line) Public Improvement Project. This legislation will:

1. Approve the Brooks Avenue Improvement Project Engineering Planning Report;
2. Authorize the following width change on Brooks Avenue as recommended in the report: a decrease of 6 feet on Brooks Avenue, from 44 feet to 38 feet, from 200 feet east of West City Line to Genesee Park Blvd;
3. Appropriate \$54,000 of anticipated reimbursements from Monroe County for a portion of the County's share in the project costs; and,
4. Establish \$80,000 as maximum compensation for an agreement with Hunt Engineers, Architects & Land Surveyors, P.C., Rochester, for engineering design services. The cost of the agreement will be financed from 2006-07 Cash Capital allocations of the Department of Environmental Services (\$16,000, street; \$10,000, water) and anticipated reimbursements from Monroe County (\$54,000).

Hunt Engineers performed the planning and preliminary engineering for the project, as authorized by City Council in September 2007. The Brooks Avenue Improvement Project is part of the County-assisted Arterial Improvement Program. The County's participation in the project is in accordance with the agreement authorized by City Council in 1981. Under the terms of the agreement, an engineering plan was prepared and must be approved by City Council. The Engineering Planning Report was completed and is on file and available for review in the Office of the City Clerk.

The plan recommends reconstruction of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water mains on side streets; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; topsoil and tree plantings; and the proposed geometric changes.

The width change, which will remove one travel lane in each direction on Brooks Avenue, was presented to the Traffic Control Board on February 5, 2008.

The estimated cost of construction, including inspection and contingencies, is \$1,180,000, which is expected to be financed as follows:

| <u>Phase</u> | <u>City</u> | <u>Water</u> | <u>County</u> | <u>Total</u> |
|--------------|---------------|---------------|---------------|---------------|
| Construction | \$103,000 | \$198,000 | \$683,000 | \$ 984,000 |
| RPR | 10,000 | 20,000 | 68,000 | 98,000 |
| Contingency | <u>78,000</u> | <u>20,000</u> | <u>0</u> | <u>98,000</u> |
| Total | \$191,000 | \$238,000 | \$751,000 | \$1,180,000 |

Hunt Engineers is being recommended for design of the project because of the firm's qualifications and familiarity with the project. Design of the project is scheduled to be completed in the fall of 2008. Construction is expected to begin in the spring of 2009, and be completed in the fall of 2009.

A public informational meeting was conducted on January 30, 2008. A copy of the minutes of this meeting are attached.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-41

Ordinance No. 2008-102
(Int. No. 117)

Approving The Brooks Avenue Improvement Project Between Genesee Park Boulevard And The West City Line And Changes In The Pavement Width Of Brooks Avenue

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

Section 1. The Council hereby approves the engineering planning report for the Brooks Avenue Improvement Project between Genesee Park Boulevard and the West City Line.

Section 2. The Council hereby approves a decrease of 6 feet in the pavement width of Brooks Avenue, from 44 feet to 38 feet, from approximately 200 feet east of the West City Line to Genesee Park Boulevard, as a part of the Brooks Avenue Improvement Project.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-103
(Int. No. 118)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Brooks Avenue Improvement Project

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

Section 1. The sum of \$80,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Hunt Engineers, Architects & Land Surveyors, P.C. for engineering design services for the Brooks Avenue Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$16,000 shall be funded from the 2006-07 Cash Capital allocation, \$10,000 shall be funded from the 2006-07 Cash Capital allocation (Water Fund) and \$54,000 is hereby appropriated from anticipated reimbursements from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
March 18, 2008

To the Council:

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

Int. No. 104 - Establishing Maximum Compensation For A Professional Services Agreement For Big Picture Rochester

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-104
Re: Agreement - Kenichiro Sato, Big Picture Rochester

Transmitted herewith for your approval is legislation establishing \$65,000 as maximum compensation for an agreement with Kenichiro Sato, Rochester, for the installation of a photography exhibition, Big Picture Rochester, to enhance downtown Rochester. This agreement will be funded from the 2006-07 Streetscape allocation of the Cash Capital Budget, which is fully funded from the Downtown Enhancement District Fund Balance. The District Fund is financed through assessments agreed upon by the participating property and business owners of the District.

This project will include 225 publicly-appropriate large photographs to be exhibited on buildings and building windows on Main Street between Plymouth Avenue and Chestnut Street. The consultant will display his own original photography as well as photography from other sources including other artists and City archives.

This project and its funding have been approved by members of the Downtown Enhancement District, and compliments the City's commitment to the support of public art as an economic development driver. Public Art can draw many times its investment, enhancing the visual landscape and attracting visitors.

The term of the proposal agreement will be one year, and will commence on April 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-104
(Int. No. 104)

Establishing Maximum Compensation For A Professional Services Agreement For Big Picture Rochester

WHEREAS, the Downtown Enhancement District Advisory Committee has recommended that Big Picture Rochester be included as a part of the special services to enhance Main Street through the expenditure of Downtown Enhancement District funds; and

WHEREAS, the Mayor supports the addition of Big Picture Rochester as a necessary means of enhancing Main Street and maintaining the value of the improvements in the Downtown Enhancement District;

NOW, THEREFORE, 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 with Kenichiro Sato for photography services for Big Picture Rochester, as recommended by the Downtown Enhancement District Advisory Committee, to be included as a part of the special services to enhance Main Street and maintain the value of the improvements in the Downtown Enhancement District. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
March 18, 2008

To the Council:

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

Int. No. 105 - Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Center

Int. No. 106 - Establishing Maximum Compensation For A Professional Services Agreement For The Auto Pound Records Management System

Int. No. 107 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 108 - Authorizing Agreements For Youth Services Programs

Int. No. 109 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$350,000 Bonds Of Said City To Finance The Cost Of Recreation Center Courts And Fencing Improvement Projects In The City

Int. No. 110 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements And Appropriating Funds

Int. No. 115 - Establishing Maximum Compensation For A Professional Services Agreement For The "Bands On The Bricks" Concerts

The Public Safety & Recreation Committee recommends for consideration the following entitled legislation:

Int. No. 111 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 112 - Local Improvement Ordinance - Security At The Public Market

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2008-105
Re: Agreement - Presentation Concepts Corporation - Emergency Communications Center Display System Maintenance

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with Presentation Concepts Corporation, Syracuse NY, for repair and maintenance of the display system at the Emergency Communications Center. The cost of this agreement will be financed from the 2007-08 Budget of the Emergency Communications Department, and will subsequently be reimbursed by Monroe County under the 9-1-1 operating agreement authorized by Council in 2007.

Presentation Concepts Corporation installed the display system in April 2005 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the Emergency Communications Center. A one-year maintenance agreement with Presentation Concepts Corporation was previously authorized by City Council in April 2007. In order to avoid the additional costs it would require for another firm to familiarize itself with the system, Presentation Concepts Corporation is recommended as a sole-source maintenance provider.

Services to be provided by Presentation Concepts Corporation include inspection, any necessary repairs, parts replacements, and loaner equipment. The term of this agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-105
(Int. No. 105)

Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Center

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Presentation Concepts Corporation for repair and maintenance services for the display system at the Emergency Communications Center. Said amount shall be funded from the 2007-08 Budget of the Emergency Communications Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-106
Re: Agreements - Police Auto Pound System

Transmitted herewith for your approval is legislation establishing \$102,000 as maximum compensation for an agreement with Porter Lee Corporation, Illinois, to design, install, and implement the Auto Pound Records Management System for the Police Department. The cost of this agreement will be funded from 2006-07 Cash Capital.

As part of an overall redesign of the Auto Pound, the existing Auto Pound software application will be replaced. The new system will provide enhanced inventory management and financial controls.

Porter Lee Corporation will install and implement the use of their Auto Pound Point of Sale and Inventory Management software. The agreement includes rights for the City's use of the software in perpetuity. The software will maintain automobile inventories, track automobile disposition and the accompanying fees at the Auto Pound. The consultant will be responsible for configuring the new software application, training City employees on the use of the software, providing and implementing associated hardware, and providing technical support to ensure a successful implementation. Police and Information Technology Department staff will provide ongoing system support.

Proposals for these services were solicited from seven firms, including Porter Lee Corporation, Texas Bar Code systems, Lansing Sales & Service, Brite Computers, Corner Office Consulting, Pharos Custom Solutions Group, and L-Tron Corporation. Porter Lee was selected since it was the only firm whose solution met the requirements of the RFP. The City has had positive experiences with

this firm and their Public Safety Property Management System currently in use in the Police Department.

The term of this agreement will be for one year, with an option to renew software maintenance on an annual basis.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-106
(Int. No. 106)

Establishing Maximum Compensation For A Professional Services Agreement For The Auto Pound Records Management System

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

Section 1. The sum of \$102,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Porter Lee Corporation for the design, installation and implementation of the Auto Pound Records Management System. Said amount shall be funded from the 2006-07 Cash Capital allocation. The agreement may be renewed annually to provide for software maintenance in an amount not to exceed that set forth in the annual budget of the Information Technology Department for such purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-107
Re: Agreements - Adolescent Pregnancy Prevention Services Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Children and Family Services for the receipt and use of a \$377,396 grant for the Adolescent Pregnancy Prevention Services Program, and establishing maximum compensation with the CONECTS (Community Organization Networking and Engaging Children and Teens through Support) providers as follows:

| | |
|---|---------------|
| Charles Settlement House Inc. | \$ 50,133 |
| Junior Achievement | 3,400 |
| Society for the Protection & Care of Children (TAPSS) | 95,000 |
| Baden Street/Metro Council For Teen Potential | 50,000 |
| PRYD (Puerto Rican Youth Development) | 21,267 |
| YWCA of Rochester and Monroe County | <u>70,000</u> |
| | \$289,800 |

The remaining amount of the grant, \$87,596, is included in the 2007-08 Budget to cover administrative costs associated with the City of Rochester's role as lead agency.

The CONECTS program, initiated in 1984, is a consortium of agencies whose purpose is to reduce the rate of initial and repeat teen pregnancies, and to provide services to pregnant or parenting teenagers. The City's Bureau of Youth Services is the lead agency for the grant, and the Metro Council for Teen Potential serves as the policy-making community board for the collaborative.

Providers were selected through a Request For Proposal application and review process, administered by the Bureau of Youth Services in partnership with the CONECTS Collaborative in July 2006. The program will serve a total of 420 youth and their families. A project information summary is attached.

The Metro Council for Teen Potential (Community Council for APPS) and the NYS OCFS reserves the right to allocate funds between subcontractors as needed during the contract year.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-41

Ordinance No. 2008-107
(Int. No. 107)

Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

| <u>Organization</u> | <u>Amount</u> |
|---|---------------|
| Charles Settlement House, Inc. | \$50,133 |
| Junior Achievement | 3,400 |
| Society for the Protection & Care of Children (TAPSS) | 95,000 |
| Baden Street/Metro Council for Teen Potential | 50,000 |
| Puerto Rican Youth Development | 21,267 |
| YWCA of Rochester & Monroe County | 70,000 |

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 \$289,800, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services.

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. 2008-108
Re: Agreements - CDBG Appropriations - Youth Services Projects

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with two organizations for Youth Services projects and appropriating funds to finance the agreements from the General Community Needs allocation of the 2007-08 Community Development Block Grant, as follows:

| <u>Organization</u> | <u>Program</u> | <u>Amount</u> |
|---------------------|------------------------|---------------|
| The Little Theater | Little Buddies Program | \$ 5,000 |
| Dazzle Theater | Go-Kart Project | \$12,000 |

The Little Theater Little Buddies Program will provide vouchers for 350 children ages 5-12, and an accompanying adult, for a film and refreshments at the Little Theater on East Avenue. The project supports efforts to increase parental involvement with their children, and to sponsor family focused events.

The Go-Kart Project, coordinated by Dazzle Theater, is a hands-on workshop for youth to build a motorized go-kart. Instruction will integrate academics with practical work skills and life skills applications. The project will serve a total of 20 youth, at two school locations, during after-school hours.

Both of these programs are receiving City support for the first time. Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-43

Ordinance No. 2008-108
(Int. No. 108)

Authorizing Agreements For Youth Services Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements for the following Youth Services Projects or the following amounts are allocated for Youth Services Projects:

| <u>Organization Project</u> | <u>Amount</u> |
|--|---------------|
| The Little Theater Little Buddies Program | \$ 5,000 |
| Dazzle Theater Go-Kart Project | 12,000 |

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$17,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2007-08 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-109 and
Ordinance No. 2008-110
Re: Improvements to Recreation
Facilities

Transmitted herewith for your approval is legislation related to improvements at several Recreation Centers. This legislation will:

1. Authorize the issuance of a total of \$350,000 in bonds as planned in the 2004-05 (\$100,000) and 2007-08 (\$250,000) Capital Improvement Plans, and appropriating the proceeds thereof to finance the cost of improvements at the following recreation centers:

- Avenue D Recreation Center
Courts
- Campbell Street Recreation Center
Courts
- Flint Street Community Center
Courts
- Genesee Valley Park Recreation Center
Courts
- South Avenue Community Center
Courts

Various Recreation Facilities
Fencing/Fixtures

2. Appropriate \$245,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Block Grant for improvements and installation of fixtures at recreation facilities as follows:

- Campbell Street Recreation Center
General improvements
- Edgerton Park
General improvements
- North Street Community Center
Teen lounge improvements
- Various Recreation Facilities
General rehabilitation

3. Authorize an amendatory agreement with LaBella Associates for Resident Project Representation Services for Park and Recreation Center Improvements. The original agreement authorized maximum compensation of \$110,000 through Ord. No. 2007-109. This amendment will increase compensation by \$60,000 for a total of \$170,000. The additional funding will be financed from the bonds issued herein (\$10,000) and the CDBG funds appropriated herein (\$50,000).

The additional projects requiring Resident Project Representation Services include the installation of water spray equipment and play apparatus at the North Street Community Center and tennis and basketball court improvements at various recreation facilities.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-109
(Int. No. 109)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$350,000 Bonds Of Said City To Finance The Cost Of Recreation Center Courts And Fencing Improvement Projects In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of improvements to recreation center courts, fencing and fixtures, including, but not limited to, improvements to the Avenue D Recreation Center Courts, Campbell Street Recreation Center Courts, Flint Street Community Center Courts, Genesee Valley Park Courts, South Avenue Community Center Courts, and recreation facilities fencing and fixtures, 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 \$350,000, and said amount is hereby appropriated therefor. The

plan of financing includes the issuance of \$350,000 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 \$350,000 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 \$350,000. 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.

Ordinance No. 2008-110
(Int. No. 110)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements And Appropriating Funds

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for resident project representation services related to parks and recreation center improvements. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Of said amount, \$50,000 shall be funded from the appropriation made in Section 2 and \$10,000 shall be funded from a bond ordinance adopted for recreation center improvements.

Section 2. The sum of \$245,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the

2007-08 Community Development Program to fund park and recreation center improvements.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-111
Re: Agreement - Eskay Concerts,
d/b/a "Up All Night" - Bands on
the Bricks

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Eskay Concerts (d/b/a Up All Night, Gerard Fisher, principal), Rochester, for the "Bands on the Bricks" summer concert series at the Rochester Public Market. The cost of the agreement will be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Eskay Concerts will provide talent and production services for four concerts. The concert series is part of the Public Market's overall strategy to increase use of the site on off-market days. Last year, over 15,000 people attended the concerts.

Eskay has provided the production, talent and sound services for this series for the past eight years and was instrumental in starting the series. Eskay will provide, to the City, 25% of the first \$10,000 in net revenue; and 50% of any additional revenue from food and beverage sales. The profits (losses) for the past three years are as follows:

| | |
|------|--------------|
| 2005 | (\$1,541.91) |
| 2006 | \$3,062.75 |
| 2007 | (\$816.42) |

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-111
(Int. No. 115)

Establishing Maximum Compensation For A Professional Services Agreement For The "Bands On The Bricks" Concerts

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Eskay Concerts (d/b/a Up All Night) for talent booking and production services for the "Bands on the Bricks" concert series at the Rochester Public Market. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services. The agreement shall also provide Eskay Concerts (d/b/a Up All Night)

exclusive rights to vend food and beverages to the public at the "Bands on the Bricks" concert series, in exchange for 25% of the first \$10,000 in net revenue from the food and beverage sales, and 50% of the net revenue above \$10,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1583 and
Local Improvement Ordinance No. 1584
Re: Public Market Snow Removal
and Security Services

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market. The snow removal and security districts were established in 1990 and 1991, respectively, and include fifteen properties adjacent to the Public Market.

The Department of Recreation and Youth Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee, and a fee per frontage foot.

Snow Removal

In 2008-09 for snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$2.60 per foot. The total amount of assessment will be \$5,290.36, which is \$714.34 more than the 2007-2008 amount.

| | | |
|------------|----------------|----------------|
| | <u>2007-08</u> | <u>2008-09</u> |
| Fixed Fee | \$ 100 | \$ 100 |
| Properties | x 15 | x 15 |
| Total | \$1,500 | \$1,500 |

| | | |
|-------------|----------------|----------------|
| | <u>2007-08</u> | <u>2008-09</u> |
| Footage Fee | \$ 2.11 | \$ 2.60 |
| Footage | x 1,457.83 | x 1,457.83 |
| Total | \$3,076.02 | \$3,790.36 |

Security Services

There are no increases for security services in 2008-09; the fixed fee remains at \$1,190 per property, and the front footage fee remains at \$8.93 per foot. The total amount of the assessment will be \$30,868.42.

| | | |
|------------|----------------|----------------|
| | <u>2007-08</u> | <u>2008-09</u> |
| Fixed Fee | \$ 1,190 | \$ 1,190 |
| Properties | x 15 | x 15 |
| Total | \$17,850 | \$17,850 |

| | | |
|-------------|----------------|----------------|
| | <u>2007-08</u> | <u>2008-09</u> |
| Footage Fee | \$ 8.93 | \$ 8.93 |
| Footage | x 1,457.83 | x 1,457.83 |
| Total | \$13,018.42 | \$13,018.42 |

A public hearing on the assessments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1583
(Int. No. 111)

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, 2008 to June 30, 2009.

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 2008-09 year shall be \$5,290.36. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and sixty cents (\$2.60) per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

| <u>Property Address</u> | <u>SBL No.</u> | <u>Front Footage</u> |
|-------------------------|--------------------|----------------------|
| 248 N. Union St. | 106.660-0001-014 | 558.27 |
| 171 Railroad St. | 106.670-0001-078 | 190.25 |
| 60 Public Market | 106.590-0003-008 | 40 |
| 64-66 Public Market | 106.590-0003-009 | 40 |
| 68-70 Public Market | 106.590-0003-010 | 40 |
| 50-52 Public Market | 106.590-0003-006 | 40 |
| 55-57 Public Market | 106.590-0003-007 | 40 |
| 59 Pennsylvania Ave. | 106.590-0003-005.1 | 81.50 |
| 35 Pennsylvania Avenue | 106.590.0003-002.1 | 120 |
| 16-18 Public Market | 106.590-0003-001 | 40 |

| | | |
|---------------------------|------------------|--------|
| 25 Pennsylvania Avenue | 106.580-0003-026 | 40 |
| 17-23 Pennsylvania Avenue | 106.580-0003-027 | 40 |
| 15 Pennsylvania Avenue | 106.580-0003-028 | 40 |
| 11 Pennsylvania Avenue | 106.580-0003-029 | 19.57 |
| 9 Pennsylvania Avenue | 106.580-0003-030 | 128.24 |

Section 3. The snow plowing and salting services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2008 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Local Improvement Ordinance No. 1584
(Int. No. 112)

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, 2008 to June 30, 2009.

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 2008-09 year shall be \$30,868.42. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$1,190.) per parcel plus eight dollars and ninety-three cents (\$8.93) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

| <u>Property Address</u> | <u>SBL No.</u> | <u>Front Footage</u> |
|-------------------------|------------------|----------------------|
| 248 N. Union St. | 106.660-0001-014 | 558.27 |

| | |
|---|--------|
| 171 Railroad St. 106.670-0001-078 | 190.25 |
| 60 Public Market 106.590-0003-008 | 40 |
| 64-66 Public Market 106.590-0003-009 | 40 |
| 68-70 Public Market 106.590-0003-010 | 40 |
| 50-52 Public Market 106.590-0003-006 | 40 |
| 55-57 Public Market 106.590-0003-007 | 40 |
| 59 Pennsylvania Ave. 106.590-0003-005.1 | 81.50 |
| 35 Pennsylvania Avenue 106.590.0003-002.1 | 120 |
| 16-18 Public Market 106.590-0003-001 | 40 |
| 25 Pennsylvania Avenue 106.580-0003-026 | 40 |
| 17-23 Pennsylvania Avenue 106.580-0003-027 | 40 |
| 15 Pennsylvania Avenue 106.580-0003-028 | 40 |
| 11 Pennsylvania Avenue 106.580-0003-029 | 19.57 |
| 9 Pennsylvania Avenue 106.580-0003-030 | 128.24 |

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2008 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 75 from Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 8.

Nays - Councilmember Warren - 1.

Introductory No. 75 was introduced February 12, 2008, and appears in its original form with its transmittal letter on page 75 of the current Council Proceedings.

Ordinance No. 2008-112
(Int. No. 75)

Establishing Maximum Compensation For An Agreement For The 2008 Rochester MusicFest

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard - 7.

Nays - Councilmembers Spaul, Warren - 2.

The meeting was adjourned at 9:33 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
APRIL 15, 2008**

Present - President Santiago, Councilmembers Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 7.

Absent - Councilmembers Conklin, Warren - 2.

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

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

Recognition Ceremony:

- Retirement:
 - Environmental Services
 - *Frank DiNardo
 - Robert D. Wright
 - Economic Development
 - Daniel C. Zimmer
 - Library
 - *Judith A. Peer
 - Police Department
 - *Joseph C. Dominick
 - *Thomas F. Fantigrossi, Jr.
- *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of March 18, 2008 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 3922-7
 - Quarterly Reports 3923-7
 - Professional Service Agreements

Schedule of Revenues & Expenditures
Public Disclosure - HOME Participation
3924-7
Public Disclosure - CDBG Participation (2)
3925-7, 3926-7

The Director of Zoning submits a Notice of
Environmental Determination 3927-7

PRESENTATION AND REFERENCE OF PETI-
TIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Approving The Lease To The Adirondack
Sports Club LLC Of The Soccer Stadium Parcels
Int. No. 172 No speakers.

Local Improvement Ordinance - Establishing
The Cost Of The Special Work And Services Re-
lated To The South Avenue/Alexander Street Open
Space District And Authorizing An Agreement
Int. No. 138 No speakers.

Local Improvement Ordinance - Upgrading Of
The Sidewalk As A Part Of The Bond Street
Group Curb Replacement Project Int. No. 146
No speakers.

Local Improvement Ordinance - Establishing
The Operating And Maintenance Costs Of Street
Lighting Special Assessment Districts Int. No.
147 No speakers.

Local Improvement Ordinance - Establishing
The Operating And Maintenance Costs Of Special
Assessment Districts For Streetscape Enhance-
ments Int. No. 148 No speakers.

Local Improvement Ordinance - Establishing
The Cost Of The Assessments Related To The
High Falls Business Improvement District Int.
No. 154 No speakers.

Approving The Sale By The Rochester Urban
Renewal Agency To ESL Federal Credit Union Of
225 And 255 Chestnut Street In The Southeast
Loop Urban Renewal Project Int. No. 163 No
speakers.

Resolution Approving Participation In The
Urban/Technical Search And Rescue Team Int.
No. 160 No speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Palumbo
April 15, 2008

To the Council:

The Finance Committee recommends for adoption
the following entitled legislation:

Int. No. 121 - Cancellation Of Taxes And
Charges

Int. No. 122 - Appropriation Of Funds - Insur-
ance Reserve Fund

Int. No. 123 - Amending The Municipal Code
With Respect To The Designation Of Depositories

Int. No. 124 - Establishing Maximum Compens-
ation For A Professional Services Agreement For
Fiscal Advisor Services

Int. No. 125 - Establishing Maximum Compens-
ation For A Professional Services Agreement For
Audit Services - \$724,375

Int. No. 126 - Amending Chapter 75 Of The
Municipal Code, Noise, With Respect To Special
Events

Int. No. 127 - Establishing Maximum Compens-
ation For An Amendatory Professional Services
Agreement For City Employee Training

Int. No. 128 - Establishing Maximum Compens-
ation For A Professional Services Agreement For
Lean Six Sigma Training

Int. No. 173 - Resolution Authorizing An Ex-
ception To The City Debt Limit To Provide Fund-
ing For The Fast Ferry Debt Repayment, As
Amended

Int. No. 174 - Bond Ordinance Of The City Of
Rochester, New York, Authorizing The Issuance
Of \$1,452,000 Bonds Of Said City To Finance The
Reconstruction Of Certain Streets Related To The
2008 Milling And Resurfacing And Residential
Street Improvement Programs In The City

Int. No. 175 - Bond Ordinance Of The City Of
Rochester, New York, Authorizing The Issuance
Of \$3,993,000 Bonds Of Said City To Finance The
Cost Of Acquisition Of New Fire Fighting Appara-
tus For The City

Int. No. 176 - Bond Ordinance Of The City Of
Rochester, New York, Authorizing The Issuance
Of \$1,006,100 Bonds Of Said City To Finance The
Cost Of Design And Construction Of Repairs To
The South Avenue Firehouse In The City

Int. No. 177 - Bond Ordinance Of The City Of
Rochester, New York, Authorizing The Issuance
Of \$203,000 Bonds Of Said City To Finance The
Cost Of Design And Construction Of Repairs To
The Danforth Community Center In The City

Int. No. 178 - Bond Ordinance Of The City Of
Rochester, New York, Authorizing The Issuance
Of \$218,900 Bonds Of Said City To Finance The
Cost Of Replacement Of The HVAC System At
The Genesee Valley Park Ice Rink Building In The
City

Int. No. 179 - Bond Ordinance Of The City Of
Rochester, New York, Authorizing The Issuance
Of \$168,600 Bonds Of Said City To Finance The

Cost Of Design And Engineering Services And Construction Of Repairs And An Addition To The Hudson Avenue Firehouse In The City And Amending Bond Ordinance No. 2008-65 Relating To Said Purpose

Int. No. 180 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$482,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of Repairs To The Broad And Allen Firehouse In The City

Int. No. 181 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of Repairs To The HVAC System Of The Chestnut Street Firehouse In The City

Int. No. 182 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Cost Of Acquisition, Construction And Reconstruction Of Additions To The Street Lighting System Of The City

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 172 - Approving The Lease To The Adirondack Sports Club LLC Of The Soccer Stadium Parcels

Respectfully submitted,
Carla M. Palumbo
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-113
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$16,073.05.

Two properties had charges cancelled in the amount of \$7,700.00 or 47.91% of the total. The properties recently transferred and the code violations were attributed to the former owner.

Two properties were transferred to the City on July 2, 1990 and recorded on December 16, 1991. A tax bill was issued for the 1991-1992 tax year. Taxes in the amount of \$8,373.05 or 52.09% of the total will be cancelled.

If this cancellation is approved, total cancellations thus far for 2007-08 will be \$203,641.34.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|------------------|
| City Council | 28 | \$155,321.09 |
| Administrative | 146 | <u>48,320.25</u> |
| Total | 174 | \$203,641.34 |

These cancellations represent .088% of the taxes receivable as of July 1, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-44

Ordinance No. 2008-113
(Int. No. 121)

Cancellation Of Taxes And Charges

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

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

| <u>S.B.L.#</u> | <u>Address</u> | <u>Class</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|----------------|----------------|--------------|-----------------|-------------------------|
|----------------|----------------|--------------|-----------------|-------------------------|

(A) Ownership of these properties transferred to the City on July 2, 1990 and recorded on December 16, 1991. A tax bill was issued for the 1991-1992 tax year.

| | | | |
|------------------|----------------------|------|-------------|
| 135.270-0003-096 | NH | 1992 | \$ 1,583.04 |
| | 1256 S. Plymouth Av. | | |
| 135.270-0003-097 | NH | 1992 | 6,790.01 |
| | 1236 S. Plymouth Av. | | |

(B) Ownership of these properties has transferred. The code violations associated with the properties were issued against the former owners.

| | | | |
|------------------|------------------|------|-----------------|
| 105.350-0003-028 | H | 2008 | \$ 4,300.00 |
| | 180 Fulton Av. | | |
| 136.540-0001-010 | H | 2008 | <u>3,400.00</u> |
| | 65 Westview Ter. | | |
| Grand Total | | | \$16,073.05 |

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. 2008-114
Re: Appropriation - Insurance Reserve Fund

Transmitted herewith for your approval is legislation appropriating \$4.0 million from the Insurance Reserve Fund to finance the payment of general liability claims.

The City is self-insured against all general liability, auto and personal claims, for which purpose the

Insurance Reserve Fund is maintained. All claims are paid from this fund.

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2006-07 was \$505,763.

At present, the fund contains a balance of approximately \$19 million. However, the current appropriated fund balance is \$271,602. Under the proposed legislation, an additional \$4.0 million will be appropriated for the payment of claims. A similar appropriation of \$4.0 million was approved by the City Council on December 21, 2004.

Detailed reports on the City's claim experience are submitted to the Council on a quarterly basis. Attached is the most recent report.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-45

Ordinance No. 2008-114
(Int. No. 122)

Appropriation Of Funds - Insurance Reserve Fund

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$4 million, or so much thereof as may be necessary, to finance the payment of General Liability Claims.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-115
Re: City Code Amendment -
Depositories

Transmitted herewith for your approval is legislation amending the City Code provisions relating to depositories for City funds. This legislation will:

1. Delete Citibank, N.A. as a designated depository; and
2. Increase the maximum deposit amount for designated depositories as follows:

| <u>Depository</u> | <u>Current Amount</u> | <u>New Amount</u> |
|---------------------------|-----------------------|-------------------|
| JP Morgan Chase Bank, N.A | \$150,000,000 | \$200,000,000 |

| | | |
|---------------------------------------|-------------|-------------|
| HSBC Bank, USA | 125,000,000 | 175,000,000 |
| Bank of America | 75,000,000 | 125,000,000 |
| Manufacturers & Traders Trust Company | 50,000,000 | 100,000,000 |
| Key Bank | 50,000,000 | 100,000,000 |
| Citizens Bank | 50,000,000 | 100,000,000 |

The designation by the City Council of depositories is required by Section 6-22 of the City Charter and section 39 of the NYS General Municipal Law. The most recent designation was authorized by Council in November 2005.

Since that time, Citibank, N.A. has closed its banking offices in the Rochester area.

The most recent change with respect to maximum deposit amounts was authorized in May 2000. Since that time, the combined City and City School District budgets have increased by 40% from approximately \$774 million to \$1.081 billion. Correspondingly, the average investment balance has increased from approximately \$222 million to \$306 million.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-115
(Int. No. 123)

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:

| <u>Depository Name</u> | <u>Maximum Amount</u> |
|---------------------------------------|-----------------------|
| JP Morgan Chase Bank, N.A. | \$200,000,000 |
| HSBC Bank, USA | 175,000,000 |
| Bank of America | 125,000,000 |
| Manufacturers & Traders Trust Company | 100,000,000 |
| Key Bank | 100,000,000 |
| Citizens Bank | 100,000,000 |

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-116
Re: Fiscal Advisor Services

Transmitted herewith for your approval is legislation authorizing an agreement with Capital Markets Advisors, LLC/Public Finance Associates, Inc. ("CMA/PFA") with offices in Orchard Park, Great Neck and Hopewell Junction, New York, for fiscal advisory services related to the issuance of debt instruments by the City of Rochester.

Annually, to finance various capital projects, the City issues or reissues \$150 million to \$200 million in bond anticipation notes and/or bonds. The City may also occasionally issue short-term debt in the form of revenue or tax anticipation notes to finance the short-term cash requirements of the City School District, depending on the timing of receipt of New York State Aid funds.

This type of fiscal advisory service is used by most cities, including Syracuse and Buffalo. The firm's work will be coordinated with the City's bond counsel.

A Request for Proposal was issued; three proposals were received and reviewed by representatives from the Finance and Law Departments. CMA/PFA was unanimously recommended based on their extensive research and due diligence in their presentation of previous bond issues by the City, their research and knowledge of the issues facing Upstate cities, and their knowledge of analyses used by rating agencies, particularly with respect to Rochester, as well as their competitive fees and office locations.

Under the proposed agreement, CMA/PFA will provide the following services:

- Financial planning and analysis
- Marketing activities
- Document preparation and review
- Debt offering verifications and communications

The fees for services will be limited to the following:

Negotiated and competitively sold bonds -
\$17,500 for each bond issue; \$8,750 for additional series

Negotiated and competitively sold notes -
\$9,500 for each note issue; \$4,750 for additional series

Services unrelated to a specific note or bond issue -
Hourly rate of \$150

These fees will be paid from the annual operating Budgets of the Finance Department. This agreement will have a term of three years with provision for two additional one-year renewal periods.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-46

Ordinance No. 2008-116
(Int. No. 124)

Establishing Maximum Compensation For A Professional Services Agreement For Fiscal Advisor Services

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

Section 1. The sums of \$17,500 for each bond issue, with \$8,750 for additional series, \$9,500 for note issues, with \$4,750 for additional series, and an hourly rate of \$150 for special services unrelated to a specific note or bond issue, are hereby established as the compensation to be paid for a professional services agreement with Capital Market Advisors, LLC/Public Finance Associates, Inc. for fiscal advisory services related to the issuance of City debt instruments. The agreement may extend for a term of three years, with two additional one-year renewal options. Said amounts shall be funded from the 2007-08 and subsequent Budgets of the Department of Finance, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2008-117
Re: Annual Audit - Freed Maxick & Battaglia, PC

Transmitted herewith for your approval is legislation authorizing an agreement with Freed Maxick & Battaglia, PC, 100 Meridian Centre, Suite 310, for the annual independent audit of the financial statements of the City and the City School District. The maximum cost of the agreement will be \$724,375, which will be financed from the 2008-09 and future budgets of the City and the City School District.

An annual independent audit is required by Section 6-24 of the City Charter. Historically, this audit has been performed by a nationally recognized accounting firm to ensure acceptance of the audit results by the national financial community (e.g., the municipal bond market). As the RFP was being developed for the coming cycle, it was becoming clear that the national firms were reducing their practice of government auditing. As a result, the restriction limiting proposals to national firms was eliminated in the RFP.

Proposals for the audit were solicited in February. In addition to auditing the City and the City School District, each firm was asked to provide quotes for four other entities related to but structurally independent of the City: REDCO, the Economic Development Zone, the Cultural Center Commission, and the Rochester Ferry Company. The District is newly required by New York State to provide reports as part of the annual audit in relation to the

Contract for Excellence (CFE); however, the regulations governing such reporting have not yet been issued so each firm was asked to estimate costs for reporting compliance. Costs ranged from \$14,150 to \$32,175. Since the actual requirements will not be known for some time yet, the proposed costs for CFE compliance were not factored into the evaluation. However, an allocation will be made in the agreement to enable the District to utilize such services as are required by the State regulations once they have been issued.

Four proposals were received, none of which came from a national firm. The proposed costs for the two main (City & District) audits are as follows:

| <u>Firm</u> | <u>Basic</u> <u>Three-Year</u> <u>Contract</u> | <u>Optional</u> <u>Two-Year</u> <u>Extension</u> | <u>Total</u> |
|-----------------------------|--|--|--------------|
| Freed Maxick & Battaglia | \$376,525 | \$283,700 | \$ 660,225 |
| The Bonadio Group | 491,000 | 382,000 | 873,000 |
| TCBA Watson Rice | 666,024 | 483,773 | 1,149,797 |
| Testone, Marshall, Discenza | 946,000 | 711,500 | 1,657,500 |

In comparison, the preceding five-year agreement with Deloitte & Touche had a total cost of \$529,650.

The proposals were reviewed by a committee consisting of the Director of Finance, the Director of Accounting, the Assistant Director of Accounting, the Chief of Staff of City Council, and the Auditor General of the City School District. Following the reviews, which included interviews with representatives of the two local firms, the committee unanimously recommended Freed Maxick & Battaglia to perform the audits based upon the quality of the personnel to be assigned to the audit and on their substantially lower total costs.

Freed Maxick & Battaglia will be engaged simultaneously by the other four entities to undertake their audits. The five-year costs for those entities will be: REDCO - \$93,800; the Economic Development Zone - \$65,800; the Cultural Center Commission - \$65,800; and the Rochester Ferry Company --\$70,450. The proposed agreement will have a basic term of three years, with provision for two one-year renewals.

The agreement also will provide for the conduct of special audit work, as requested, beginning at \$125 per hour for the first year, increasing to \$152 per hour in the fifth year. This provision will enable the City to engage the auditors for any special work that may be required during the life of the contract, with a maximum expenditure of \$50,000 over that term. The proposed legislation includes the following:

| | |
|-----------------------------|---------------|
| City audit | \$340,725 |
| CSD audit | 319,500 |
| CFE audit | 14,150 |
| Allocation for special work | <u>50,000</u> |
| Total | \$724,375 |

The attached chart details the costs by entity by year.

Respectfully submitted,
Gladys Santiago
President

Attachment No. AH-47

Ordinance No. 2008-117
(Int. No. 125)

Establishing Maximum Compensation For A Professional Services Agreement For Audit Services - \$724,375

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

Section 1. The sum of \$724,375, or so much thereof as may be necessary, is hereby established as maximum compensation to be paid for a professional services agreement with Freed Maxick & Battaglia, PC to perform annual independent audits of the financial statements of the City and City School District and for special audits and/or services as requested by the City, for a term of three years with provision for two one-year renewals. Of said amount, \$390,725 shall be funded from the 2008-09 and subsequent annual budgets of the City and \$333,650 shall be funded from the 2008-09 and subsequent annual budgets of the City School District, contingent upon the approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-118
Re: Amendment to the City Code

Transmitted herewith for your approval is legislation amending the City Code in regard to musical events. The proposed legislation will make a technical correction to Section 75-12 to make it consistent with Section 75-4.

Section 75-4 empowers the Office of Special Events to grant a permit for exceptions to the regulations regarding excessive noise for festivals, parades, block parties, and other special events. Section 75-12 empowers that office to grant permits for exceptions to the regulations regarding sound reproduction devices, but only for performances "upon a public place."

The issue initially came up because it was cumbersome and expensive to issue an entertainment

license for one-time special events on private property. There are a growing number of requests for such activities. For example, within the past year, Boulder Coffee had a one-day festival in vacant lots next to their building; Milestones had a one-day fund raising event in a vacant lot near the bar; Rain had special events concerts in the parking lot of the hospital; and O'Callaghan's had a special St. Patrick's Day festival in the vacant lot next to their building.

The permits for these activities were granted under the terms of Section 75-4. In order to avoid any potential confusion, it is recommended that the language of Section 75-12 be amended to remove the limitation on the permits to public places.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-118
(Int. No. 126)

Amending Chapter 75 Of The Municipal Code, Noise, With Respect To Special Events

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

Section 1. Section 75-12 of the Municipal Code, Sound reproduction devices used for miscellaneous purposes, as amended, is hereby further amended by amending subsection B(3) to read in its entirety as follows:

- 3) Festivals, musical performances, block parties and other special events where a permit has been obtained from the Office of Special Events for such purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-119
Re: Amendatory Agreement - Monroe #2-Orleans BOCES

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe #2-Orleans BOCES, Center for Workforce Development to extend the term of the agreement from June 30, 2008 to June 30, 2009, to expand the scope of services, and to increase maximum compensation by \$7,500. The additional cost will be funded from the 2007-08 Budget of the Bureau of Human Resources.

The original agreement, authorized in May 2007 and amended in August 2007, was for \$40,000 to provide computer support training related to the City's conversion to Microsoft Office 2007. This amendment will extend the term of the agreement

for ongoing support for the introduction of Microsoft Outlook E-mail.

The additional funds will fund workforce education training workshops for City employees in subjects including but not limited to: workplace math, business writing, presentation skills, interpersonal skills, time and task management, and other professional development opportunities as determined by City management to support City of Rochester policy priorities.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-119
(Int. No. 127)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For City Employee Training

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 the Monroe #2-Orleans BOCES, Center for Workforce Development, for training for City employees through June 30, 2009. Said amount shall be funded from the 2007-08 Budget of the Bureau of Human Resources.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-120
Re: Agreement - Monroe Community College, Lean Six Sigma Training Support

Transmitted herewith for your approval is legislation establishing \$15,700 as maximum compensation for an agreement with the Monroe Community College Office of Workforce Development to provide a non-credit certificate program entitled "Lean Six Sigma Implementation" to City employees. The cost of this agreement will be funded from the 2007-08 Budget.

In 2006, experts in the Lean Six Sigma process worked *pro bono*, through the Greater Rochester Quality Council with teams of employees on a variety of projects.

This agreement will internalize the training and "belt" capacity so that additional improvement projects may be done in-house. Green Belt certification will require the use of the tools taught to complete a process improvement project that will bring results to actual workplace situations docu-

menting cost savings and increased quality of service.

Lean Six Sigma Training Program Summary

Champion (up to 25 participants). Members of the Senior Management Team receive instruction on leading an implementation strategy including requesting and allocating resources, developing criteria for project selection, and approving and reviewing Six Sigma projects.

White Belt (up to 25 participants). This is a 20-hour introductory course covering basics of LSS including philosophy and concepts. Participants learn basic tools to help them become effective contributors to process improvement teams. This level will target Rochester by the Numbers department staff coordinators.

Yellow Belt (up to 25 participants). Yellow Belts operate as the front line workers for change and play a critical role in sustaining gains resulting from Lean Six Sigma projects. Yellow Belts support projects by gathering data, participating in problem solving and process mapping/management and sustaining the gains resulting from Lean Six Sigma projects.

Green Belt. Six candidates are selected based on knowledge of process and experience. They will lead process improvement teams in the collection and analysis of data and recommendations to eliminate waste and improve the quality, cost, and time performance of any process.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-120
(Int. No. 128)

Establishing Maximum Compensation For A Professional Services Agreement For Lean Six Sigma Training

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

Section 1. The sum of \$15,700, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Monroe Community College, Office of Workforce Development, for Lean Six Sigma training for City employees. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-10,
Ordinance No. 2008-121,

Ordinance No. 2008-122,
Ordinance No. 2008-123,
Ordinance No. 2008-124,
Ordinance No. 2008-125,
Ordinance No. 2008-126,
Ordinance No. 2008-127,
Ordinance No. 2008-128, and
Ordinance No. 2008-129

Re: Ferry Debt Financing

Transmitted herewith for your approval is legislation related to financing for repayment of the balance due to the Export Finance and Insurance Corporation (EFIC) for the acquisition and operation of the vessel, Spirit of Ontario I. The total amount in principal owed to EFIC was \$40,545,918. A payment of \$19,534,735 in principal was made in February 2008, leaving a principal balance to \$21,011,183.

As a cost-saving measure, several capital projects originally financed with Cash Capital funds will instead be funded through the issuance of bonds, thus freeing up the Cash Capital funds for use to pay down the ferry debt. The interest rate the City will pay on the bonds is less than the interest paid for the ferry loan.

A total of \$9,023,600 in the issuance of bonds is requested as listed below. A portion (\$2,703,200) of the bonds requested in Int. 151 related to the Midtown Plaza Revitalization project, and \$310,000 requested in Int. 162 related to Durand Eastman Park Beach, are included in this refinancing plan. An additional \$3,886,100 in bonds will be requested at a future date; the total, \$15,922,900, requires a one-time addition to the City's debt limit. The remaining \$5,088,300 will be identified as part of the development of the 2008-09 Budget.

This legislation will:

1. Authorize a one-time addition to the City of Rochester debt limit in the amount of \$15,922,900 to partially fund the balance due to EFIC;
2. Authorize the issuance of bonds in the amount of \$1,452,000 and appropriation of the proceeds thereof to finance portions of the Street Improvement Program;
3. Authorize the issuance of bonds totaling \$3,993,000 and the appropriation of the proceeds thereof to finance the purchase of Fire Fighting Apparatus;
4. Authorize the issuance of bonds in the amount of \$1,006,100 and the appropriation of the proceeds thereof to finance design services and construction of various improvements at South Avenue Firehouse;
5. Authorize the issuance of bonds in the amount of \$203,000 and the appropriation of the proceeds thereof to finance design and construction of various improvements at Danforth Recreation Center;

6. Authorize the issuance of bonds in the amount of \$218,900 and the appropriation of the proceeds thereof to finance design and construction of various improvements at Genesee Valley Ice Rink;
7. Authorize the issuance of bonds in the amount of \$168,600 and the appropriation of the proceeds thereof to finance design and construction of the Hudson Avenue firehouse;
8. Authorize the issuance of bonds in the amount of \$482,000 and the appropriation of the proceeds thereof to finance design and construction of improvements to the Broad & Allen Firehouse;
9. Authorize the issuance of bonds in the amount of \$400,000 and the appropriation of the proceeds thereof to finance design and construction of improvements to the Chestnut Street Firehouse; and
10. Authorize the issuance of bonds in the amount of \$1,100,000 and the appropriation of the proceeds thereof to finance replacement of poles and luminaries.

Attached is a summary of the funding for the balance due to EFIC, including the capital projects being refinanced through the issuance of bonds. The proposed swap and refinancing will save between \$1.4 and \$4.4 million in interest charges, depending on the rates in effect when the bonds are issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-48

Resolution No. 2008-10
(Int. No. 173, As Amended)

Resolution Authorizing An Exception To The City Debt Limit To Provide Funding For The Fast Ferry Debt Repayment

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

Section 1. The sum of \$15,922,900 is hereby approved as an exception to the 2007-08 Debt Limit of the City in order to replace cash capital funds to be used for repayment of the Export Finance and Insurance Corporation (EFIC) loan relating to the acquisition and operation of the vessel Spirit of Ontario I.

Section 2. The Council hereby restates the policy articulated in Resolution No. 2007-15, that the redemption of any debt that is issued as an exception to the debt limit shall be excluded from the calculation of subsequent debt limits.

Section 3. This resolution shall take effect immediately.

Underlined material added

Adopted unanimously.

Ordinance No. 2008-121
(Int. No. 174)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,452,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2008 Milling And Resurfacing And Residential Street Improvement Programs In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2008 Milling and Resurfacing and Residential Street Improvement Programs in the City, including but not limited to those streets currently identified for inclusion in the Programs (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 \$1,452,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,452,000 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 \$1,452,000 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 \$1,452,000. 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 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 gen-

eral obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to 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. 2008-122
(Int. No. 175)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,993,000 Bonds Of Said City To Finance The Cost Of Acquisition Of New Fire Fighting Apparatus For The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of acquisition of new fire fighting apparatus for the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,993,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,993,000 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 \$3,993,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$3,993,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.27 of the Law, is twenty (20) years.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2008-123
(Int. No. 176)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,006,100 Bonds Of Said City To Finance The Cost Of Design And Construction Of Repairs To The South Avenue Firehouse In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of design and construction of repairs to the South Avenue Firehouse at 1261 South Avenue in the City, including but not limited to reconstruction of the kitchen and bathrooms, replacement of windows, interior renovations and HVAC improvements (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,006,100, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,006,100 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,006,100 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,006,100. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the

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

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

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

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

Passed unanimously.

Ordinance No. 2008-124
(Int. No. 177)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$203,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of Repairs To The Danforth Community Center In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of design and construction of repairs to the Danforth Community Center at 200 West Avenue in the City, including but not limited to replacement of the gym 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 \$203,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$203,000 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 \$203,000 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 \$203,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2008-125
(Int. No. 178)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$218,900 Bonds Of Said City To Finance The Cost Of Replacement Of The HVAC System At The Genesee Valley Park Ice Rink Building In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the replacement of the HVAC system at the Genesee Valley Park Ice Rink Building, a Class "A" building, at 131 Elmwood Avenue in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$218,900, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$218,900 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 \$218,900 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 \$218,900. 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.11(a)(13) of the Local Finance Law, is ten (10) years.

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

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

hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

Ordinance No. 2008-126
(Int. No. 179)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$168,600 Bonds Of Said City To Finance The Cost Of Design And Engineering Services And Construction Of Repairs And An Addition To The Hudson Avenue Firehouse In The City And Amending Bond Ordinance No. 2008-65 Relating To Said Purpose

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of design and engineering services and the construction of repairs and an addition to the Hudson Avenue Firehouse, a Class "A" building, at 704 Hudson Avenue in the City, including repairs to the kitchen, locker rooms, sleeping quarters, lounge areas and equipment storage, and the addition of two new apparatus bays (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$418,600. The plan of financing includes the issuance of \$168,600 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$250,000 bonds previously appropriated in Bond Ordinance No. 2008-65, 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. Bond Ordinance No. 2008-65, authorizing the issuance of \$250,000 bonds of the City to finance the cost of design and engineering services for repairs and an addition to the Hudson Avenue Firehouse at 704 Hudson Avenue, is hereby amended by changing the maximum cost of said specific object or purpose as set forth herein, and by changing the funding source of the additional amount required for said purpose from current City funds to the bonds authorized herein.

Section 2. Bonds of the City in the principal amount of \$168,600 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$168,600. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2008-127
(Int. No. 180)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$482,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of Repairs To The Broad And Allen Firehouse In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of design and construction of repairs to the Broad and Allen Firehouse, a Class "A" building, at 272 Allen Street in the City, including but not limited to HVAC system, boiler and radiator replacement, installation of an emergency generator, water system, flooring and bathroom improvements, and waterproofing (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental

thereto and the financing thereof, is \$482,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$482,000 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 \$482,000 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 \$482,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and

issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

Ordinance No. 2008-128
(Int. No. 181)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of Repairs To The HVAC System Of The Chestnut Street Firehouse In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of repairs to the HVAC system of the Chestnut Street Firehouse, a Class "A" building, at 185 North Chestnut 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 \$400,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$400,000 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 \$400,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.11(a)(13) of the Local Finance Law, is ten (10) years.

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

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

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in antici-

pation of the sale of said bonds, may be contested only if:

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

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

Passed unanimously.

Ordinance No. 2008-129
(Int. No. 182)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Cost Of Acquisition, Construction And Reconstruction Of Additions To The Street Lighting System Of 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 acquisition, construction and reconstruction of additions to the public street lighting system of the City, including but not limited to the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus required for the purposes of such system, and costs incidental thereto (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,100,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,100,000 are hereby authorized to be

issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.5 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. 2008-130
Re: Lease of Soccer Stadium
Parcels

Transmitted herewith for your approval is legislation authorizing the lease by the City of Rochester to Adirondack Sports Club LLC (Principal: Robert B. Clark) of the parcels of land in the Erie Canal Urban Renewal Project containing the Soccer Stadium.

The parcels, 524 Oak Street, 900 West Broad Street and 480 Smith Street, together with an abandoned portion of Oak Street, were previously leased to the Rochester Rhinos Stadium LLC. When that company recently defaulted on its outstanding bank loans, the lease was surrendered and the bank mortgage canceled, and the land and stadium reverted to the City. The Rhinos' USL Division I Soccer franchise was also returned to the league and subsequently awarded to the Adirondack Sports Club LLC.

The ground lease between the City and Adirondack Sports Club LLC for the parcels shall provide for rent in the amount of One Dollar (\$1.00) annually. The term of the lease shall be for 15 years, with a conditional option to renew for an additional 15 years. Adirondack shall be responsible for the use, maintenance, repair and operation of the soccer stadium, the payment of all real property taxes and assessments, or their equivalent, on the land and improvements, and for all utility and insurance costs. Adirondack shall maintain a \$500,000 line of credit available to meet its obligations under the lease. Adirondack shall also maintain a USL Division I Soccer franchise and play all home games at the stadium. Adirondack shall allow up to 4 City

sponsored events at cost and not subject to exclusive concession rights.

A public hearing is required for the lease of the land.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-130
(Int. No. 172)

Approving The Lease To The Adirondack Sports Club LLC Of The Soccer Stadium Parcels

WHEREAS, the City of Rochester has received a proposal from the Adirondack Sports Club LLC (hereinafter called "Redeveloper"), for the lease of 524 Oak Street, 900 West Broad Street and 480 Smith Street, together with an abandoned portion of Oak Street (hereinafter collectively called "Disposition Parcel"), in the Erie Canal Urban Renewal Project, for the use, maintenance, repair and operation of the soccer stadium contained thereon; and

WHEREAS, the City desires to lease the Disposition Parcel to Adirondack Sports Club LLC for the use, maintenance, repair and operation of the soccer stadium contained thereon; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on April 15, 2008 to consider the proposed lease of the Disposition Parcel; and

WHEREAS, it is determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said Disposition Parcel by the Redeveloper and the terms of the lease of said Disposition Parcel are satisfactory;
3. That lease of said Disposition Parcel by negotiation is the appropriate method making the land available for redevelopment;
4. That the Redeveloper possesses the qualifications and financial resources necessary to lease and develop the Disposition Parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory;
5. That the proposed rental price is a satisfactory price for use in accordance with the Urban Renewal Plan;
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and

7. That the lease of said Disposition Parcel and conditions established for redevelopment are satisfactory;

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Disposition Parcel and approves said Redeveloper as a qualified and eligible sponsor to lease and redevelop the Disposition Parcel. The Council further finds that the notice provisions of Section 507(c)(1) of the General Municipal Law have been met.

Section 2. The Council hereby approves a ground lease between the City and Redeveloper for the Disposition Parcel for the rental of One Dollar (\$1.00) annually. The term of the lease shall be for 15 years, with a conditional option to renew for an additional 15 years. The Redeveloper shall be responsible for the payment of all real property taxes and assessments, or their equivalent, on the land and improvements, and for all utility and insurance costs. The Redeveloper shall maintain a \$500,000 line of credit available to meet its obligations under the lease. The Redeveloper shall also maintain a USL Division 1 Soccer franchise and play all home games at the stadium. The Redeveloper shall allow up to 4 City sponsored events at cost and not subject to exclusive concession rights.

Section 3. The Council hereby authorizes the lease of said Disposition Parcel for the proposed price in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. The Mayor is authorized to enter into such agreements and documents as may be necessary to effectuate the project. Such documents shall contain such additional terms and conditions as the Mayor deems to be appropriate. The lease shall be subject to all easements. The Council further approves the reservation, grant and acceptance of all necessary easements, including easements for access, utilities and telecommunications purposes, over said Disposition Parcel.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
April 15, 2008

To the Council:

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

Int. No. 129 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 130 - Authorizing The Acquisition Of 720 Hudson Avenue

Int. No. 131 - Approving A Lease For Office Space For The Swillburg Neighborhood Association

Int. No. 132 - Authorizing A Loan Agreement For The Frederick Douglass Apartments Project

Int. No. 133 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Frederick Douglass Apartments Project

Int. No. 134 - Amending Ordinance No. 2007-342 And The 2007-08 Budget, Relating To Lead Poisoning Prevention

Int. No. 135 - Authorizing An Agreement For The Aging In Place Home Modification Program

Int. No. 136 - Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets

Int. No. 137 - Resolution Approving Appointments To The Rochester Public Library Board Of Trustees

Int. No. 168 - Resolution Approving Reappointments To The City Planning Commission

Int. No. 169 - Resolution Approving Reappointments To The Rochester Preservation Board

Int. No. 170 - Resolution Approving Reappointments To The Zoning Board Of Appeals

Int. No. 171 - Amending Chapter 90 Of The Municipal Code, Property Conservation Code, With Respect To Graffiti

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

Int. No. 138 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District And Authorizing An Agreement

Respectfully submitted,
Lovely A. Warren
Carla M. Palumbo
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-131
Re: Sale of Real Estate

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

The first four properties are structures that were sold at a Request for Proposal sale. The property at 366-366.5 Alexander Street will be rehabilitated as six apartments, while the property at 1340 Hudson Avenue will be rehabilitated as one apartment and one office/showroom. The property at 95 Oakland Street will be rehabilitated as seven apartments and the property at 96 Ravenwood Avenue will be rehabilitated as two apartments.

The next property is a vacant lot, which was sold at the August 2007 public auction.

The next two properties were sold through a sealed bid process. The purchasers will combine the parcels with their adjoining properties.

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

The first year projected tax revenue for these twelve properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$16,272.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-49

Ordinance No. 2008-131
(Int. No. 129, 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 request for proposal sale:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> | <u>Legal</u> <u>Use</u> | <u>Price</u> |
|----------------------------------|---------------------------|-----------------------------|--------------|
| [366-366.5 Alexander St | 57x179 | 6 Family | \$120,000 |
| 106.82-2-25 | | *Finewood Holding Co, LLC] | |
| 1340 Hudson Ave | 80x120 | 1 Family | 25,000 |
| 091.49-1-43 | | Mark S. Loysen | |
| 95 Oakland St | 55x81 | 7 Family | 152,000 |
| 121.80-1-6 | | **J&S Homesteading, LLC | |
| 96 Ravenwood Ave | 49x142 | 2 Family | 49,000 |
| 120.72-1-49 | | Wilma Milhouse | |
| | | [*Member - Ronald Finewood] | |
| | | **Member - Brad Cherin | |

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

| | |
|------------|-------------------|
| Address: | 396 Lexington Ave |
| S.B.L.# | 105.25-3-3 |
| Lot size: | 59x81 |
| Price | \$50 |
| Purchaser: | Amos Postwaite] |

Section [3] 2. The Council hereby approves the sale of the following parcels of vacant land with proposal by sealed bid:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> | <u>Price</u> |
|----------------------------------|---------------------------|---------------------|
| 25 Chester St | 41x130 | \$50 |
| 120.41-1-15 | | Mary Edna Covington |
| 359 Hazelwood Ter | 40x100 | 50 |
| 107.55-2-2 | | Shawn Stoner |

Section [4] 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> | <u>Sq.</u> <u>Ft.</u> |
|----------------------------------|---------------------------|---|
| 155 Atkinson St | 30x139 | 4170 |
| 121.37-1-19 | | ***Cornerstone Properties of Rochester, LLC |
| 46 Baldwin St | 38x127 | 4845 |
| 107.69-1-79 | | Lydell C. Strickland |
| East 1/2 of | | |
| 7 Curren Pl | 43x77 | 3311 |
| Pt. of 106.60-4-25 | | Larry M. McCollough |
| 204-206 | | |
| Jefferson Ter | 40x51 | 2040 |
| 120.51-3-62 | | Umenzi Thompson |
| 67 Melville St | 41x82 | 3362 |
| 107.53-3-17 | | Ruthiea Monson |

*** Members: Eliot J. Katz, Claude Etedgui-Katz

Section [5] 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 [6] 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-132
Re: Acquisition - 720 Hudson Avenue

Transmitted herewith for your approval is legislation authorizing acquisition of a property at 720 Hudson Avenue as part of the Hudson Avenue Firehouse Renovation and Expansion Project. Pertinent information regarding the property to be acquired is as follows:

| | |
|---------------------|-----------------|
| Address: | 720 Hudson Ave |
| Reputed owner: | Joanne L. Smith |
| Lot size: | 76.82'x134' |
| Type: | 3 Family |
| Acquisition amount: | \$50,000 |

The purchase price was established through an independent appraisal prepared by Stephen V. Ferrara, SRA. The total acquisition amount, plus closing costs of \$5,000, will not exceed \$55,000 and will be funded through the 2007-08 Fire Facilities Cash Capital allocation for Replacement and Renovation. No relocation expenses are anticipated since existing leases will have expired prior to closing.

In February 2008, City Council approved funds for an agreement with Bergmann Associates for design and engineering services related to this project.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-50

Ordinance No. 2008-132
(Int. No. 130)

Authorizing The Acquisition Of 720 Hudson Avenue

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

Section 1. The Council hereby approves the acquisition of 720 Hudson Avenue, SBL #106.25-3-44.1, for the sum of \$50,000 from reputed owner Joanne L. Smith as a part of the Hudson Avenue Firehouse Renovation and Expansion Project. Said amount, and necessary closing costs, shall be funded from the 2007-08 Cash Capital allocation.

Section 2. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-133
Re: Lease - 846 S. Clinton Avenue

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

The Swillburg Neighborhood Association has occupied approximately 500 square feet of space since 2005. The space is primarily used as a meeting area for the Association's Executive Committee. Improvements to the space, including drywall, carpet, suspended ceilings and HVAC, were made by the Association at the beginning of the original term in 2005.

The term of the lease will be for one year, beginning March 1, 2008, at an annual cost of \$1,000. The lease will include the stipulation that it can be terminated by either party with 30 days notification.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-133
(Int. No. 131)

Approving A Lease For Office Space For The Swillburg Neighborhood Association

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Swillburg Neighborhood Association for the lease of office space on the second floor of the City-owned building at 846 South Clinton Avenue, for a term of one

year, with rent at \$1,000. The lease agreement shall be terminable by the City upon 30 days written notice. The Swillburg Neighborhood Association shall be required to provide community services in the amount of \$1,000 to offset rent.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-134 and
Ordinance No. 2008-135
Re: Rochester Housing Authority,
Frederick Douglass Apartments

Transmitted herewith for your approval is legislation relating to the redevelopment of the Frederick Douglass Apartments at 442-466 West Main Street, a project to be undertaken by the Rochester Housing Authority. This legislation will:

1. Authorize an agreement with a Housing Development Fund Company to be formed by RHA to provide for the consolidation of two existing loans, for a 30-year term at the applicable Federal rate, with annual payments of 1% interest;
2. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits; and
3. Authorize a property tax exemption and payment in-lieu-of tax (PILOT) agreement with the Housing Development Fund Company to be formed by RHA equal to 10% of shelter rent minus utilities.

RHA submitted an application to the New York State Division of Housing and Community Renewal in February 2007 to purchase and rehabilitate 442-466 West Main Street. The project consists of six attached, mixed-use buildings, built in the 1900's. It currently houses 28 occupied apartments and ten commercial spaces on the first floor. The building will be rehabilitated to maintain 28 housing units for low-income residents on the second and third floors. A renovated space for a site-management office and laundry facility will be made available on the first floor. Current residents will not be displaced during the renovation of the building.

A Housing Development Fund Company to be formed by RHA will soon be acquiring the buildings from West Main Street Partners, L.P. As part of the redevelopment plan, they are requesting a new loan to consolidate an existing mortgage and assumption agreement. The new loan will be secured by a new 30-year mortgage at the applicable

federal rate, with annual payments due of 1% interest. A PILOT agreement is being requested as well.

New York State awarded RHA tax credits equal to \$273,000 annually over ten years. The credits will return \$2.1 million in equity investment. The total project cost of the building renovation is \$4.1 million. A letter of support was provided by the Administration in February 2007 supporting the requested debt consolidation and PILOT agreement.

West Main Street Partners, L.P. acquired the buildings in 1993 from owners Allen K. Williams and Charles Goldsby. At that time, the buildings carried a significant amount of debt that financed the renovation of the buildings between 1989-1991. The City provided debt relief by issuing a mortgage and assumption agreement that were executed in December 1993. The mortgage is for \$555,000 between the City and West Main Street Partners, L.P. The proceeds were used to satisfy fourteen private mortgages that existed between Goldome Bank and the prior owners. Payments were to be made from net cash flows at an interest rate of 8.25%. As cash flows were negative over the term of the loan, no payments were made. The loan matures in January 2009. The assumption agreement was for \$817,974 between the City and West Main Street Partners, L.P. and the prior owners. The proceeds were used to consolidate 26 loans that existed between the City of Rochester and the prior owners. The term of the loan is interest only payments at 1% to mature on December 1, 2008. Regular payments have been made on this loan since February 1998. The loan matures on December 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-134
(Int. No. 132)

Authorizing A Loan Agreement For The Frederick Douglass Apartments Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the housing development fund company formed by the Rochester Housing Authority for the Frederick Douglass Apartments Project, 442-466 West Main Street, SBL #120.36-2-11, 12, 13, 14, 15 & 16, which shall consolidate the two existing loans for said parcels. The loan shall be for a term of 30 years with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The 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. 2008-135
(Int. No. 133)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Frederick Douglass Apartments Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the Frederick Douglass Apartments Project at 442-466 West Main Street, SBL #120.36-2-11, 12, 13, 14, 15 & 16, upon ownership by a housing development fund company formed by the Rochester Housing Authority for the Frederick Douglass Apartments Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 30 years with the housing development fund company formed for the Frederick Douglass Apartments Project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-136
Re: Amendment to Ord. No. 2007-342,
An Agreement with Monroe County
to Supplement Lead Poisoning
Prevention Efforts

Transmitted herewith for your approval is legislation amending Ord. No. 2007-342 and amending the 2007-08 Budget to reflect a change in the amount of a grant received. Ord. No. 2007-342, authorized an agreement with Monroe County to supplement the Proactive Property Management Program and the City's ongoing program to increase the number of units in high-risk areas that will be inspected for lead. The amendment is necessary to accept the funding amount as approved by the New York State Department of

Health, which is the source of funding for the program. It was originally anticipated that the amount to the City would be \$349,000; however, the actual amount received in the grant is \$225,500.

The new maximum amount of the grant is \$225,500 through the end of the fiscal year, which will fund two full-time or equivalent inspection positions, additional lead dust wipe testing costs, and materials for outreach to the 14611 neighborhood. Monroe County was notified that it had been awarded this grant from the New York State Department of Health in September, but the proposal and budget have been revised. Monroe County still expects to receive the grant on an annual basis, beginning with this contract, which is retroactive to October 1, 2007 through September 30, 2008.

This funding will help the City meet the three-year compliance requirements of the Lead Paint Poisoning Prevention Ordinance, including acceleration of wipe testing in single-family rentals in the high risk areas as well as in open pre-Lead Ordinance Certificate of Occupancy cases, and provide outreach to the 14611 zip code, which has not benefited from as much proactive work as other high-risk areas.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-136
(Int. No. 134)

Amending Ordinance No. 2007-342 And The 2007-08 Budget, Relating To Lead Poisoning Prevention

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

Section 1. Ordinance No. 2007-342, relating to an agreement with the County of Monroe for the Proactive Property Management Program, is hereby amended by amending Section 3 thereof to read in its entirety as follows:

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Neighborhood Empowerment Team by the sum of \$225,500, which amount is hereby appropriated from funds to be received through the agreement authorized herein.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-137
Re: Agreement and Appropriation -
Aging in Place Program

Transmitted herewith for your approval is legislation establishing \$44,199 as maximum compensation for an agreement with Lifespan of Greater Rochester, Inc. for the continuation of the Aging in Place Home Modification Program, and to fund the agreement appropriating this amount from the "Improve the Housing stock and General Property Conditions" allocation (Aging in Place account) of the 2005-06 Community Development Program.

In 2006, the City's Aging in Place Steering Committee identified home modification as a key and economical method for helping older residents with changing needs to remain independent and safe at home. The Aging in Place Home Modification Program conducts residential evaluations to identify adaptations needed to support continued residence in a safe and comfortable environment. The program also provides selected home modifications and/or repairs, which directly increase livability options in one's own home.

Eligible City homeowners who currently receive assistance from the City Residential Assistance Program (RAP), or other housing rehabilitation programs, will continue to be referred to Lifespan for the Aging in Place Home Modification Program as appropriate.

This program was most recently authorized in April 2007. Over the past year, Lifespan conducted 237 home surveys and made 190 home modifications in the City. The new agreement will enable Lifespan to conduct at least 220 Home Safety Surveys in the City at an estimated cost of \$13,200 (\$60 per survey). A minimum of 150 of those surveyed will receive safety home modifications such as installation of stairway handrails, bathtub grab bars, or handheld shower units at an estimated cost of \$30,999. Lifespan will also provide orientation and training to potential home modification service providers and make appropriate referrals for home modification work beyond the scope of this program.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-51

Ordinance No. 2008-137
(Int. No. 135)

Authorizing An Agreement For The Aging In Place Home Modification Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Lifespan for the continuation and promotion of the Aging In Place Home Modification Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$44,199, 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:

Local Law No. 1
Re: Amending the City Charter -
Issuance of Appearance Tickets

Transmitted herewith for your approval is legislation amending the City Charter to clarify which City employees are authorized to issue Municipal Code violation appearance tickets.

Chapter 10, Section 10 of the Charter currently specifies by job title which staff other than Neighborhood Conservation Officers can issue violation appearance tickets. This amendment will change the language to simply state that any Building and Zoning staff of the Department of Community Development, who are New York State Certified building code enforcement officers, will be authorized to issue appearance tickets for Municipal Code violations.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 1
(Int. No. 136)

Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 10-10, Issuance of appearance tickets, by repealing the final two sentences thereof and by inserting in their place the following new sentence:

State Certified Code Enforcement Officers in the Bureau of Buildings and Zoning may issue appearance tickets returnable in the Municipal Code Violations Bureau for violations of the Zoning Code, Fire Prevention Code, Building Code, Plumbing Code, Electrical Code, Elevator Code and any other laws and ordinances enforced by the Department of Community Development over which the Municipal Code Violations Bureau has jurisdiction.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-11
Re: Appointments - Rochester
Public Library Board of
Trustees

Transmitted herewith for your approval is legislation confirming the appointment of the following four individuals to the Rochester Public Library Board of Trustees:

| <u>Name</u> <u>Address</u> | <u>Status</u> | <u>Term to Expire</u> |
|--|-----------------|-----------------------|
| Rev. Errol Hunt 45 Cottage Street | Re-appointment | December 31, 2012 |
| Sharon Orienter 116 Browncroft Boulevard | New Appointment | December 31, 2012 |
| Kelvin Knight 98 Cobbs Hill Drive | New Appointment | December 31, 2012 |
| Judith Hall 49 Menlo Place | New Appointment | December 31, 2011 |

Resumes for all four are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-11
(Int. No. 137)

Resolution Approving Appointments To The Rochester Public Library Board Of Trustees

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

Section 1. The Council hereby approves the reappointment of Rev. Errol Hunt, 45 Cottage Street, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2012.

Section 2. The Council hereby approves the appointment of Sharon Orienter, 116 Browncroft Boulevard, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2012.

Section 3. The Council hereby approves the appointment of Kelvin Knight, 98 Cobbs Hill Drive, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2012.

Section 4. The Council hereby approves the appointment of Judith Hall, 49 Menlo Place, to the

Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2011.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-12,
Resolution No. 2008-13 and
Resolution No. 2008-14
Re: Reappointments - City Planning
Commission, Zoning Board of Appeals,
and Rochester Preservation Board

Transmitted herewith for your approval is legislation approving the reappointments of members to the City Planning Commission, the Zoning Board of Appeals and the Rochester Preservation Board. A list of the members and their attendance record is listed below:

City Planning Commission

| <u>Name</u> | <u>Term Expired</u> <u>Meetings Held</u> | <u>New Term To Expire</u> <u>Meetings Attended</u> |
|--------------------|---|---|
| David Watson | Sept 2003 28 | April 2010 26 |
| Donna P. Suchy | Feb 2008 28 | Feb 2010 23 |
| Eugenio Marlin | Jan 2008 27 | Jan 2010 24 |
| Eleanor Chin | Feb 2008 26 | Feb 2010 16 |
| Steven V. Rebholz | May 2006 28 | April 2010 25 |
| Heidi Zimmer-Meyer | Jan 2008 27 | Jan 2010 22 |
| William Clark | Jan 2008 27 | Jan 2010 17 |

Rochester Preservation Board

| <u>Name</u> | <u>Term Expired</u> <u>Meetings Held</u> | <u>New Term To Expire</u> <u>Meetings Attended</u> |
|-------------------|---|---|
| Deborah Beardslee | Aug 2007 24 | Aug 2009 21 |
| Craig Jensen | Feb 2008 24 | Feb 2010 22 |
| Paul McAndrew | Nov 2006 24 | Nov 2008 20 |
| Michael Warfield | Feb 2008 4 | Feb 2010 4 |

Zoning Board of Appeals

| <u>Name</u> | <u>Term</u> | <u>New Term</u> |
|--------------------|------------------|------------------|
| | <u>Expired</u> | <u>To Expire</u> |
| | <u>Meetings</u> | <u>Meetings</u> |
| | <u>Held</u> | <u>Attended</u> |
| Roseanne Hennessey | Sept 2007 37 | Sept 2009 31 |
| Eric Van Dusen | Sept 2007 37 | Sept 2009 27 |
| Joseph O'Donnell | March 2008 24 | March 2010 22 |
| Sherry Walker | Sept 2007 37 | Sept 2009 31 |

Resumes are on file in the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-52

Resolution No. 2008-12
(Int. No. 168)

Resolution Approving Reappointments 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 reappointment of Eleanor Chin, 30 Ramsey Park, to the City Planning Commission for a term which shall expire on February 28, 2010.

Section 2. The Council hereby approves the reappointment of William G. Clark, 324 Roslyn Street, to the City Planning Commission for a term which shall expire on January 31, 2010.

Section 3. The Council hereby approves the reappointment of Eugenio Marlin, 25 Riverside Street, to the City Planning Commission for a term which shall expire on January 31, 2010.

Section 4. The Council hereby approves the reappointment of Heidi Zimmer-Meyer, 288 Rockingham Street, to the City Planning Commission for a term which shall expire on January 31, 2010.

Section 5. The Council hereby approves the reappointment of Donna P. Suchy, 11 Edgerton Street, to the City Planning Commission for a term which shall expire on February 28, 2010.

Section 6. The Council hereby approves the reappointment of David Watson, 234 Aldine Street, to the City Planning Commission for a term which shall expire on April 30, 2010.

Section 7. The Council hereby approves the reappointment of Stephen V. Rebholz, 92 Westchester Avenue, to the City Planning Commission for a term which shall expire on April 30, 2010.

Section 8. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2008-13
(Int. No. 169)

Resolution Approving Reappointments To The Rochester Preservation Board

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

Section 1. The Council hereby approves the reappointment of Deborah A. Beardslee, 24 Trafalgar Street, to the Rochester Preservation Board for a term which shall expire on August 31, 2009.

Section 2. The Council hereby approves the reappointment of Paul McAndrew, 29 Stanton Street, to the Rochester Preservation Board for a term which shall expire on November 30, 2008.

Section 3. The Council hereby approves the reappointment of Michael Warfield, 32 King Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2010.

Section 4. The Council hereby approves the reappointment of Craig Jensen, 137 Gibbs Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2010.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2008-14
(Int. No. 170)

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 Roseanne Hennessey, 214 Croydon Road, to the Zoning Board of Appeals for a term which shall expire on September 30, 2009.

Section 2. The Council hereby approves the reappointment of Eric Van Dusen, 24 Trafalgar Street, to the Zoning Board of Appeals for a term which shall expire on September 30, 2009.

Section 3. The Council hereby approves the reappointment of Sherry Walker, 14 Juniper Street, to the Zoning Board of Appeals for a term which shall expire on September 30, 2009.

Section 4. The Council hereby approves the reappointment of Joseph O'Donnell, 150 Versailles Road, to the Zoning Board of Appeals for a term which shall expire on March 31, 2010.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-138
Re: City Code Amendment - Graffiti

Transmitted herewith for your approval is legislation amending Chapter 90 of the City Code to clarify and strengthen the City's anti-graffiti efforts. Graffiti incidents were up 75% in 2007 compared to prior years, and the City spent more than \$100,000 on removal efforts in the past year. Graffiti is a major blighting factor on our neighborhoods and contributes to the depreciation of the value of our housing and commercial stock.

To more aggressively address this nuisance activity, the Code amendment defines graffiti as a public nuisance and requires the prompt removal of graffiti from private property. The City will remove graffiti from the first floor level of private property, when granted permission and according to its ability, once per year per property. The City will continue to summarily remove obscene or indecent marks as defined by the legislation.

Additionally, this legislation calls for the creation of a graffiti registry to track graffiti incidents for clean-up and enforcement purposes. As an alternative for graffiti artists to legitimately express themselves, the legislation also allows for the designation of "graffiti walls" for temporary, legal decoration. The City will reserve the right to remove or paint over any marks at any time.

This legislation will supplement programmatic efforts to decrease the prevalence of graffiti, including the addition of graffiti removal to Clean Sweep and other community partnerships, recreational offerings that encourage legal art, and stepped-up enforcement by the Rochester Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-53

Ordinance No. 2008-138
(Int. No. 171)

Amending Chapter 90 Of The Municipal Code, Property Conservation Code, With Respect To Graffiti

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

Section 1. Chapter 90 of the Municipal Code, Property Conservation Code, as amended, is hereby further amended by adding thereto the following new section:

§90-19. Graffiti.

A. Declaration of legislative findings. Graffiti on public and private property is a blighting influence which not only depreciates the value of the property which has been the target of such graffiti, but also depreciates the value of the adjacent and surrounding properties and, in so doing, negatively impacts upon the entire community. The City has in the past undertaken to remove graffiti from public property, but has been unable to mount successful programs for encouraging the owners of private property to undertake to remove graffiti from walls, buildings, structures and other surfaces.

The Council finds that graffiti is a public nuisance and, unless promptly removed from public and private properties, tends to remain and to attract more graffiti; other properties are then the target of graffiti. The City Council therefore determines that it is appropriate that the City of Rochester develop procedures to cause graffiti to be swiftly removed from public and private property under the circumstances set forth hereinafter. Through the adoption of this section, it is the Council's intent and purpose to reduce blight and deterioration within the City and to protect the public health and safety and to provide additional tools to protect public and private property from acts of graffiti vandalism and defacement. The Council does not intend for this Section to conflict with any existing anti-graffiti state laws.

B. Definitions. As used in this section, the following terms shall have the meanings indicated. Where there is a conflict with the definitions found in Section 90-3, the definition found herein shall apply to this section.

COMMISSIONER - The Commissioner of Environmental Services or his or her designee.

GRAFFITI - Any unauthorized inscription, word, figure, marking or design, painting and/or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, posted, pasted, glued or engraved on or otherwise affixed to any surface of public or private property without the prior written consent of the owner of the property or the owner's authorized agent, except for marks placed on legal walls.

INDECENT MARK - A mark that portrays sexual or excretory activities and organs in a manner that is patently offensive as measured by contemporary community standards.

LEGAL WALL - A surface identified by the City where individuals may place their graffiti marks and not violate this Chapter.

OBSCENITY - As defined in §235 of the New York State Penal Law.

PRIOR WRITTEN CONSENT - For purposes of graffiti, written consent secured from the owner of the property or the owner's authorized agent, contained on a form prescribed by the Commissioner and registered with the City pursuant to this Section prior to the application of the graffiti.

C. Graffiti is a public nuisance and is prohibited.

- (1) It shall be unlawful for any person to apply graffiti to any surface on any public or private property.
- (2) The existence of graffiti on public or private property is a public nuisance and, therefore, is subject to removal and abatement provisions specified in this Section.
- (3) It is the duty of the occupant, lessee, agent and owner of the property to which the graffiti has been applied to keep the property clear of graffiti at all times.

D. Removal or covering of graffiti.

- (1) Requirement to remove graffiti. Any person applying graffiti on public or private property shall have the duty to properly remove or cover the graffiti, or pay for the same, within twenty-four (24) hours after notice by the City or the private owner of the property involved. Where the graffiti is applied by an unemancipated minor, the parents or legal guardian of such minor shall be responsible for the proper removal or covering or for payment for the same.
- (2) Removal of graffiti by the property owner or City. If graffiti is not properly removed or covered by the applicator according to Section 90-19D(1), graffiti shall be properly removed or covered pursuant to the following provisions:
 - (a) The occupant, lessee, agent and property owner of any premises on which there is any form of graffiti shall be required to properly remove or cover the graffiti within ten (10) business days after notice from the City.
 - (b) Removal of graffiti by City on private property. Due to budgetary and safety concerns, City employees may only remove or cover graffiti on a privately owned residential premises once a calendar year, only if it is on the first floor, and only if written consent is provided by the property owner or duly authorized agent on a form provided by the Commissioner within ten (10) business days after the initial notice from the City.

- (3) Summary removal of obscene or indecent marks. The City shall continue to summarily remove or cover obscene or indecent marks which are visible to the public on public or private properties.

E. Registry.

- (1) The Commissioner shall maintain a registry of all graffiti and prior written consent forms in the City of Rochester. The registry shall contain the property address, photographs of the graffiti, the date it was first identified and the date it was removed, and copies of any written consent forms searchable by the property address, by the author or by the mark.
- (2) Prior to the removal or covering of any graffiti, the person removing or covering the graffiti shall take photographs of the graffiti and forward them to the Commissioner.

F. Identification of Legal Walls. The Commissioner may establish a program in which legal places for graffiti artists to temporarily place their marks are identified and permitted. If such a program is established, the Commissioner is authorized to establish rules and regulations governing the program. No artistic rights shall be created through the application of graffiti on legal walls. Permission to place marks on the legal walls is conditioned upon the City reserving the right to remove or cover any and all marks without any prior notice. Prior written consent by the City to apply graffiti to legal walls is not required.

Section 2. This ordinance shall take effect on May 5, 2008.

Passed by the following votes:

Ayes - President Santiago, Councilmembers McFadden, Miller, Palumbo, Pritchard, Spaul - 6.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1585
Re: South Avenue/Alexander Street
Open Space Maintenance Special
Assessment District

Transmitted herewith for your approval is legislation approving the 2008-09 assessments for the South Avenue/Alexander Street Open Space Maintenance Special Assessment District located at 62 Alexander Street. These assessments finance the cost of maintenance of this property.

The Assessment District for the area was established by City Council in 2004 through Local Improvement Ordinance No. 1537. A list of subject properties and assessment amounts is attached.

The South Avenue and Alexander Street Green Space Enhancement project is a Sector Targeted Funding Initiative development that reconstructed the landscaped open space at the corner of South Avenue and Alexander Street into a fully accessible open space, meditation area and recreational space.

The assessments reflect annual maintenance costs of \$6,500, based on estimates obtained by the South Wedge Planning Committee (SWPC). These maintenance costs include grass cutting, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, security equipment operation and a reserve to pay for repairs to structures and pavement installed in the open space. The South Wedge Planning Committee will be responsible for property maintenance.

The City will reimburse SWPC from the assessment fund upon submission of vouchers for maintenance expenses.

A public hearing on the special assessment district is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-54

Local Improvement Ordinance No. 1585
(Int. No. 138)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District And Authorizing An Agreement

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

Section 1. The cost of the special work and services to be assessed for the 2008-09 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$6,500, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1537.

Section 2. The Mayor is further authorized to enter into an agreement with the South Wedge Planning Committee for the maintenance of the South Avenue/Alexander Street Open Space District.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$6,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein.

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

Section 5. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

By Councilmember Lightfoot
April 15, 2008

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 139 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Riverway Trail Signage And Street Crossing Project And Appropriating Funds

Int. No. 140 - Authorizing Agreements For Structural Engineering Services For Building Renovation Projects

Int. No. 141 - Establishing Maximum Compensation For A Professional Services Agreement For A Colebourne Road Drainage Study

Int. No. 142 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Crossroads Garage HVAC System Optimization Project

Int. No. 143 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Cost Of Implementing Elevator Upgrades In The City Hall "A" Building

Int. No. 144 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 145 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Water System Security Study

Int. No. 161 - Authorizing An Amendatory Agreement For Design Services For Durand Eastman Park Beach Improvements And Amending Ordinance No. 2007-454

Int. No. 162 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Cost Of Planning For Phase One Of The Durand Eastman Park Beach Improvements Project

Int. No. 167 - Amending Ordinance No. 2008-55, Relating To An Amendatory Agreement With The Monroe County Water Authority

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

Int. No. 146 - Local Improvement Ordinance - Upgrading Of The Sidewalk As A Part Of The Bond Street Group Curb Replacement Project

Int. No. 147 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 148 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Street-scape Enhancements

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden (Did not vote on Int. Nos. 139,140, & 141)
Carla M. Palumbo
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-139
Re: Genesee Riverway Trail Signage and Street Crossing

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with McCord Landscape Architecture, Penfield, New York, for services related to the Genesee Riverway Trail Signage and Street Crossing Project; and appropriating \$60,000 in Environmental Protection Funds received through an agreement with the New York State Department of State (Ord. No. 2006-149) to partially finance the agreement and additional costs of the project.

The agreement with McCord will be financed from the EPF funds appropriated herein (\$10,000) and from 2002-03 Cash Capital (\$10,000). The firm will provide landscape architecture and engineering services for preliminary and final design of improvements, bid and award of a construction contract and construction phase design services.

The Genesee Riverway Trail Signage and Street Crossing Project will include the design and installation of trail signage and street crossings between Corn Hill and Lower Falls Park. This 2.5 mile section is the only remaining non-continuous portion of the Genesee Riverway Trail. The project will build upon the 150+ signs already in place along the trail.

Requests for proposals were sent to four local landscape architecture and engineering firms. Proposals were received from McCord and from Fisher Associates and reviewed by a staff committee. McCord Landscape Architecture is recommended based upon the qualifications of their team and knowledge of the project.

Design is scheduled to be started in the summer of 2008, with construction expected to begin in the fall of 2008, with completion by summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-139
(Int. No. 139)

Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Riverway Trail Signage And Street Crossing Project And Appropriating Funds

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and McCord Landscape Architecture for landscape architecture, engineering, bid, award and design services for the Genesee Riverway Trail Signage and Street Crossing Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$10,000 shall be funded from the 2002-03 Cash Capital allocation and \$10,000 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from Environmental Protection Fund reimbursements to be received from the New York State Department of State the sum of \$60,000, or so much thereof as may be necessary, to fund the Genesee Riverway Trail Signage and Street Crossing Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-140
Re: Agreements - Structural Engineering Services

Transmitted herewith for your approval is legislation authorizing agreements with five firms for structural engineering services related to City building renovation projects:

Company
Address

- FRA Engineering
530 Summit Point Drive, Henrietta 14467
- Herrick-Saylor Engineers
510 Kreag Road #5, Pittsford 14534
- Jensen Engineering
1653 East Main Street #3, Rochester 14609
- Ravi Engineering & Land Surveying, P.C.
6605 Pittsford-Palmyra Road, Fairport 14450
- Torchia Structural Engineering & Design
625 Panorama Trail, Bldg 2, Rochester 14625

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

Similar agreements for these services have been in place since April 2005. These services include: structural investigations of existing facilities as

requested by the City, preparing contract documents for contracted maintenance work and providing inspection of that work during construction, and reviewing designs for specific construction projects.

In January 2008, the Division of Architectural Services solicited proposals by direct mail to nine firms; the RFP was also posted on the City's web site. Ten firms responded, including: Clark Patterson Associates, FRA Engineering, Herrick-Saylor Engineers, Jensen Engineering, LaBella Associates P.C., Larsen Engineers, Ravi Engineering & Land Surveying, P.C., Stantec, Inc., SWBR Architects & Engineers P.C. and Torchia Structural Engineering & Design, P.C.

Five firms were selected based on the variety and availability of services provided, cost for services, qualifications and past experience. Services will be provided at specified unit prices. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for a term of one year, with two additional one-year renewal options.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-140
(Int. No. 140)

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:

| <u>Organization</u> | <u>Address</u> |
|---|--|
| FRA Engineering & Architecture, P.C. | 530 Summit Point Drive, Henrietta, NY |
| Herrick-Saylor Engineers, P.C. | 510 Kreag Road #5, Pittsford, NY |
| Jensen Engineering, P.C. | 1653 E. Main St. #3, Rochester, NY |
| Ravi Engineering & Land Surveying, P.C. | 6605 Pittsford-Palmyra Rd., Fairport, NY |
| Torchia Structural Eng. & Design, P.C. | 625 Panorama Trail, Bldg 2, Penfield, 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:

Ordinance No. 2008-141
Re: Agreement - FRA Engineering,
Colebourne Road Drainage Study

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for an agreement with FRA Engineering P.C. to prepare a drainage study for the proposed Colebourne Road Improvement Project. The cost of the agreement will be financed from the 2005-06 Cash Capital allocation.

The project includes the reconstruction of the pavement, installation of new curbing, driveway aprons, sidewalk replacement as needed, topsoil, seed, and drainage improvements.

Design for the project is being conducted by City staff and is expected to be completed in the winter of 2008/2009. Construction is scheduled for 2009.

Council action is requested for this agreement because existing agreements with FRA Engineering exceed the \$10,000 threshold for Council authorization.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-141
(Int. No. 141)

Establishing Maximum Compensation For A Professional Services Agreement For A Colebourne Road Drainage Study

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with FRA Engineering & Architecture, P.C. for a Colebourne Road Drainage Study. 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. 2008-142
Re: Amendatory Agreement - Crossroads
Garage HVAC Optimization

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with FRA Engineering & Architecture, P.C. for additional design services for HVAC system upgrades for the Crossroads Garage. The original agreement, authorized by Council in July 2007, established maximum compensation of \$55,000. This amendment for \$10,800 will bring total maximum compensation to \$65,800. The additional amount will be financed from the 2004-05 Cash Capital allocation.

The additional design services are the result of the need to investigate water infiltration to the main electrical room, discovered by garage personnel and the consultant during a site visit. The consultant will perform a site investigation, with recommendations and cost estimates to mitigate the standing water damage and infiltration.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-142
(Int. No. 142)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Crossroads Garage HVAC System Optimization Project

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

Section 1. The sum of \$10,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering & Architecture, P.C. for additional design services for the Crossroads Garage HVAC System Optimization Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. 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. 2008-143
Re: City Hall Building "A" Elevator
Upgrades Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$300,000, and appropriating the proceeds thereof to finance the costs of upgrades to the elevators in City Hall Building "A".

The Building "A" elevators have experienced frequent breakdowns and incidents of stops between floors. The two Dover passenger elevators were installed in 1976 as part of the renovations which converted the structure from its former use as the Federal Building. The upgrades include removal and replacement of existing elevator control systems, new car and hall stations, and associated electrical and mechanical modifications to upgrade the system to meet current code requirements.

Design of the improvements was completed by Pardi Partnership, as authorized by Council in October 2006. The cost of the improvements, \$258,507, plus an additional \$41,493 allocated for contingencies, will be financed from the proposed bond issue.

Bids for construction of the project were received on March 12, 2008. The apparent low bidders are noted below:

| <u>Company</u> | <u>Address</u> |
|---|-------------------------------------|
| Downey-Goodlein Elevator Corp. (gen'l contractor) | 12 Pixley Industrial Parkway 14624 |
| Blackmon-Farrell Electric, Inc. (elec. contractor) | 57 Halstead Street 14610 |
| Pipitone Enterprises LLC (mech. contractor) | 140 Stottle Road, Churchville 14428 |

It is anticipated that the on-site construction will begin in November 2008 when the new equipment is expected to be received, and that construction will be completed in March 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-143
(Int. No. 143)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Cost Of Implementing Elevator Upgrades In 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 upgrades to the elevators in the City Hall "A" Building, a Class "A" Building (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 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 \$300,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.13 of the Local Finance Law, is ten (10) years.

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

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

hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-144
Re: Wholesale Water Rate Increase

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for Water Districts 1 and 2 in the Town of Lima and the Town of Richmond.

The present wholesale rate was established by the City Council on April 17, 2007. This ordinance set a rate of \$1.34 per 1,000 gallons. We are now proposing an increase of 2.83% based on the Consumer Price Index (CPI) for the calendar year 2007. This equals a \$0.04 increase for a proposed rate of \$1.38 per 1,000. The estimated additional revenue is \$6,700.

The cost increase is primarily related to maintaining an aging system.

Future rate adjustments to the wholesale rate will be based upon changes in the Consumer Price Index. Rate changes are expected to be proposed on an annual basis for Lima and Richmond, and every two years for West Bloomfield. The proposed rate increase will go into effect on July 1, 2008.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2008-144
(Int. No. 144)

Amending The Municipal Code With Respect To Wholesale Water Rates

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

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

- (9) Wholesale rate: \$1.34 per 1,000 gallons for the Town of West Bloomfield and \$1.38 per 1,000 gallons for the Town of Richmond and Water Districts 1 and 2 of the Town of Lima.

Section 2. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-145
Re: Amendatory Agreement - Business Protection Specialists, Water System Security

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Business Protection Specialists (BPS), Canandaigua, New York, to extend the scope of service related to their evaluation of water system vulnerabilities and development of security enhancements and procedures for the Water Bureau. The amendment will increase the maximum compensation by \$35,000 for a total of \$120,000, and will be funded from the 2007-08 Cash Capital allocation of the Department of Environmental Services. The term of the contract will be extended until April 30, 2009.

In September 2005, City Council authorized an agreement with BPS for an evaluation of water system vulnerabilities, and for design and specification of equipment and systems to be used to address these vulnerabilities. In March 2007, City Council authorized an amendatory agreement to extend the scope of services to include review of security needs at additional facilities, to develop and help implement a comprehensive facilities security plan, and to update the federally mandated Emergency Response Plan for the Water Bureau.

This additional amendment will expand the consultant's scope of work to provide Emergency Response Plan Support by conducting training, tabletop scenarios and drills. The consultant will also provide engineering design for Video and Alarm Assessment in the control rooms at Hemlock, Felix Street and Mt Read operations centers.

Another important focus of the work will be to develop security procedures to maintain an elevated state of awareness and readiness by employees. They are also to provide design and review services for implementation of a new key control system.

BPS is the only area consulting firm that is uniquely dedicated to providing business-related security services, and, in particular, these services as they relate to the water and wastewater industry. Their performance to date has been excellent.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-145
(Int. No. 145)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Water System Security Study

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Business Protection Specialists for an evaluation of the City's public water system vulnerabilities and the development of security enhancements and procedures for the Water Bureau. The amendatory agreement may extend through April 30, 2009. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-146 and
Ordinance No. 2008-147
Re: Durand Eastman Park Beach

Transmitted herewith for your approval is legislation related to the Durand Eastman Park Beach Improvements Project. This legislation will:

1. Amend Ord. No. 2007-454, which authorized an amendatory agreement with Lu Engineers in the amount of \$210,000 for design of Phase One Water Quality Improvements. The amendment will replace the source of funds from 2007-08 Cash Capital to bonds appropriated herein;
2. Authorize an additional amendatory agreement with Lu Engineers for the preparation of an Environmental Impact Statement (EIS) for the Durand Eastman Park Master Plan. The cost for this addi-

tional work, \$100,000, will be funded from the bonds appropriated herein;

- 3. Authorize the issuance of bonds in the amount of \$310,000 and appropriate the proceeds thereof to finance the amendatory agreements with Lu Engineers for a portion of the design and construction costs of the project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-146
(Int. No. 161)

Authorizing An Amendatory Agreement For Design Services For Durand Eastman Park Beach Improvements And Amending Ordinance No. 2007-454

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

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lu Engineers for the preparation of an environmental impact statement related to the Durand Eastman Park Beach Improvements Project. Said amount shall be funded from a bond ordinance adopted for the Durand Eastman Park Beach Improvements Project.

Section 2. Ordinance No. 2007-454, relating to a professional services agreement for the Durand Eastman Park Beach Improvements Project, is hereby amended by changing the source of funding from the 2007-08 Cash Capital allocation to a bond ordinance adopted for the Durand Eastman Park Beach Improvements Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-147
(Int. No. 162)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Cost Of Planning For Phase One Of The Durand Eastman Park Beach Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning for Phase One of the Durand Eastman Park Beach Improvements Project (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs

incidental thereto and the financing thereof, is estimated to be in excess of \$450,000. The plan of financing includes the issuance of \$310,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$140,000 in current funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$310,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$310,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.19(c) of the Local Finance 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. 2008-148
Re: Amending Ord. No. 2008-55 - MCWA
Agreement Extension

Transmitted herewith for your approval is legislation amending Ord. No. 2008-55, which authorized an extension of the agreement with the Monroe County Water Authority through December 31, 2008.

Ord. No. 2008-55 authorized the same terms and conditions that were present in the original agreement, which was due to expire April 30, 2008. However, final negotiations have resulted in the following changes:

- The current contractual limit of 26 million gallons per day in water sales to the MCWA is removed, and the City agrees to sell more water to the extent that it is available.
- If it becomes necessary for either the City or the Authority to implement any water conservation measures, both the City and Authority

will adopt the same measures for their respective customers.

- The payments related to City Capital Improvements that have been paid by the Authority will continue to be paid only through August 31, 2008.

All other terms and conditions remain unchanged from the original agreement. This extension will provide the time needed to reach a long-term agreement with the Authority.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-148
(Int. No. 167)

Amending Ordinance No. 2008-55, Relating To An Amendatory Agreement With The Monroe County Water Authority

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

Section 1. Ordinance No. 2008-55, relating to an amendatory agreement with the Monroe County Water Authority, is hereby amended by amending Section 2 thereof to read in its entirety as follows:

Section 2. The agreement extension shall provide for the removal of the limit on the amount of daily water sales by the City to the Authority. The City and the Authority shall agree that if water conservation measures by either party are necessary, both parties shall implement the same measures. Payments by the Authority for City capital improvements shall continue through August 31, 2008. The agreement extension shall otherwise be on the same terms and conditions as the current agreement.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1586
Re: Bond Street Group Curb
Replacement Project

Transmitted herewith for your approval is legislation appropriating \$5,000 from the Local Improvement Fund and authorizing the subsequent assessment of this amount against 389-395 Gregory Street for the installation of decorative sidewalk as part of the Bond Street Group Curb Replacement Project.

The owner of 389-395 Gregory Street, John T. Trickey, Jr., wishes to have decorative sidewalk adjacent to his building. He has requested the City's contractor perform the work and that the

City assist in financing the cost through a Local Improvement Ordinance. The cost of this work will be repaid at 1% over the City's borrowing rate in five equal annual installments.

The work will be accomplished as part of the Bond Street Group Curb Replacement Project, currently under construction. Substantial completion of the project will be in the summer 2008.

A public hearing for the local improvement ordinance is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1586
(Int. No. 146)

Local Improvement Ordinance - Upgrading Of The Sidewalk As A Part Of The Bond Street Group Curb Replacement Project

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

Section 1. The Council hereby authorizes the upgrading of the sidewalk as a part of the Bond Street Group Curb Replacement Project.

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

Section 3. The limits of the District of Assessment for the improvements and work shall be the property at 389-395 Gregory Street, SBL #121.65-1-52, current owner, John T. Trickey, Jr. The Council hereby finds that the upgrading of said sidewalk will benefit the parcel of property within the district described in the amount of \$5,000.

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$5,000, plus interest at a rate 1% above the City's "latest borrowing rate" on the unpaid balance, shall be assessed on the property within the limits of the district of assessment described above, in the amount set forth above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed after the completion of the improvements and work described, and shall be due in five equal annual installments. Any assessment not paid by May 15 after its due date may be added to the upcoming annual tax bill for the property.

Section 6. The total cost of said improvements and work, up to \$5,000, shall be charged as described in this ordinance and paid from the local

improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1587 and
Local Improvement Ordinance No. 1588
Re: Local Improvement Ordinance -
Special Assessment Districts

Transmitted herewith for your approval is legislation establishing the 2008-09 budgets for 11 special assessment districts, as follows:

| LIO | District | | Type | |
|------|-------------------|-----------------|-----------|--------------------|
| | 2008-09 | 2007-08 | | Variance |
| 1547 | Wilson Boulevard | Street lighting | \$ 514.38 | \$ 521.67 \$ -7.29 |
| 1502 | Lyell Avenue I | Street lighting | 2,502.45 | 2,280.02 222.43 |
| 1503 | Lyell Avenue II | Street lighting | 2,616.69 | 2,598.84 17.85 |
| 1413 | Monroe I | Street lighting | 1,265.48 | 1,403.62 -138.14 |
| 1412 | Monroe II | Street lighting | 579.55 | 605.48 -25.93 |
| 1429 | Cascade Historic | Street lighting | 1,417.99 | 1,546.91 -128.92 |
| 1430 | Cascade Historic | Streetscape | 5,000.00 | 2,500.00 2,500.00 |
| 1421 | Norton Street URD | Streetscape | 2,815.00 | 2,815.00 0.00 |
| 1422 | Norton Street URD | Street lighting | 1,318.14 | 1,367.91 -49.77 |
| 1472 | Lake Avenue | Street lighting | 3,774.30 | 3,960.96 -186.66 |
| 1552 | St. Paul Street | Street lighting | 370.07 | 621.77 -251.70 |

The Wilson Boulevard District was established in May 1995 for the installation of six lighting fixtures, and was renewed in May 2005. The capital costs of the enhancements were financed by the University of Rochester.

Lyell Avenue District I, established in August 1992, and renewed in April 2002, includes 72 properties on Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenues, 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 intersections.

Lyell Avenue District II, established in May 1998, and renewed in April 2002, includes 95 properties on Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets. The enhancements involved the replace-

ment of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections.

The capital cost of the enhancements for both Lyell Avenue districts was financed with Community Development Block Grants funds. The districts were re-enacted for an additional period of 15 years, commencing on July 1, 2002.

The two Monroe Avenue Districts were established in March 1998 for a period of 15 years. The first includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490; the second includes 68 properties from 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 Historic Districts, established in February 1999 for a period of 15 years, include 29 properties along Cascade Drive and North Washington Street from Main Street West to the north end. The street lighting district assessment is based on the differential between maintenance and operation of a standard davit system and the post top ornamental system. The streetscape district enhancements included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were also installed within the district. The capital cost of the enhancements was financed with Federal funds.

Norton Street Urban Renewal Special Assessment Districts include 9 properties along Excel Drive, from Norton and Bastian. The street lighting assessment provides for pedestrian level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, and the annual energy and maintenance costs for the light fixtures. The district was established in 1999-200 for a period of 10 years. The streetscape assessment provides for the maintenance of special sidewalk pavements, signage and landscaping. The capital cost of the enhancements was financed with Federal funds. The district was established in 2000-01 for a period of 10 years.

The Lake Avenue District, established in August 2000 for a period of 15 years, includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post-top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles. The capital cost of the enhancements was financed with State funding.

The St. Paul Street District, established in July 2005, includes 26 properties along St. Paul Street between Bittner and Mortimer Streets. The enhancements consist of 11 pedestrian level arms and 100-watt lights mounted on the roadway poles. The first year of the assessment included the entire capital for the installation of the enhanced facilities in addition to the energy and maintenance of the lights. The district was established for a period of

10 years, commencing with the first annual tax bill issued after completion of the installation work. The pedestrian level lights were installed in April 2006.

A public hearing on the special assessment districts is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1587
(Int. No. 147)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for street lighting enhancements during 2008-09:

| <u>Street Lighting District</u> | <u>Amount</u> | <u>LIQ</u> |
|---------------------------------|---------------|------------|
| Wilson Boulevard | \$ 514.38 | 1547 |
| Lyell Avenue I | 2,502.45 | 1502 |
| Lyell Avenue II | 2,616.69 | 1503 |
| Monroe Avenue I | 1,265.48 | 1413 |
| Monroe Avenue II | 579.55 | 1412 |
| Cascade Historic | 1,417.99 | 1429 |
| Norton Street Urban Renewal | 1,318.14 | 1422 |
| Lake Avenue | 3,774.30 | 1472 |
| St. Paul Street | 370.07 | 1552 |

Section 2. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Local Improvement Ordinance No. 1588
(Int. No. 148)

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 2008-09:

| <u>Streetscape District</u> | <u>New Amount</u> | <u>LIO</u> |
|-----------------------------|-------------------|------------|
| Cascade Historic | \$5,000 | 1430 |
| Norton Street Urban Renewal | 2,815 | 1421 |

Section 2. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

By Councilmember Miller
April 15, 2008

To the Council:

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

Int. No. 149 - Resolution Authorizing An Exception To The City Debt Limit For The Midtown Plaza Acquisition And Relocation Costs, As Amended

Int. No. 150 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,704,000 Bonds Of Said City To Finance The Additional Cost Of Acquisition Of The Midtown Plaza Properties To Effectuate The Midtown Urban Renewal Plan And Amending Bond Ordinance No. 2008-59 Relating To Said Acquisition

Int. No. 151 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,296,000 Bonds Of Said City To Finance The Cost Of Relocation Of Midtown Plaza Tenants To Effectuate The Midtown Urban Renewal Plan

Int. No. 152 - Approving The Midtown Business Retention Grant Program

Int. No. 153 - Approving Agreements For Midtown Plaza And Appropriating Funds

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

Int. No. 154 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

Int. No. 163 - Approving The Sale By The Rochester Urban Renewal Agency To ESL Federal Credit Union Of 225 And 255 Chestnut Street In The Southeast Loop Urban Renewal Project

Int. No. 164 - Approving The Sale Of 280 South Clinton Avenue

Int. No. 165 - Resolution Continuing The Tax-Exempt Policy For Privately Financed Parking Garages

Respectfully submitted,
Dana K. Miller
John F. Lightfoot

Elaine M. Spaul
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-15,
Ordinance No. 2008-149,
Ordinance No. 2008-150,
Ordinance No. 2008-151 and
Ordinance No. 2008-152

Re: Midtown Plaza Revitalization Project

Transmitted herewith for your approval is legislation related to the Midtown Plaza Revitalization Project. This legislation will:

1. Authorize a one-time addition to the City of Rochester debt limit in the amount of \$2,296,800 to partially fund the acquisition of the Midtown Plaza properties and relocation activities for the Midtown Plaza tenants;
2. Authorize the issuance of bonds totaling \$1,704,000 and the appropriation of the proceeds thereof to finance the acquisition of the Midtown Plaza properties;
3. Establish \$20,000 as maximum compensation for an agreement with Monroe Title Insurance Corporation, Rochester, for title insurance relating to the acquisition of the Midtown Plaza properties, the cost of which will be funded from the proceeds of the bonds requested above;
4. Authorize the issuance of bonds totaling \$3,296,000 and the appropriation of the proceeds thereof to finance relocation activities for Midtown Plaza tenants;
5. Approve the guidelines for the Midtown Business Retention Grant Program;
6. Appropriate \$900,000 from the Local Improvement Fund for management and operation of the Midtown Plaza properties;
7. Establish \$300,000 as maximum compensation for an agreement with Broadstone Real Estate, LLC, Rochester, for management of the Midtown Plaza properties, the cost of which will be financed from the Local Improvement Fund appropriation;
8. Establish \$37,500 as maximum compensation for an agreement with Broadstone Real Estate, LLC, Rochester, to operate the Midtown Plaza Parking Garage from May 1 to September 30, 2008, the cost of which will be financed from Local Improvement Fund appropriation;

9. Authorize an amendatory agreement with the New York State Urban Development Corporation d/b/a Empire State Development Corporation for receipt of an additional \$100,000 grant for master planning for the Midtown project; and
10. Authorize an amendatory agreement with LaBella Associates, Inc., by increasing the maximum compensation by \$120,000 for additional master planning and SEQRA assistance. The original agreement, authorized in February 2008, was for \$800,000. The additional amount will be financed from the New York State Urban Development Corporation grant (\$100,000) and 1996-97 Cash Capital (\$20,000).

Financing

The budget for acquisition, relocation, planning, and property management for the Midtown project has been estimated at approximately \$13.5 million. \$8,830,800 had previously been approved for the project. It is being proposed that \$2,703,200 from Cash Capital, previously approved for the project for acquisition and relocation costs, be re-allocated to fund fast ferry debt. The total additional funding required for the project is approximately \$7.4 million. A funding summary for the project is attached.

Acquisition

The Midtown Plaza properties are being acquired by the City for the appraised value of \$5.9 million. The City will be required to obtain title insurance for the properties. The cost of the title insurance for the \$5.9 million acquisition of the Midtown Plaza properties is \$20,000. Monroe Title Corporation had previously issued a commitment for title insurance in 2007 when the City obtained an option on the Midtown properties for the Parma, Italy proposal. Acquisition costs for the Midtown Plaza properties will be funded as follows:

| <u>Amount</u> | <u>Use</u> |
|---------------------------------|-----------------|
| <u>Source</u> | |
| \$4,216,000 | Acquisition |
| Bond Proceeds, Ord. No. 2008-59 | |
| \$1,684,000 | Acquisition |
| Bond Proceeds, Proposed | |
| \$20,000 | Title Insurance |
| Bond Proceeds, Proposed | |

The City will obtain title to the Midtown Plaza properties on May 1, 2008. The cost to operate and manage the properties through demolition, not including the parking garage, has been estimated at approximately \$900,000, including a \$100,000 contingency. These costs will be funded by the Local Improvement Fund. Broadstone Real Estate, LLC, the current manager of the Midtown Plaza Properties, will be retained by the City May 1-March 2009, for continued management services. Broadstone will be paid a monthly fee of up to \$20,000; the remainder of the cost of their agreement will be deposited in a separate Broadstone

account to fund certain property expenses. The City will pay utility, property tax charges and insurance costs directly from the remaining Local Improvement Fund appropriation.

Broadstone Real Estate, LLC will also be retained to operate the Midtown Parking Garage May 1-September 30, 2008, and will be paid a monthly fee of \$7,500, which will be funded from the parking garage proceeds. All net operating proceeds from the parking garage will be retained by the City Parking Fund.

Relocation

Relocation costs for the Midtown businesses have been estimated at approximately \$5.5 million. The estimate also includes additional financial assistance that may be provided to those businesses relocating within the City of Rochester. Additional assistance would be provided through a new Economic Development Department program: Midtown Business Retention Grant Program. Relocation costs for the Midtown Plaza businesses will be funded as follows:

| <u>Amount</u> | <u>Use</u> |
|---|-------------------------------------|
| <u>Source</u> | |
| \$3,296,000 | Relocation - Uniform Relocation Act |
| Bond Proceeds, Proposed | |
| \$1,399,000 | Midtown Bus. Retention Grant Prog. |
| Sale of 225 & 255 Chestnut St, Proposed | |
| \$340,000 | Midtown Bus. Retention Grant Prog. |
| Sale of 58 N. Clinton, Ord. No. 2008-63 | |
| \$491,500 | Relocation |
| REDCO, Approved | |

Midtown Business Retention Grant Program

This grant program will provide additional funds for Midtown Plaza tenants relocating within the City, and whose costs exceed the maximum benefit under the Uniform Relocation Act (URA). Businesses will be required to submit an application for the program and will be subject to an underwriting review by the Economic Development Department. Assistance will be provided at two levels: businesses with 50 employees or fewer are eligible for grants of 75% of additional relocation costs; and businesses with more than 50 employees are eligible for 100% of additional relocation costs.

Master Plan and SEORA

The agreement with LaBella Associates is being amended to include additional services related to the analysis of the existing Midtown Parking Garage, limited pre-demolition activities and assistance with review under the National Environmental Protection Act (NEPA). NEPA review is required for use of Federal Funds from U.S Department of Housing and Urban Development. The City has submitted applications to the U.S. Department of Housing and Urban Development (HUD) for a \$2 million Brownfield Economic Development Initiative grant, and a \$3 million Section 108 Loan. Approval by HUD of the funding applications is not expected until May or June

of this year. If approved, the \$5 million HUD financing will be used to reimburse the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-55

Resolution No. 2008-15
(Int. No. 149, As Amended)

Resolution Authorizing An Exception To The City Debt Limit For The Midtown Plaza Acquisition And Relocation Costs

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

Section 1. The sum of \$2,296,800 is hereby approved as an exception to the 2007-08 Debt Limit of the City in order to fund the costs related to the Midtown Plaza acquisition and tenant relocation.

Section 2. The Council hereby restates the policy articulated in Resolution No. 2007-15, that the redemption of any debt that is issued as an exception to the debt limit shall be excluded from the calculation of subsequent debt limits.

Section 3. This resolution shall take effect immediately.

Underlined material added

Adopted unanimously.

Ordinance No. 2008-149
(Int. No. 150)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$1,704,000 Bonds Of Said City To Finance The Additional Cost Of Acquisition Of The Midtown Plaza Properties To Effectuate The Midtown Urban Renewal Plan And Amending Bond Ordinance No. 2008-59 Relating To Said Acquisition

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 effectuating the Midtown Urban Renewal Plan, including the acquisition of the Midtown Plaza properties, consisting of a 1.4 million square foot mixed-use, office and retail complex covering approximately 8.6 acres, centrally located in downtown Rochester, and known as 285 East Main Street, SBL #121.24-1-8.1; 18-26 South Clinton Avenue, SBL #121.24-1-28; 32-58 South Clinton Avenue, SBL #121.24-1-29; and 100 South Clinton Avenue, SBL #121.24-1-24.1, as authorized in Ordinance No. 2007-485. The currently estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental

thereto and the financing thereof, is \$13,576,600. The plan of financing includes the issuance of \$1,704,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$4,216,000 bonds previously appropriated in Ordinance No. 2008-59 for acquisition, \$3,296,000 bonds appropriated at this meeting for relocation purposes, \$850,000 appropriated from Empire State Development Funds, \$500,000 paid by the Rochester Economic Development Corporation, \$1,739,000 appropriated by the Rochester Urban Renewal Agency, and \$1,271,600 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. Bond Ordinance No. 2008-59, authorizing the issuance of \$4,216,000 bonds of the City to finance the cost of the acquisition of the Midtown Plaza properties, is hereby amended by changing the maximum cost of said specific object or purpose as set forth herein, and by changing the funding source of the additional amount required for acquisition of the properties from current City funds to the bonds authorized herein.

Section 2. Bonds of the City in the principal amount of \$1,704,000 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 \$1,704,000. 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 appro-

priation 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. 2008-150
(Int. No. 151)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$3,296,000 Bonds Of Said City To Finance The Cost Of Relocation Of Midtown Plaza Tenants To Effectuate The Midtown Urban Renewal Plan

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 effectuating the Midtown Urban Renewal Plan, including the cost of the relocation of tenants from Midtown Plaza in conformance with the Uniform Relocation Assistance and Real Properties Acquisition Policies Act and urban renewal regulations, in conjunction with acquisition of the Midtown Plaza properties, consisting of a 1.4 million square foot mixed-use, office and retail complex covering approximately 8.6 acres, centrally located in downtown Rochester, and known as 285 East Main Street, SBL #121.24-1-8.1; 18-26 South Clinton Avenue, SBL #121.24-1-28; 32-58 South Clinton Avenue, SBL #121.24-1-29; and 100 South Clinton Avenue, SBL #121.24-1-24.1, as authorized in Ordinance No. 2007-485. The currently estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$13,576,600. The plan of financing includes the issuance of \$3,296,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$5,920,000 bonds appropriated in Ordinance No. 2008-59 and at this meeting for acquisition, \$850,000 appropriated from Empire State Development Funds, \$500,000 paid by the Rochester Economic Development Corporation, \$1,739,000 appropriated by the Rochester Urban Renewal Agency, and \$1,271,600 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 \$3,296,000 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 \$3,296,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The 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.41-a of the Law, is fifty (50) 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. 2008-151
(Int. No. 152)

Approving The Midtown Business Retention Grant Program

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

Section 1. The Council hereby approves the guidelines established by the Commissioner of Economic Development for the Midtown Business Retention Grant Program.

Section 2. The Commissioner of Economic Development is hereby authorized to enter into such agreements as may be necessary to implement the Midtown Business Retention Grant Program, in amounts not to exceed those appropriated for said purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-152
(Int. No. 153)

Approving Agreements For Midtown Plaza And Appropriating Funds

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 an amendatory professional services agreement with LaBella Associates, P.C. for master planning and State Environmental Quality Review Act services for the Midtown Plaza Revitalization Project. Of said amount, \$100,000 is hereby appropriated from grant funds from the New York State Urban Development Corporation d/b/a Empire State Development Corporation, and \$20,000 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Urban Development Corporation d/b/a Empire State Development Corporation for additional funding in the amount of \$100,000 for redevelopment planning and State Environmental Quality Review Act (SEQRA) assistance for the Midtown Plaza Revitalization Project.

Section 3. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement with Monroe Title Insurance Corporation for title insurance for the acquisition of the Midtown Plaza properties. Said amount shall be funded from a bond ordinance adopted for the acquisition of said properties.

Section 4. The sum of \$300,000, or so much thereof as may be necessary, is hereby established

as the compensation to be paid for a professional services agreement with Broadstone Real Estate, LLC for management of the Midtown Plaza properties upon their acquisition by the City. Said amount shall be funded from the appropriation made in Section 5.

Section 5. There is hereby appropriated from the Local Improvement Fund the sum of \$900,000, or so much thereof as may be necessary, to fund the management and operation of the Midtown Plaza properties upon their acquisition by the City.

Section 6. The Mayor is hereby authorized to enter into an agreement with Broadstone Real Estate, LLC for operation of the Midtown Plaza Parking Garage from May 1, 2008 through September 30, 2008. Broadstone shall provide all personnel required for operation of the garage, including cashiers, security guards and maintenance staff. All monthly expenses of the garage shall be paid from garage revenues. Broadstone shall be paid a monthly management fee of \$7,500. All net operating income shall be retained by the City.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1589
Re: High Falls Business Improvement District (BID)

Transmitted herewith for your approval is legislation approving the 2008-09 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 originally approved in 2004-05 Budget.

In New York State, legislation allows municipalities to create Business Improvement Districts (BID) 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 on the assessment is required.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AH-56

Local Improvement Ordinance No. 1589
(Int. No. 154)

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 2008-09 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, 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-153,
Ordinance No. 2008-154 and
Resolution No. 2008-16
Re: Sale of Land to ESL Federal
Credit Union

Transmitted herewith for your approval is legislation related to the sale and development of land at South Clinton Avenue and Chestnut Street. This legislation will:

1. Authorize the sale of three parcels, 280 South Clinton Avenue, and 225 and 255 Chestnut Street, to ESL Federal Credit Union;
2. Appropriate the proceeds of the sale of Rochester Urban Renewal Agency (RURA) properties for the Midtown Business Retention Grant Program;
3. Endorse a special incentive in-lieu-of-tax formula for privately constructed parking garages owned or financed by the County of Monroe Industrial Development Agency (COMIDA).

Sale of Land

The parcel at 280 South Clinton Avenue (approximately 1.27 acres) is owned by the City and will be sold at its appraised value of \$806,000. The other parcels, 225 and 255 Chestnut Street (approximately 1.14 and 1.04 acres, respectively), are owned by the RURA and have been appraised at \$993,000 and \$906,000, respectively. As an incentive to ESL to move their headquarters to the City, each will be sold at \$250,000 below the appraised value, resulting in sale prices of \$743,000 for 225 Chestnut Street, and \$656,000 for 255 Chestnut Street. Additionally, the total purchase price of the

properties may be decreased further by an amount up to \$211,600 due to the required remediation costs associated with potential environmental and/or geotechnical problems. Rochester Urban Renewal Agency (RURA) and the City will also have to accept the release of an easement over the properties.

The total revenue derived from all three land sales will be \$2,205,000 (prior to any reduction due to remediation costs to be determined up to \$211,600). The estimated \$1,399,000 in proceeds from the sale of the RURA properties will be appropriated to partially fund the Midtown Business Retention Grant Program, which is being created in conjunction with the Midtown Plaza Revitalization Project.

PILOT Policy for Parking Garage Development

Proposed is a policy endorsing a special incentive in-lieu-of-tax formula for privately-constructed parking garages owned or financed by COMIDA. The policy is designed to provide sufficient incentive to encourage the private construction of parking garages and allow the tax abatement on garages built in the City.

The policy is designed to reduce the public cost of providing downtown parking. It may also encourage City businesses to build garages, reserving their existing surface lots for more economically productive uses. And, the policy will also help the sites within the city be more competitive with outlying sites, which have ample land for inexpensive surface parking.

The policy provides, for qualifying garages, a full in-lieu-of-tax payment on only the assessed value of the underlying land. The term of the PILOT agreement will be no more than 20 years. The resolution incorporates a five-year sunset provision.

ESL Federal Credit Union (ESL), founded in 1920, is one of the nation's largest and most successful credit unions. A full-service institution with \$3.4 billion in assets, ESL services 285,000 members worldwide and 240,000 locally through the Internet, an extensive ATM network, and nineteen local branches.

ESL will construct a parking garage on 280 South Clinton Avenue that is expected to have between 400 to 500 spaces. A new, six-story corporate headquarters will be constructed, that is approximately 180,000 square feet, on 225 Chestnut Street. A surface parking lot will be installed at 255 Chestnut Street with the possibility of using it for future development of ESL. The total project cost is anticipated to be \$50-\$60 million, resulting in more than 300 employees coming to the City.

Appraisals for each of the three properties were provided by Pogel, Schubmehl & Ferrara, LLC on July 23, 2007.

A public hearing is required for the sale of land.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-153
(Int. No. 163)

Approving The Sale By The Rochester Urban Renewal Agency To ESL Federal Credit Union Of 225 And 255 Chestnut Street In The Southeast Loop Urban Renewal Project

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from ESL Federal Credit Union (hereinafter called "Redeveloper") for the purchase and redevelopment of 225 and 255 Chestnut Street in the Southeast Loop Urban Renewal Project (hereinafter called "Parcel"), for office and parking use; and

WHEREAS, a disposition price of \$743,000 has been established for 225 Chestnut Street and \$656,000 for 255 Chestnut Street and the disposition prices may be adjusted by the Secretary by a total amount not to exceed \$211,600 for said parcels and for 280 South Clinton Avenue to reflect the cost of environmental and/or geotechnical remediation performed by the Redeveloper; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on April 15, 2008 to consider the proposed disposition of said Parcels by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said Parcels by the Redeveloper and the terms of the disposition of said Parcels are satisfactory;
3. That disposition of said Parcels by negotiation is the appropriate method making the Parcels available for redevelopment;
4. That the Redeveloper possesses the qualifications and financial resources necessary to purchase and develop the Parcels in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory;
5. That the proposed disposition price is a satisfactory price for the Parcels for use in accordance with the Urban Renewal Plan;
6. That the proposed disposition complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and

7. That the sale of said Parcels and conditions established for redevelopment are satisfactory;

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcels and approves said Redeveloper as a qualified and eligible sponsor to purchase and redevelop the Parcels.

Section 2. The Council hereby approves the method and disposition of said Parcels by the Agency to said Redeveloper.

Section 3. The Council hereby authorizes the disposition of said Parcels by the Agency for the proposed prices in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law. The Council further approves the acceptance by the Agency and the City of the release of easements over said Parcels and adjacent City parcels.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-154
(Int. No. 164)

Approving The Sale Of 280 South Clinton Avenue

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

Section 1. The Council hereby approves the sale of 280 South Clinton Avenue to ESL Federal Credit Union for the sum of \$806,000. The purchase price may be adjusted by the Commissioner of Economic Development by a total amount not to exceed \$211,600 for said parcel and for 225 and 255 Chestnut Street to reflect the cost of environmental and/or geotechnical remediation performed by the purchaser.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2008-16
(Int. No. 165)

Resolution Continuing The Tax-Exempt Policy For Privately Financed Parking Garages

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

Section 1. Resolution No. 85-39, as amended by Resolutions No. 87-19, 92-12, 96-35 and 2002-12, provided for an in-lieu-of-tax payment policy for privately financed parking garages. The Council hereby determines that the downtown office

market and the economics of parking garages are such that it is in the interest of the City to authorize continuation of this in-lieu-of-tax payment policy, as amended, for a period extending through April 30, 2013, after which time the City shall review the strength of the downtown office, retail and housing markets, along with parking garage economics, to determine whether such special incentives continue to be necessary. In addition, for commercial office development, the City Council may require the garage to make spaces available to the public, after business hours and on weekends, for short term use.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden
April 15, 2008

To the Council:

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

Int. No. 155 - Authorizing An Application And Agreements For The 2008 Summer Food Service Program For Children

Int. No. 156 - Authorizing Amendatory Agreements For The 2007 Summer Food Service Program For Children

Int. No. 157 - Establishing Maximum Compensation For A History Of The Protectives, Inc.

Int. No. 158 - Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Telephone Systems

Int. No. 159 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Center Security Systems

Int. No. 166 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Freedom School

The Public Safety & Recreation Committee recommends for consideration the following entitled legislation:

Int. No. 160 - Resolution Approving Participation In The Urban/Technical Search And Rescue Team

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-155 and
Ordinance No. 2008-156
Re: Summer Food Service Program

Transmitted herewith for your approval is legisla-
tion related to the 2007 and 2008 Summer Food
Service Program (SFSP). This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of funds for the 2008 SFSP;
2. Establish \$349,200 as maximum compensation for an agreement with the Rochester City School District for the preparation and delivery of the breakfasts and lunches;
3. Authorize an amendatory agreement with the RCSD, and amending the 2007-08 Budget of the Department of Recreation and Youth Services by \$11,900 to finance this additional cost, for the preparation and delivery of additional meals in Summer 2007.

SFSP provides free breakfast and lunch to City children eighteen and under and to disabled persons over eighteen who are enrolled in a school year program for children with disabilities. The program is administered by the City; the District prepares and delivers the meals to the program sites.

The School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals, qualifying all areas of the city for participation. Approximately seventy sites will operate June 30-August 29, 2008. Site selection is based on proximity to youth service activities and satisfactory past participation in the program.

The City School District meal preparation and delivery, and the New York State reimbursement rates are:

| | 2007 <u>RCSD</u> | 2008 <u>RCSD</u> | 2008 NYS <u>Reimbursement</u> |
|-----------|---------------------|---------------------|----------------------------------|
| Breakfast | \$1.25 | \$1.30 | \$1.6925 |
| Lunch | \$2.25 | \$2.30 | \$2.9875 |

Based on these rates, and a projection of 74,000 breakfasts and 110,000 lunches, estimated reimbursement from the State will be \$453,900, which includes \$104,700 in operating costs. These amounts have been included in the proposed 2008-09 Budget of the Department of Recreation and Youth Services.

The most recent agreement for these services was approved by Council in April 2007.

A review of the 2007 program showed that the demand for meals exceeded the planned amount, exceeding original projections by \$11,900, due to

the extension of the program from nine to ten weeks at several sites. The additional amount will be reimbursed by New York State.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-155
(Int. No. 155)

Authorizing An Application And Agreements For The 2008 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 2008 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$349,200, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2008-09 budget of the Department of Recreation and Youth Services, contingent upon approval of said budget and receipt of said funding.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-156
(Int. No. 156)

Authorizing Amendatory Agreements For The 2007 Summer Food Service Program For Children

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Education for the funding for the 2007 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with the Rochester City School District for the preparation and delivery of meals pursuant to the program.

Section 3. The amendatory agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$11,900, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2007-08 budget of the Department of Recreation and Youth Services.

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

Section 5. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$11,900, 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. 2008-157
Re: Agreement - Protectives Inc., History of the Protectives

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for an agreement with the Protectives, Inc. to write, design and publish a history of the organization. The cost of the agreement will be funded from the 2007-08 Budget of the Fire Department.

Protectives, Inc. is a volunteer firefighter assistance organization that works with the Rochester Fire Department to provide both fire and non-fire salvage services to the City. They also provide services such as pumping water from flooded buildings and securing broken windows and doors.

In 2008, the Protectives, Inc. will celebrate its 150th anniversary. As part of their commemorative activities, they will publish a book describing the role the Protectives, Inc. played in providing protection services to the citizens of Rochester since its establishment in 1858. This book will help to publicize a little-known but highly respected group of volunteers, and will provide insight into the history of the fire service in Rochester as it grew from a volunteer-based service into the career professional Department it is today.

While the cost of this agreement does not meet the threshold of \$10,000 required for Council authorization, the Protectives, Inc. is currently under contract for the provision of their ongoing services to the City. That agreement was authorized in April 2006, for an annual cost of \$41,904.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-157
(Int. No. 157)

Establishing Maximum Compensation For A History Of The Protectives, Inc.

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Protectives, Inc. for a history book describing the role of the Protectives, Inc. in providing services to the citizens of the City since its establishment in 1858. Said amount shall be funded from the 2007-08 Budget of the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-158
Re: Agreement - Frontier Telephone of Rochester, 9-1-1 Telephone Maintenance

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum annual compensation for 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 cost of this agreement will be financed from the 2008-09 and subsequent annual 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 April 12, 2005 in Ordinance No. 2005-96.

Under the 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 semiannually;
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;

- 5. For a major system outage, contact the City within 30 minutes of notification and be on site within four hours of the contact; and
- 6. For a system malfunction, respond within 24 hours of notification.

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 June 20, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-158
(Int. No. 158)

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 \$150,000, 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 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 2008-09 and subsequent Budgets of the Emergency Communications Department, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-159
Re: Agreement - SimplexGrinnell
LP, 911 Center Security
System

Transmitted herewith for your approval is legislation establishing \$21,000 as maximum compensation for an agreement with SimplexGrinnell LP, of Rochester, for security system services at the Emergency Communications Center. The cost of the agreement will be financed from the 2008-09 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 911 Center. Inspection services will include functional testing of all components of the systems and will be conducted in accordance with NFPA standards. Maintenance services will include all parts and labor necessary

to diagnose and repair the systems, excluding problems in power and signal wiring. Maintenance service will also include after-hours emergency repairs for the intrusion alarm, access control and the fire alarm systems.

The most recent agreement for these services was approved by City Council in April 2007. The security camera and access control systems for the Emergency Communications Center were upgraded by SimplexGrinnell LP in March 2003. The access control system interfaces with the security camera system, and is a proprietary system using equipment, software, and supplies available only from SimplexGrinnell.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-159
(Int. No. 159)

Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Center Security Systems

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

Section 1. The sum of \$21,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with SimplexGrinnell LP for inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 911 Center. Said amount shall be funded from the 2008-09 Budget of the Emergency Communications Department, contingent upon adoption of said Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-160
Re: Amendatory Agreement -
North East Area
Development, Inc.,
Freedom School

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with North East Area Development, Inc. (NEAD) for additional support of the Children's Defense Fund Freedom School. The original agreement, authorized by Council in June 2007, established maximum compensation of \$30,000; this amendment will add \$10,000 to the agreement, for a total of \$40,000. The additional cost will be funded from the Undistributed allocation of the 2007-08 Budget.

NEAD administers the Children's Defense Fund Freedom School, a summer program for at-risk children living in the city. The original agreement provided scholarship support for the participation of 130 youth in 2007. Expenses, which include meals, books, and field trips, were greater than anticipated for these participants. This additional funding is for reimbursement of a portion of those costs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-160
(Int. No. 166)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Freedom School

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with North East Area Development, Inc. (NEAD) for support of the Children's Defense Fund Freedom School. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-17
Re: New York State
Urban/Technical
Search and Rescue Team

Transmitted herewith for your approval is legislation authorizing an agreement with the State of New York for the continued participation of City Fire Department staff in the New York State Task Force-2 Urban/Technical Search and Rescue Team (UTSAR Team).

The UTSAR team provides qualified rescue specialists and readily available specialized equipment for rapid assembly and deployment to the scene of an emergency.

Members of the Rochester Fire Department will participate in the training and deployment of the UTSAR Team.

New York State requires that the City agree to provide defense and indemnification coverage pursuant to the Public Officers Law Section 18 and/or other defense and indemnification coverage provided by the City and workers compensation coverage pursuant to the Charter of the City of

Rochester, Section 8-B5 for said employees while participating on the UTSAR Team.

A public hearing is required by New York State Law.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-17
(Int. No. 160)

Resolution Approving Participation In The Urban/Technical Search And Rescue Team

WHEREAS, the City recognizes the need to prepare for natural and man-made disasters and recognizes the need for trained technical rescue specialists; and

WHEREAS, the New York State Department of State Office of Fire Prevention and Control provides the coordination, funding, training and administrative support for the New York Task Force-2 Urban/Technical Search and Rescue Team (UTSAR Team); and

WHEREAS, the UTSAR Team is an urban search and rescue team formed, pursuant to General Municipal Law §209-bb, to provide qualified rescue specialists and specialized rescue equipment readily available for rapid assembly and deployment to the scene of an emergency; and

WHEREAS, the UTSAR Team members have received specialized training and equipment to respond to specialized technical rescue situations; and

WHEREAS, the City desires to continue its membership on the UTSAR Team and supports the participation of its employees in the training and deployment of the UTSAR Team;

NOW, THEREFORE, BE IT RESOLVED, that the employees of the City are authorized to act on behalf of the City by participating as members of the UTSAR Team and to complete and maintain the necessary training and deployment of the UTSAR Team under the coordination of the New York State Department of State Office of Fire Prevention and Control; and

BE IT FURTHER RESOLVED, that in accordance with the applicable provisions of General Municipal Law § 209-bb, the City of Rochester agrees to provide defense and indemnification coverage pursuant to Section 2-23 of the City Charter and compensation for loss and injury pursuant to Section 8-B5 of the City Charter, to employees while participating on the UTSAR Team.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:48 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
MAY 13, 2008

Present - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Absent - Councilmember McFadden - 1.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Robert E. Swan
 - Library
 - *Irene Bak Stenshorn
 - NET
 - *Thadeus M. Powell
 - OMB
 - *Barbara Korpala
 - Fire Department
 - *Peter T. Barnum
 - *Robert L. Vallone
 - *Carmen J. Volo
 - Police Department
 - *Richard J. Gerbino
 - Edwin Rivera

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of April 15, 2008 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 3928-7
 - Quarterly Reports – Schedule of Claims & Delinquent Receivables 3929-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

35 signatures from taxi drivers requesting fare increase. Petition No. 1630

RECEIVED AND FILED.

PUBLIC HEARINGS.

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

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 185 No speakers.

Approving The Consolidated Community Development Plan/2008-09 Annual Action Plan Int. No. 191 No speakers.

Authorizing Submission Of The Consolidated Community Development Plan/2008-09 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development Int. No. 192 No speakers.

Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Business Loan Program And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development Int. No. 193 No speakers.

Appropriation Of Funds For The City Development Fund Int. No. 194 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 200 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement Int. No. 201 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-161
Re: Agreement - Vargas Associates, Inc.,
Management of Office Relocations

Transmitted herewith for your approval is legislation establishing \$43,950 as maximum compensation for an agreement with Vargas Associates, Inc. (Christine Vargas, President; Fina Santiago, Vice President) to provide professional management of the planned relocation of various City offices and functions. The cost of the agreement will be funded from the Efficiency and Effectiveness (Undistributed) allocation of the 2007-08 Budget.

It is anticipated that the 2008-09 budget proposal will recommend and/or necessitate the relocation of certain City offices and functions to improve operational efficiency and effectiveness. In order to ensure that the moves will be conducted in a secure, coordinated, and timely manner, the Ad-

ministration recommends engaging the services of an experienced relocation management specialist.

Vargas Associates, Inc., a certified woman-owned business enterprise, is currently providing and has provided such services to the City in the past and is recommended based upon its performance on prior relocation projects for the City. Prior projects include the move of the NET Area C office, the consolidation of Police section offices into the East Side - West Side configuration, and the move-in of the City Public Safety Building by Police, Fire, and Information Technology offices. The firm is currently providing services to the Police Department for changes in the management of the Auto Pound. The costs of those services will not exceed \$9,900.

Vargas Associates, Inc. will assist in planning, scheduling, budgeting, coordinating, overseeing, and documenting all elements of the moves, and facilitating communication among stakeholders. A commercial moving service may also be engaged to implement the physical aspects of the moves. Champion Moving and Storage, Inc., a commercial moving service, is the current vendor under contract with the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-161
(Int. No. 209)

Establishing Maximum Compensation For A Professional Services Agreement For Office Relocation Management

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

Section 1. The sum of \$43,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Vargas Associates, Inc. for management of the relocation of City offices and functions. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
May 13, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 183 - Approving Apportionment Of Taxes And Charges

Int. No. 184 - Authorizing An Agreement With Maplestar Development Company, LLC

Int. No. 204 - Local Law Amending The City Charter With Respect To Financial Disclosure Statements

Int. No. 207 - Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2008 Assessment Roll

Int. No. 208 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2008 Assessment Roll

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 185 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

The following entitled legislation is being held in Committee:

Int. No. 203 - Establishing Maximum Compensation For A Professional Services Agreement For The Mayor's Literacy Initiative

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Lovely A. Warren
Gladys Santiago
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-162
Re: Apportionment of Taxes and Charges

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 25 properties. This apportionment has been certified by the City 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 2007-08. These taxes and charges, which total \$40,818.72, 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 2008 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2008.

The list of properties is attached.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AH-57

Ordinance No. 2008-162
(Int. No. 183)

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 15, 2008, 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. 2008-163
Re: Settlement - Maplestar Lease

Transmitted herewith for your approval is legislation authorizing the settlement of all claims involving the Maplestar Development Company, LLC lease at the Ferry Terminal Building. Maplestar will give all rights to lease or otherwise occupy or use the Ferry Terminal and the adjacent Port area to the City of Rochester. In exchange for terminal improvements made by Maplestar, the City will pay \$400,000. Said amount shall be funded from the Insurance Reserve Fund.

Maplestar currently has a forty-year lease through 2044 for certain portions of the Ferry Terminal Building and the adjacent parking area for the sum of \$1.00 per year. The lease includes the northern portion of both floors of the Ferry Terminal, including the adjacent pier and deck, commercial space in the Terminal, and the parking area to the north of the Terminal. Maplestar invested in the build-out of the commercial space and entered into subleases for some of that space.

Under the settlement, the City will pay the sum of \$400,000 for the current value of the Maplestar improvements made to the Ferry Terminal adjusted for the amount due the City from Maplestar for utility, maintenance and related charges. Maplestar will give to the City all rights relating to the Ferry Terminal and the adjacent area. The City will take control of the Ferry Terminal subject to the five subleases of the businesses currently located there.

The settlement will allow the City to immediately regain control of the Ferry Terminal Building and Port Area. The lease was included as part of the

general settlement of the fast ferry sale approved by the United States District Court. Regardless of the means of disposition of the lease, negotiated settlement, termination or condemnation, payment for the Maplestar investment would still be required. This will allow the broader plans for the development of the Terminal and Port Area to proceed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-163
(Int. No. 184)

Authorizing An Agreement With Maplestar Development Company, LLC

BE IT 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 Maplestar Development Company, LLC for the settlement of all claims involving its lease at the Ferry Terminal Building. Maplestar shall give to the City all rights to lease or otherwise occupy or use the Ferry Terminal Building and the Port area.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$400,000, and said amount, or so much thereof as may be necessary, shall be funded from the Insurance Reserve Fund.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 2
Re: Amendment to the City Charter -
Financial Disclosure Form

Transmitted herewith for your approval is legislation amending Section 2-18 of the City Charter, Code of Ethics, in order to adopt a new financial disclosure form. The current financial disclosure form was adopted by Local Law No. 7, approved by the City Council in 1990. The information requested on the current disclosure form is essentially the same as that required by New York State. However, the City's adoption of its own form in 1990 allows it to make changes to that form by Local Law.

The changes to the financial disclosure form are intended to simplify the form and to provide the City with information necessary to identify conflicts of interest. The current form is lengthy and has proven to be difficult to complete. Most im-

portantly, much of the information which is requested on the form is personal in nature and provides very little relevant information relating to conflicts of interest. In contrast, the proposed form is much more compact in nature; it does not require the disclosure of purely personal information, and it focuses directly on potential conflicts of interest.

The questions on the new form focus directly on personal or business relationships, or property ownership, which may create a conflict of interest. This form has been developed by the Director of Public Integrity after a review of disclosure forms used by other governments, and after consultation with the Law Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 2
(Int. No. 204)

Local Law Amending The City Charter With Respect To Financial Disclosure Statements

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 2-18, Code of Ethics, by amending the financial disclosure statement found in Subsection G(13) thereof to read in its entirety as follows:

STATEMENT OF FINANCIAL DISCLOSURE FOR CALENDAR YEAR _____

Rochester City Charter requires all City officials and certain employees to complete a financial disclosure statement each year. You have been identified as occupying a position in which disclosure is mandated. Reference City Charter 2-18., Code of Ethics, Subsection G-Financial Disclosure. **Please complete this form and return it no later than April 15, .**

Please Print or Type

Last Name

First Name

Middle Initial

Title or position:

Name of spouse/domestic partner:

Unemancipated children:

Please answer each question by checking the appropriate box. **If you answer yes to any question**

you must complete the corresponding numbered item on Page 2 of this form. Each question **refers to the period from January 1, through December 31, .**

1. Did you, or any member of your immediate family, including family members employed by the City, receive compensation from any person or entity that engaged in any transaction or activity with the City?

NO **YES, please complete item 1 on page 2.**

2. Did you, or any member of your immediate family, have a direct financial interest (including stocks, bonds, mutual funds, partnership interest) in any person or entity that engaged in any transaction or activity with the City?

NO **YES, please complete item 2 on page 2.**

3. Did you, or any member of your immediate family, serve as an officer, director or trustee of an entity (non-City boards, associations or organizations) that engaged in any transaction or activity with the City?

NO **YES, please complete item 3 on page 2.**

4. Did you, or any member of your immediate family, own or hold an interest in any real estate located in the City of Rochester?

NO **YES, please complete item 4 on page 2.**

I certify under penalty of perjury under the laws of the State of New York that the information provided on this page, and on page 2, and on any attached sheets is true and correct and that I have made reasonable inquiry to determine the truth, accuracy, and completeness of my responses.

Signature: _____

Date: _____

EXPLANATIONS FOR RESPONSES ON PAGE 1: (Use additional sheets if necessary.)

1. Please provide the name and address of each person or entity from which you or an immediate family member received compensation and the recipient of that compensation.

Name:

Address:

Please provide the name of each City agency involved in each of the transactions or activities, if known:

- 2. Please provide the name and address of each entity in which you or an immediate family member had a direct financial interest.

Name:

Address:

Please provide the name of each City agency involved in each of the transactions or activities, if known:

- 3. Please indicate (i) the name of the person holding the position (you or an immediate family member); (ii) the title of the office, directorship or trusteeship held; (iii) the name and address of the entity.

Person holding the position:

Position held with entity:

Entity name:

Entity address:

Please provide the name of each City agency involved in each of the transactions or activities, if known:

- 4. Please provide the address or legal description of all real estate located in Rochester in which you or an immediate family member own or hold a direct financial interest.

Address:

Address:

PLEASE RETURN TO: SECRETARY OF THE BOARD OF ETHICS OFFICE OF PUBLIC INTEGRITY 85 ALLEN STREET, SUITE 100 ROCHESTER, NEW YORK 14608 FAX: 585-428-7972

Section 2. This local law shall take effect immediately and the financial disclosure statement prescribed herein shall first be used in 2008 for reporting on calendar year 2007.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2008-164 and Ordinance No. 2008-165 Re: Tax Apportionment Assessment Classes

Transmitted herewith for your approval is legislation certifying certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves determination of the "base proportion". In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2007 data. The second is the calculation of the adjusted base proportions using 2007 and 2008 data.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Table with 2 columns: Category, Value. Rows: Homestead (.4435956), Non-Homestead (.5564044), Total (1.0000000)

In comparison, the new adjusted base proportions are as follows:

Table with 2 columns: Category, Value. Rows: Homestead (.4415962), Non-Homestead (.5584038), Total (1.0000000)

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Table with 2 columns: Category, Shift. Rows: Homestead (+1.61), Non-Homestead (-1.24)

The initial portion of the calculation predicted a larger increase to the homestead class. However, the overall increase in taxable assessment and the move of over \$26 million in non-homestead assessed value from COMIDA to the tax rolls mitigated the impact of the shift. The movement from COMIDA to taxable assessment will reduce the amount of in-lieu-of tax payments we will receive in 2008-09 by approximately \$1.2 million.

Respectfully submitted, Robert J. Duffy Mayor

Ordinance No. 2008-164 (Int. No. 207)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2008 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 2008 assessment roll as follows:

| <u>Homestead Class</u> | <u>Non-Homestead Class</u> |
|---------------------------------------|----------------------------|
| Current base proportions 44.35956% | 55.64044% |
| Current percentage 62.71010% | 37.28990% |
| 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. 2008-165
(Int. No. 208)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2008 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 2008 assessment roll as follows:

| <u>Homestead Class</u> | <u>Non-Homestead Class</u> |
|--|----------------------------|
| Adjusted base proportion .4415962 | .5584038 |
| Taxable assessed value 3,454,910,179 | 2,235,202,139 |
| Net change in assessed value from 2007 resulting from physical and quantity changes +2,446,650 | +30,094,050 |
| Net change in assessed value from 2007 resulting from other than physical and quantity changes +362,031,395 | +137,007,245 |

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.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1590
Re: Assessments and Appropriations -
Special Assessment District
Parking Lots

Transmitted herewith for your approval is legislation related to special assessment district parking lots. This legislation will:

1. Authorize the assessments for seven neighborhood commercial and residential parking lots, and appropriate a total of \$71,650 for the operation and maintenance of the parking areas during 2008-09; and
2. Increase the amount authorized in LIO No. 1570 for the 2007-08 Woodside/Goodwill district by \$753 to cover additional costs. This amount will be funded from the appropriation of unused assessments of prior years.

Special Assessment District regulations were established by City Council through Resolutions 79-15, 79-16 and 79-47. 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 requirements for parking spaces.

The assessments reflect the cost of snow plowing, cleaning, landscape maintenance, lighting, and parking regulation enforcement. These services are provided either by City staff, by private companies under contract with the City, or by the property owners themselves.

The assessments required and the total appropriations available for 2008-09 and balances remaining from the assessments of prior years are as follows:

| | |
|--|--------------|
| Parking Lot Assessments - July 1, 2008 | \$66,110 |
| Unused Assessment - Prior years | <u>5,540</u> |
| Total | \$71,650 |

No assessment will be imposed for 2008-09 upon the properties included in the South Avenue Assessment District as there exists enough in unused assessments to cover the upcoming year.

A breakdown of the Special Assessment District Charges is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-58

Local Improvement Ordinance No. 1590
(Int. No. 185)

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 2008-09:

| <u>Parking Area</u> | <u>LIQ</u> | |
|------------------------|--|---------------------|
| <u>New Assessments</u> | <u>Unused Assessments From Prior Years</u> | <u>Total Amount</u> |
| Culver/Merchants | 1534 | |
| \$29,700.00 | \$ -0- | \$29,700.00 |
| Monroe Avenue | 1441 | |
| 12,100.00 | 1,500.00 | 13,600.00 |
| Parker Place | 1489 | |
| 2,500.00 | -0- | 2,500.00 |
| South Avenue | 1468 | |
| -0- | 1,650.00 | 1,650.00 |
| North Street | 1258 | |
| 7,000.00 | -0- | 7,000.00 |
| Lyell Avenue | 1548 | |
| 8,250.00 | -0- | 8,250.00 |
| Woodside/Goodwill | 1517 | |
| 6,560.00 | 2,390.00 | 8,950.00 |

Section 2. The Council hereby further approves an increase of \$753 in the 2007-08 budget for the Woodside/Goodwill Lot, as approved in Local Improvement Ordinance No. 1570, which amount is hereby appropriated from unused assessments from prior years.

Section 3. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 203
Re: Agreement - Daryl Dickson,
Literacy Initiative

Transmitted herewith for your approval is legislation establishing \$48,000 as maximum compensation for an agreement with Dickson Consulting (Principal, Dr. Daryl Dickson), Pittsford, NY, for services related to the Mayor's Literacy Initiative. The cost of the agreement will be funded from the 2007-08 Budget of the Bureau of Communications.

Dr. Dickson will serve as chief facilitator for the community-wide Literacy Initiative, ensuring that all aspects of the City's 26-point literacy strategic plan are proceeding in a timely, organized, and efficient manner. Currently, more than a hundred organizations and individuals are involved in implementing the plan. Dr. Dickson will be responsible for maintaining the organizational and supportive structure of the initiative. Further, she will serve as the chief facilitator for the Rochester Education and Literacy Commission, including its subcommittees: Literacy Policy, Branding, and Literacy Networks.

The term of this contract is for the period May 30, 2008 - January 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 203

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE MAYOR'S LITERACY INITIATIVE

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

Section 1. The sum of \$48,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Dickson Consulting for facilitation services for the Mayor's Literacy Initiative. Said amount shall be funded from the 2007-08 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Warren
May 13, 2008

To the Council:

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

Int. No. 186 - Authorizing The Sale Of Real Estate

Int. No. 187 - Amending Ordinance No. 2007-375 Relating To The Sale Of Real Estate

Int. No. 188 - Establishing Maximum Compensation For A Professional Services Agreement For Neighborhood Commercial Planning Services

Int. No. 189 - Authorizing An Amendatory Lease Agreement With The Monroe County Pure Waters District For The VanLare Treatment Plant

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

Int. No. 191 - Approving The Consolidated Community Development Plan/2008-09 Annual Action Plan

Int. No. 192 - Authorizing Submission Of The Consolidated Community Development Plan/2008-09 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 193 - Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Business Loan Program And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 194 - Appropriation Of Funds For The City Development Fund

The following entitled legislation is being held in Committee:

Int. No. 190 - Amending The 2007-08 Budget For Demolition Of The Valley Court Apartments

Int. No. 206 - Authorizing Agreements For The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition And Renovations Project And Amending Ordinances No. 2006-62 And 2006-226

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo (Abstained on Int. No. 191 & 192)
Gladys Santiago
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-166 and
Ordinance No. 2008-167
Re: Sale of Real Estate and Amending
Ordinance No. 2007-375

Transmitted herewith for your approval is legislation approving the sale of three properties and amending a prior ordinance relating to the sale of real estate.

With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first property was sold through a sealed bid process. The purchaser will combine the parcel with his adjoining property.

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

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$939.

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

Amendment

Ord. No. 2007-375, which authorized the sale of 237 Fernwood Avenue to Annie Wyche, will be amended to include the name of Willie J. Wyche as purchaser. The City-owned home was purchased by Annie Wyche at the City's August 2007 auction. Willie J. Wyche is the spouse of Annie Wyche.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-59

Ordinance No. 2008-166
(Int. No. 186)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcel of vacant land with proposal by sealed bid:

| <u>Address</u> | <u>Lot Size</u> | <u>Price</u> |
|---------------------------------|----------------------------|--------------|
| <u>S.B.L.#</u> | <u>Purchaser</u> | |
| 493 Clifford Ave 106.31-4-13 | 40x154 RJT Investments* | \$50 |

*Robert Taylor, Officer

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Sq. Ft.</u> |
|----------------------------------|-------------------------------------|----------------|
| 448 Maple St 120.26-2-59 | 37x165 Joseph & Linda Sewar | 6155 |
| 29 Thorn St 090.83-2-23 | 38x77 **Balein LP | 2926 |

**Nicole Ebarb, General Partner

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-167
(Int. No. 187)

Amending Ordinance No. 2007-375 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2007-375, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 237 Fernwood Avenue, as approved in Section 1, from Annie Wyche to Annie Wyche and Willie J. Wyche.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-168
Re: Agreement - Ingalls Planning & Design, Neighborhood Commercial Planning

Transmitted herewith for your approval is legislation establishing \$20,000 maximum compensation for an agreement with Ingalls Planning and Design, Rochester (Principal, Matt Ingalls), for services related to neighborhood commercial planning efforts of the Economic Development Department. The agreement will be funded from the 2007-08 Budgets of EDD (\$10,000) and the Department of Community Development (\$10,000).

The Revive Process, developed by EDD, involves four steps: neighborhood visioning, economic analysis, concept/charette plan, and a final action plan. This process is being applied to the redevelopment of Mt. Hope Avenue and for Jefferson Avenue up to West Main Street.

Ingalls Planning and Design will provide the following services related to the implementation of the Revive Process for both projects:

- Organize and conduct community workshops;
- Provide economic analysis;
- Develop a concept plan for neighborhood development including general design guidelines;
- Coordinate the development of an action plan with Neighborhood Business Associations, Sector leaders, and EDD; and
- Provide a report summarizing the process. Complete the Revive project by writing a summary report to include all the items outlined in the four steps.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-168
(Int. No. 188)

Establishing Maximum Compensation For A Professional Services Agreement For Neighborhood Commercial Planning Services

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Ingalls Planning and Design for implementation of the Revive Process to assist in the planning of the redevelopment of Mt. Hope Avenue and Jefferson Avenue. Of said amount, \$10,000 shall be funded from the 2007-08 Budget of the Economic Development Department and \$10,000 shall be funded from the 2007-08 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. 2008-169
Re: Amendment - Lease Agreement,
VanLare Sewage Treatment Plant

Transmitted herewith for your approval is legislation authorizing an amendatory lease agreement with the County of Monroe Pure Waters District for the VanLare Sewage Treatment Plant. The original agreement, authorized in 1971, was amended by Ordinance 1998-173, to allow the District to enter into a license agreement with Rochester Telephone Mobile Communications LP

for the personal wireless communication facility at the Treatment Plant. The license agreement is now approaching its final renewal option, to commence October 1, 2008 and end June 30, 2011.

This legislation will extend the license agreement, increase the land area to be covered under the license, and authorize the licensee to make additional capital improvements at the site.

Crown Atlantic Company LLC is now the successor to Rochester Telephone Mobile Communications LP's interest. The proposed extension would allow the District to enter into a license agreement with Crown Atlantic, for a period of 5 years commencing July 1, 2011, followed by four 5-year renewal terms. If the lease of the treatment plant to the District is not renewed, the City will become licensor to Crown Atlantic Company LLC on July 1, 2011.

Crown Atlantic is proposing the replacement of the existing tower on the premises with a new tower, not to exceed 194 feet in height including the antennae, for improved provision of services. The Monroe County Department of Public Safety and the City's Emergency Communications Department may install antennae on the tower at no expense. Enhanced 911 equipment will be installed at the top of the tower upon its completion. The license area will be expanded from 75'x75' to a 75'x140' section of land, to facilitate the new improvements.

The Planning Commission approved a special use permit for the new tower on December 17, 2007. Minutes of that meeting are attached.

The rent payments made by Crown Atlantic LLC to the District shall continue according to terms of the previous agreement - a base annual rent of \$10,000, with increases at the beginning of each renewal period based on the Consumer Price Index. In the event that Crown Atlantic LLC enters into sublicenses with other providers, 20% of any license proceeds are to be paid to the District. The amount of the most recent payment made to the District by the licensee, in January 2008, was \$11,268.38. In addition, monthly payments of \$459.22 are made for the sublicenses. All of the proceeds will continue to be deposited in the Monroe County Department of Parks Improvement Trust Fund for improvements to the Durand-Eastman Park, with the exception of the golf course. The Monroe County Parks Advisory Board will make recommendations regarding the use of the funds.

The Monroe County Legislature will consider this amendment at their May 13, 2008 meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-60

Ordinance No. 2008-169
(Int. No. 189, As Amended)

Authorizing An Amendatory Lease Agreement With The Monroe County Pure Waters District For The VanLare Treatment Plant

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

Section 1. The Mayor is hereby authorized to enter into an amendatory lease agreement with the Monroe County Pure Waters District whereby the District may continue a license agreement over an expanded parcel of the land leased for the VanLare Treatment Plant with Crown Atlantic Company, LLC for the purpose of constructing and maintaining a new personal wireless communication facility not to exceed 194 feet in height. The license may extend through [July 1, 2011] September 30, 2008 and for a period of five years thereafter, with four five-year renewal options. The City shall become the licensor if the Pure Waters lease is not extended beyond its expiration date of June 30, 2011. The Monroe County Department of Public Safety and City Department of Emergency Communications shall be allowed to install antennae on the tower at no expense.

Section 2. The amendatory lease 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-170,
Ordinance No. 2008-171,
Ordinance No. 2008-172 and
Ordinance No. 2008-173
Re: Consolidated Community Development
Plan/2008-09 Draft Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Program/2008-09 Draft Annual Action Plan. The legislation will:

1. Approve the 2008-09 Draft Annual Action Plan;
2. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements;
3. Authorize the submission of an application to the U.S. Department of Housing and Urban Development for additional Section 108 loan authority totaling \$2,000,000 and authorization of any necessary agreements; and
4. Approve the appropriation and the use of Urban Development Action Grant principal

and interest repayments projected to be received during the 2008-09 program year.

Robert J. Duffy
Mayor

Ordinance No. 2008-170
(Int. No. 191)

The Consolidated Community Development Plan identifies the overall housing and community development needs and outlines a strategy to address those needs. It describes housing and homeless needs and market conditions, sets forth a strategy that establishes priorities, identifies federal and other resources anticipated being available and outlines the proposed use of those resources. The Plan brings together, in one consolidated submission, the planning and application requirements for the Community Development Block Grant, HOME Investment Partnerships, American Dream Down Payment Initiatives, Emergency Shelter Grant, Housing Opportunities for Persons with AIDS, and the Section 108 loan program.

Approving The Consolidated Community Development Plan/2008-09 Annual Action Plan

For Program Year 2008-09 (July 1, 2008 - June 30, 2009), the Action Plan describes resources to be utilized, activities to be implemented, as well as other actions to be carried out.

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2008-09 Annual Action Plan to be financed with \$17,315,630 available to the City of Rochester from the Community Development Block Grant, HOME Program, American Dream Down Payment Initiative, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program, Section 108 Loan Program, Capital Improvement Program and Urban Development Action Grant loan and interest repayments; and

The amount of revenue expected to be available to fund plan activities is estimated to be \$17,315,630. Of this amount, \$13,765,630 represents new grants from the federal government and \$1,550,000 represents the anticipated receipt of loan and interest repayments on prior year Urban Development Action Grant and other program income. The City is simultaneously submitting an application in the amount of \$2,000,000 for a Section 108 loan to provide additional funding for a Business Loan Program.

WHEREAS, the City's Community Development Program has been recognized for best practices, receiving the U.S. Department of Housing and Urban Development - Buffalo Office Meritorious Award in 2006, eight John J. Gunther Blue Ribbon Best Practices in Community Development from the U.S. Department of Housing and Urban Development in 1998 and a U.S. Department of Housing and Urban Development Secretary's Award for National Excellence in 1986; and

The following table provides a summary of funding by program goal:

WHEREAS, the proposed plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations; and

| <u>Goal</u> | <u>Amount</u> | <u>Percent of Total</u> |
|------------------------------------|----------------|-------------------------|
| Promote Economic Stability | \$ 4,548,700 | 26% |
| Improve the Housing Stock | 9,620,586 | 56% |
| Respond to General Community Needs | 2,326,344 | 13% |
| Other | <u>820,000</u> | 5% |
| Total | \$17,315,630 | 100% |

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

Approval by the City Council of the Annual Action Plan and Section 108 Loan application is required by HUD. Approval of the City Development Fund is required by Resolution 83-26, which was adopted on May 24, 1983.

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2008-09 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

A copy of the Draft Consolidated Community Development Plan/2008-09 Draft Annual Action Plan is available for review in the City Clerk's office.

WHEREAS, the City Council has reviewed the public comments and recommendations;

A public hearing on the plan and Section 108 Loan application is required.

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

Respectfully submitted,

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2008-09 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Spaul, Warren -7.

Nays - None - 0.

Councilmember Palumbo abstained because she is employed by one of the organizations that receives funding.

Ordinance No. 2008-171
(Int. No. 192)

Authorizing Submission Of The Consolidated Community Development Plan/2008-09 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

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

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2008-09 Annual Action Plan, as amended, to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to provide any such information that may be required and execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2008.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Spaul, Warren -7.

Nays - None - 0.

Councilmember Palumbo abstained because she is employed by one of the organizations that receives funding.

Ordinance No. 2008-172
(Int. No. 193)

Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Business Loan Program And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

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

Section 1. The Mayor is hereby authorized to submit an application, amendments thereto, all understandings and assurances contained therein, provide such additional information as may be required, and to enter into an agreement with the United States Department of Housing and Urban Development for Section 108 loan authority in the amount of \$2,000,000 for a Section 108 Business Loan Program.

Section 2. The Council hereby approves a Section 108 Loan in the amount of \$2,000,000 for a Section 108 Business Loan Program and said amount, or so much thereof as may be approved, is hereby appropriated for this purpose.

Section 3. The Mayor is hereby authorized to enter into a Section 108 Loan agreement with the U.S. Department of Housing and Urban Development and with the participating businesses and to execute such other agreements or instruments as may be necessary to effectuate the Section 108 Business Loan Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-173
(Int. No. 194)

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/2008-09 Annual Action Plan, the Council hereby appropriates the sum of \$1,550,000 in anticipated UDAG Loan Repayment Funds and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Warren moved to discharge Int. No. 206 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Palumbo, Spaul, Warren - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-174
Re: Thomas P. Ryan, Jr.
Community Center

Transmitted herewith for your approval is legislation authorizing the Mayor to enter into all necessary agreements with the Rochester City School District for the design and construction of the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project, and amending previous ordinances related to the funding of the Project. This legislation will allow for a maximum of \$6.2 million in City funds to be transferred to the District as needed during the implementation of the Project. This legislation will also insure that all available City funds can be used for any eligible portion of the Project.

The Council has previously approved City participation in the Project in the amount of \$6.2 million, which includes funding from Library sources. This funding includes bonds in the amount of \$1,769,000, \$1,862,300 in Cash Capital, and \$2,568,700 in Community Development Block Grant Funds.

Construction is now underway on the Project. The City is working with the Rochester City School District to match available funding with eligible portions of the Project. Although City Council has previously authorized agreements for design and construction management services in Ordinance No. 2006-62, and for the use of the Community Development Block Grant Funds in Ordinance No. 2006-226, authorization is needed to enter into agreements for the full \$6.2 million. These ordinances will be amended to authorize the use of any City or CDBG funds for eligible portions of the Project. The City is working with the School District to match available funds to project expenses due to funding restrictions on the CDBG funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-174
(Int. No. 206)

Authorizing Agreements For The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition And Renovations Project And Amending Ordinances No. 2006-62 And 2006-226

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

Section 1. The Mayor is hereby authorized to enter into such agreements with the Rochester City School District as may be necessary for the design and construction of the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project.

Section 2. The agreements shall obligate the City to pay a total amount not to exceed \$6,200,000, which amount has previously been identified or appropriated in Ordinances No. 2006-62, 2006-226, 2007-408, 2007-449 and 2007-450.

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

Section 4. Ordinance No. 2006-62, authorizing an agreement for design and construction management services for the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project, is hereby amended by funding said agreement from any eligible funding source approved by the City for the Project and by authorizing the use of the funding identified in Section 2 therein for any eligible part of the design and construction of the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project.

Section 5. Ordinance No. 2006-226, authorizing amendments to Community Development Plans, including authorizing funding and agreements for the Thomas P. Ryan, Jr. Community Center, is hereby amended by authorizing the use of the funding identified in Section 2 therein for any eligible part of the design and construction of the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 190
Re: Budget Amendment -
Department of
Community Development

Transmitted herewith for your approval is legislation amending the 2007-08 Budget by transferring \$150,000 from the Property Management Account to the Department of Community Development Budget and appropriating these funds for costs related to the demolition of two City-owned apartment buildings located at Valley Court Apartments, 1170 Genesee Street.

The Property Management Account is funded from rent paid on City-owned, tenant-occupied housing. A substantial amount of these funds came from rents from the five apartment buildings at the Valley Court Apartment Complex.

The Valley Court Apartments consist of five buildings located on 4.5 acres of land. In order to facilitate development, the front two apartment buildings will be demolished, following asbestos abatement. The remaining three older buildings, to the rear of the parcel, will be offered along with the vacant land to potential developers. The future

disposition of these remaining buildings will be based on proposals received.

Sinisgalli Inc., Rochester, will be the contractor performing the asbestos abatement and demolition at Valley Court Apartments at a total contract price of \$257,000. Sinisgalli Inc. is being awarded the contract based on a lowest price public bid. The contract contains Minority/Women Utilization Goals of 19.2% of the contract price. The contractor will have 75 calendar days to complete the work. The remaining \$107,000 will be funded from the 2007-08 demolition account.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 190

AMENDING THE 2007-08 BUDGET FOR DEMOLITION OF THE VALLEY COURT APARTMENTS

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

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$150,000, which amount is hereby appropriated from the Property Management Account to fund the demolition of buildings at the Valley Court Apartments, 1170 Genesee Street.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Lightfoot
May 13, 2008

To the Council:

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

Int. No. 195 - Authorizing Agreement With The County Of Monroe For Water Testing Services At Durand Eastman Beach

Int. No. 196 - Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

Int. No. 197 - Establishing Maximum Compensation For A Lease And Service Agreement For Granular Activated Carbon Filter Media, As Amended

Int. No. 198 - Authorizing An Agreement, Appropriating Funds And Amending Ordinance No. 2008-101, Relating To The Bremen Street Group Improvement

Int. No. 205 - Authorizing Participation In The Ridgeway Avenue Transportation Improvement Project

Respectfully submitted,
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-175
Re: Agreement - Monroe County,
Durand Eastman Beach

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the County of Monroe for the provision of water testing services at Durand Eastman Beach, and establishing \$10,000 as maximum compensation for the agreement. The cost of the agreement will be financed through the 2008-09 Recreation and Youth Services Budget.

The City will operate a portion of the beach at Durand Eastman Park for swimming, beginning with weekend service from May 26 through June 29, 2008. Full operations, seven days per week, will commence June 30 and continue through September 6, 2008.

In their continuing cooperation with the City in operating the beach, the County Health Department will be responsible for the following:

Beginning on or about April 28, 2008, County Health Department staff shall collect water samples, twice weekly, or as necessary, to capture storm events at locations along the beach determined by the Health Department.

The sampling results from the 2007 and 2008 seasons will be used by the County Health Department for an operational model, similar to the one employed at Ontario Beach. This will be used for making decisions whether to open or close the beach for water quality reasons.

City aquatics staff will provide notification informing the public of the status of the beach. The County Health Department will continue to make available to the public a Monroe County telephone hot-line, which includes both Ontario and Durand beach information.

The term of this agreement will extend through December 31, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-175
(Int. No. 195)

Authorizing Agreement With The County Of Monroe For Water Testing Services At Durand Eastman Beach

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for water testing services at Durand Eastman Beach.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said Budget.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-176
Re: Agreement - RGRTA,
Vehicle Fueling

Transmitted herewith for your approval is legislation re-authorizing an agreement with the Rochester-Genesee Regional Transportation Authority for the continued refueling of City vehicles at the RGRTA facility at 1372 East Main Street. Such an agreement is provided for by section 110-o of the New York State General Municipal Law. The term of this agreement will be two years - beginning June 1, 2008, and ending May 31, 2010.

RGRTA provides unleaded fuel to City vehicles operating on the east side of the city, thereby avoiding the need to travel to the Central Vehicle Maintenance Facility.

The City will reimburse RGRTA for the cost of the fuel, plus an administrative and service charge of \$.18 per gallon during the contract period.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-176
(Int. No. 196)

Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester-Genesee Regional Transportation Authority (RGRTA) for the fueling of City vehicles at the RGRTA Facility at 1372 East Main Street. The agreement may extend for a term of two years. The agreement shall obligate the City to reimburse RGRTA for the actual cost of the fuel and pay an administrative and service charge of \$.18 per gallon. Funding shall be provided in the annual City Budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-177
Re: Agreement - Calgon Carbon
Corporation, Hemlock Lake
Filtration Plant

Transmitted herewith for your approval is legislation re-authorizing a lease and service agreement with Calgon Carbon Corporation, Pittsburgh related to the use of granular activated carbon (GAC) filter media at the Hemlock Lake Filtration Plant. The cost of approximately \$146,000 has been included in the proposed 2008-09 Budget of the Department of Environmental Services (Water Fund). The term of the agreement will be for three years, with a maximum cost of \$440,000. It is anticipated that subsequent years will also be funded from the operating budget of DES.

The original lease agreement for GAC was approved by City Council in June 2005. The lease was for a three-year period, which is the expected life of the filter media. Under the new agreement, the original GAC media will be removed and a new GAC media installed in four of the plant's eight filters. For the remaining four filters, Calgon will install the original plant media, anthracite, which has been stockpiled at the plant.

GAC filter media was installed in 2005 for the adsorption of off-flavor (taste and odor) compounds that developed in the Hemlock Lake water source after the arrival of zebra mussels. It is the most cost-effective of several technologies that were investigated for removing those compounds.

Lease agreement proposals were solicited from two large national suppliers of GAC. The Calgon price was approximately \$100,000 lower than that offered by its chief competitor.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-177
(Int. No. 197, As Amended)

Establishing Maximum Compensation For A Lease And Service Agreement For Granular Activated Carbon Filter Media

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

Section 1. The sum of \$440,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a lease and service agreement with Calgon Carbon Corporation for the use 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 2008-09 and subsequent Budgets of the Department of Environmental Services (Water Fund), contingent upon approval of said Budgets.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-178
Re: Bremen Street Group
Improvement Project

Transmitted herewith for your approval is legislation related to the Bremen Street Group Improvement Project. This legislation will:

1. Appropriate \$1,337,000 from the Improving Housing Stock and General Property Conditions allocation of the 2007-08 Consolidated Community Development Plan to finance construction of the Bremen Street Group Improvement Project;
2. Authorize an agreement with the Rochester City School District (RCSD) related to funding improvements on Rau Street; and appropriate \$45,000 from anticipated reimbursements from the RCSD to partially finance construction of improvements on Rau Street adjacent to School No. 50; and
3. Amend Ordinance 2008-101 to include resident project representation services for the Bremen Street Group Improvement Project to be performed by Stantec Consulting Services, and to reduce the amount requested for bonding from \$145,000 to \$45,000.

The Bremen Street Group Improvement project includes Bremen Street (Norton Street to North End), Rau Street (N. Clinton Avenue to Seneca Avenue), Roser Street (Nester Street to North End), Dunn Street (Hudson Avenue to Northlane Drive), and Buonomo Street (Northlane Drive to Baird Street).

The project is being designed by DES/Bureau of Architecture and Engineering Services staff. Features of the project include:

Bremen Street: Reconstruction or rehabilitation of the pavement as required; replacement or installation of new curbs as required; installation of driveway aprons, and catch basins; replacement of sidewalks as required; street lighting upgrades as required; topsoil and seed.

Rau Street: Geometric changes authorized by Council on March 18, 2008, to provide for installation of a recessed parking lane; installation of water facilities, driveway aprons, and catch basins; replacement or installation of new sidewalks as required; street lighting upgrades as required; topsoil and seed.

Dunn Street: Geometric changes authorized by Council on December 18, 2007, to meet current city standards; installation of driveway aprons, and catch basins; replacement or installation of new sidewalks as required; street lighting upgrades as required; topsoil and seed.

Roser Street: Geometric changes authorized by Council on December 18, 2007, to meet current city standards; installation of new curbs; installation of driveway aprons, and catch basins; replacement or installation of new sidewalks as required; street lighting upgrades as required; topsoil and seed.

Buonomo Street: Geometric changes authorized by Council on December 18, 2007, to meet current city standards; installation of new curbs, driveway aprons, and catch basins; street lighting upgrades as required; topsoil and seed.

Construction costs are estimated at \$1,810,725, and will be financed from the proceeds of Bond Ordinance Nos. 2007-265, 2007-266, 2007-267; 2006 Cash Capital; anticipated reimbursements from Monroe County Department of Transportation; and from the appropriations requested herein.

The proposed amendment to Ordinance 2008-101 will provide for Stantec Consulting services to perform resident project representation services for the Bremen Street Group Improvement Project in its entirety; and to replace a portion of bond ordinance 2007-265 with \$100,000 of the requested CDBG appropriation requested herein.

It is anticipated the design of the project will be completed in spring 2008, and that construction will begin in summer 2008, with substantial completion in spring 2009.

Public informational meetings were held on November 1, 2007 and February 5, 2008. Copies of the meeting minutes are on file in the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-61

Ordinance No. 2008-178
(Int. No. 198)

Authorizing An Agreement, Appropriating Funds And Amending Ordinance No. 2008-101, Relating To The Bremen Street Group Improvement Project

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

Section 1. Ordinance No. 2008-101, relating to a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Rau Street Improvement Project, is hereby amended by amending the scope of services to include the entire Bremen Street Group Improvement Project, and by reducing the amount of funding from Bond Ordinance No. 2007-265 from \$145,000 to \$45,000, with \$100,000 to be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program the sum of \$1,337,000, or so much thereof as may be necessary, to fund the Bremen Street Group Improvement Project.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding for the Rau Street Improvement Project. The sum of \$45,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Rochester City School District to fund the Rau Street Improvement Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-179
Re: Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street)

Transmitted herewith for your approval is legislation related to the Ridgeway Avenue Transportation Project. This legislation will:

1. Establish \$780,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., for engineering planning and design services. The cost will be financed from anticipated Federal reimbursements (\$624,000), 2007-08 (\$125,000) Cash Capital allocations of the Department of Environmental Services, and 2006-07 (\$31,000) Water Cash Capital allocations of DES;

2. Authorize the Mayor to enter into any necessary agreements to participate in and administer the project;
3. Appropriate \$624,000 from anticipated reimbursements from the Federal Highway Administration which will be used to finance the federal portion of the engineering planning and design services for the project.

This Federal Aid project, administered by the City through the NYSDOT, is identified in the City's current Capital Improvement Program. The City is qualified to receive up to 80% of the eligible project costs from the Federal Highway Administration with the remaining 20% being a local share. The City may also qualify to receive reimbursement of up to 75% of the eligible local share project costs through the New York State Marchiselli Program. The Marchiselli funding has been requested in the New York State Budget.

Authorizations are required at this time to provide for City administration of the project, as requested by the NYSDOT and to substantiate the City's commitment to the project.

The project features include: rehabilitation and reconstruction of the pavement, reconfiguration of the roadway, and improvements to the intersection, drainage system, curb, traffic signal, signage, sidewalk, streetscape, landscaping and water distribution system.

Stantec will provide engineering planning and design services for the project. Requests for letters of interest were sent to the fifteen firms on the NYSDOT list. Eleven firms submitted letters of interest; the three selected for interviews were Popli Consulting Engineers & Surveyors, Erdman Anthony & Associates, and Stantec Consulting Services. A committee of City and State representatives recommends Stantec based upon the qualifications of their team and knowledge of the project. Design will begin in Spring 2008 and is anticipated to be completed in Summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-179
(Int. No. 205)

Authorizing Participation In The Ridgeway Avenue Transportation Improvement Project

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

Section 1. The Council hereby approves City participation in and administration of the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street).

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 admin-

ister the Project. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Department of Transportation providing for City responsibility for the maintenance and repair of the streets.

Section 3. The sum of \$780,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering planning and design services for the Ridgeway Avenue Transportation Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount \$125,000 shall be funded from the 2007-08 Cash Capital allocation, \$31,000 shall be funded from the 2006-07 Cash Capital allocation (Water Fund) and \$624,000 is hereby appropriated from anticipated reimbursements from the Federal Highway 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 unanimously.

By Councilmember Miller
May 13, 2008

To the Council:

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

Int. No. 199 - Amending Ordinance No. 2008-154 Relating To The Sale Of 280 South Clinton Avenue

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

Int. No. 200 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 201 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

Respectfully submitted,
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-180
Re: ESL Property Remediation Costs

Transmitted herewith for your approval is legislation amending Ord. No. 2008-154 in order to modify the sale price of 280 S. Clinton Avenue. This Ordinance authorized the sale of the property to ESL Federal Credit Union for \$211,600 less than the appraised value of \$806,000 to assist with remediation costs.

To assist ESL with higher than anticipated remediation costs found on the development parcels, this amendment permits the City to increase the discount on the parcel by a total amount of up to \$440,000.

Appraisals for the parcels were provided by Pogel, Schubmehl & Ferrara, LLC on July 23, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-180
(Int. No. 199)

Amending Ordinance No. 2008-154 Relating To The Sale Of 280 South Clinton Avenue

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

Section 1. Ordinance No. 2008-154, relating to the sale of 280 South Clinton Avenue to ESL Federal Credit Union for the sum of \$806,000, is hereby amended by authorizing the purchase price to be adjusted by the Commissioner of Economic Development by a total amount not to exceed \$440,000 to reflect the cost of environmental and/or geotechnical remediation performed by the purchaser.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1591
Re: Downtown Enhancement
District 2008-09 Budget

Transmitted herewith for your approval is legislation approving the 2008-09 Budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District.

The District, originally authorized by the City Council in 1989, was re-authorized in 1994, 1999, and 2004, and is designed to provide an enhanced level of care and maintenance in the downtown area.

The District includes all properties within the area between Church Street, Bragdon Place and Pleas-

ant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and all other properties within 1600 feet of Main Street that are included in the enclosed walkway system.

An advisory committee of eleven representatives of district property owners or tenants oversees the Department of Environmental Services' administration of the program.

The annual costs 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: 50% is based upon the assessed valuation of a property, and 50% is based upon gross area. In addition, costs for properties directly on Main Street or with direct access to Main Street via the enclosed walkway system, and all parking lots and garages are weighted at twice the factors of other properties.

The maximum permissible budget for 2008-09 based upon the nineteen-year cumulative increase in the CPI (75%) is \$700,000. The recommended budget is \$540,900, which is \$17,600 (3.36%) more than the 2007-08 amount. This is due in most part to a \$16,800 increase in wages and salaries.

| <u>Category of Expense</u> | <u>2008-09</u> | <u>2007-08</u> | <u>Variance</u> |
|-----------------------------|-----------------|-----------------|-----------------|
| Salaries & Wages | \$377,800 | \$361,000 | \$16,800 |
| Employee Benefits | +139,200 | +135,600 | + 3,600 |
| Personnel Total | \$517,000 | \$496,600 | \$20,400 |
| Materials & Supplies | 65,200 | 65,100 | 100 |
| Contractual Services | <u>51,700</u> | <u>54,600</u> | <u>- 2,900</u> |
| Operations Total | \$633,900 | \$616,300 | \$17,600 |
| Less Operating Revenues | <u>- 33,000</u> | <u>- 33,000</u> | <u>0</u> |
| Required Assessments | \$600,900 | \$583,300 | \$17,600 |
| Use of Fund Balance | - 60,000 | - 60,000 | 0 |
| Contingency Wage Settlement | <u>0</u> | <u>0</u> | <u>0</u> |
| Total Budget | \$540,900 | \$523,300 | \$17,600 |

The Enhancement District Committee approved the proposed budget by a vote of 4 to 0 on March 20, 2008.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1591
(Int. No. 200)

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 2008-09 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444 and 1531, is established at \$540,900. The sum of \$60,000 from the fund balance and \$33,000 from operating revenues, or so much thereof as may be necessary, are hereby appropriated to further fund the Downtown Enhancement District for the fiscal year.

Section 2. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1592
Re: Downtown Special Services Program

Transmitted herewith for your approval is legislation related to the Downtown Special Services Program. This legislation will:

1. Approve the 2008-09 budget of the program;
2. Approve the assessments to be apportioned to the properties within the Downtown Special Services District (see attached map); and
3. Establish \$499,700 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for 2008-09. This agreement will be funded from assessments to participating properties and a portion of the existing fund balance.

The Downtown Special Services Program, established in 1994 as the Downtown Guides Program and re-authorized in 1999 and 2004, is administered by a non-profit corporation, Downtown Special Services, Inc. The corporation is directed by an eleven-member board which includes representatives from downtown businesses, the tourist industry, and City and County government.

At the March 19, 2008 joint meeting of the board and membership, an increase in hours for safety services was approved to allow more flexibility in response to several major redevelopment projects in the downtown area. Also approved was the continued operation of the Downtown Information

Center and maintenance of a portion of the website (www.rochesterdowntown.com).

The 2008-09 budget for the program will be \$499,700. Upon application of \$71,500 from the fund balance, the total assessment for 2008-09 will be \$441,969, which includes a delinquency reserve.

The assessment will be apportioned among all non-homestead properties within the district boundaries, except those owned by the federal or state governments. The apportionment is based on relative assessed valuation.

Upon approval, the tax levy for individual properties will be prepared and submitted to the Council for consideration. Property owners will have an opportunity to review and comment on the levies.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-62

Local Improvement Ordinance No. 1592
(Int. No. 201)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

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

Section 1. The cost of the special work and services to be assessed for the 2008-09 fiscal year for the Downtown Special Services District, is established at \$441,969, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446 and 1529.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Special Services Program. The agreement shall obligate the City to pay an amount not to exceed \$499,700, and, of said amount, or so much thereof as may be necessary, \$428,200 is hereby appropriated from the assessments authorized herein and \$71,500 is hereby appropriated from Downtown Special Services District fund balances. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

By Councilmember McFadden
May 13, 2008

To the Council:

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

Int. No. 202 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Grant Writer

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-181
Re: Amendatory Agreement -
Maranne McDade Clay,
Grant Writing

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Maranne McDade Clay, for additional services related to grant writing for the Department of Recreation and Youth Services.

Ordinance No. 2007-143 authorized \$15,000 as maximum annual compensation for cemetery grant writing services, and provided the option for three one-year renewals. This amendment will increase the maximum compensation by \$20,000 for a maximum of \$35,000 for the term of June 1, 2008 to May 31, 2009.

The original scope of services included the research, development and preparation of applications for grants and other public funds for submissions by the Rochester Cemeteries Heritage Foundation, Inc. This amendment will expand the consultant's scope of work to include the management and oversight of the grants. Ms. Clay also provides support as necessary to the Friends of Mt. Hope.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-63

Ordinance No. 2008-181
(Int. No. 202)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Grant Writer

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Maranne McDade Clay for services as a Grant Writer for the second renewal year of the current agreement. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:40 P.M.

DANIEL B. KARIN
City Clerk

PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGETS
JUNE 11, 2008
7:00 P.M.

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

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

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

PUBLIC HEARINGS

Pursuant to law public hearings will now be had on the following matter.

Adoption Of The Budget Estimates For Municipal Purposes For The 2008-09 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 251 39 speakers: David Palmer, Jim McTeirnan, Mike Patterson, Albert Algarin, Tom Ryther, Dr. Maria Watkins, Ms. Young, Nicholas Hirsch, Jamer Meyers, Brittany Morton, Natasha Brooks, William Burrell, Peter Velasquez, Darah Delaus, Desirae Pauline, Dominick Hagan, Joshua Carter, Tania Sims, Xavier Leing, Khari Johnson, Sheila Driscall, Shanterra Randle, Diane Larter, Karen Martino, Lecosha Clinkscales, Susan Taylor Brown, Danforth Ross, Carlos Santana, Sara Hughes, Dana Bratcher, Howard Eagle, Caroline Mirenda, Shanya Beasley, Bernadette Mack, Carlene Davis, Ernest Wilson, Walter Smith, Ellen Stubbs, Delaine Cook Greene.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009, And Appropriation Of Sums Set Forth Therein Int. No. 252 No speakers

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009 Int. No. 256 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2008 And Expiring June 30, 2009 Int. No. 255 No speakers.

The meeting was adjourned at 9:30 p.m.

Daniel B. Karin
City Clerk

REGULAR MEETING
JUNE 17, 2008

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services

Gerald J. Croston

Sharon A. Edwards

*Gerald LaMartina

Information Technology

* Michael Zazzaro

Library

Katherine M. Martel

Police Department

Kathleen Anderson

David F. Barnes

Anthony P. DeBellis, Jr.

*Robert M. Jobe

*Robert J. Poles, Jr.

AnnMarie Van Son

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Warren

RESOLVED, that the minutes of the Regular Meeting of May 13, 2008 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
3930-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Keep after school programs, 72 signatures
Petition No. 1631
Rochester Firefighters on the reorganization of
the Fire Department, 13 signatures Petition
No. 1632
Taxi drivers requesting fare increase, 35 signatures
Petition No. 1633

RECEIVED AND FILED.

PUBLIC HEARINGS.

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

Authorizing Amendatory 2004-05 And 2005-06
Community Development Program Plans To
Transfer And Appropriate Funds For Smoke And
Carbon Monoxide Detectors Int. No. 225 No
speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 17, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 210 - Establishing Maximum Compensation For A Professional Services Agreement With General Code Publishers Relating To The Publication Of The City Charter And Code

Int. No. 211 - Authorizing Competitive Grant Applications

Int. No. 212 - Resolution Approving Reappointments To The Municipal Civil Service Commission

Int. No. 213 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Federal Lobbying Services And Authorizing An Amendatory Agreement, As Amended

Int. No. 214 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Automation Of The City's Business Processes

Int. No. 215 - Establishing Maximum Compensation For A Professional Services Agreement For Outplacement Services

Int. No. 248 - Authorizing An Agreement For A Health Insurance Collaborative Feasibility Study

Int. No. 251A - Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To

The South Avenue Rec Center - \$21,700

Int. No. 251B - Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To Health Insurance - \$50,000

Int. No. 251C - Amending The 2008-09 Budget Of The City Of Rochester In Regard To The Downtown Community Forum - \$5,000

Int. No. 251D - Amending The 2008-09 Budget Of The City Of Rochester In Regard To A Health Fair In The Southeast Quadrant - \$10,000

Int. No. 251E - Amending The 2008-09 Budget Of The City Of Rochester In Regard To A Planning Charette - \$5,000

Int. No. 251F - Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To A Fashion Show - \$4,000

Int. No. 251G - Resolution of Budgetary Intent - Fire Department Response Times

Int. No. 251H - Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To The Courtside Scouting Service Program - \$2,000

Int. No. 251I - Amending The 2008-09 Budget Of The City Of Rochester In Regard To The Future Boxing Club - \$5,000

Int. No. 251J - Amending The 2008-09 Budget Of The City Of Rochester In Regard To Exercise Equipment - \$6,000

Int. No. 251K - Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To A Children's Festival - \$1,000

Int. No. 251 - Adoption Of The Budget Estimates For Municipal Purposes For The 2008-09 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees, As Amended

Int. No. 252 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009, And Appropriation Of Sums Set Forth Therein

Int. No. 253 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009

Int. No. 254 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009

Int. No. 255 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2008 And Expiring June 30, 2009

Int. No. 256 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commenc-

ing July 1, 2008 And Expiring June 30, 2009, As Amended

Int. No. 257 - Amending The Municipal Code With Respect To Water Rates

Int. No. 258 - Amending The Municipal Code With Respect To Municipal Parking Garages And Parking Rates

Int. No. 259 - Amending The Municipal Code With Respect To Fees For Licenses And Permits

Int. No. 260 - Amending The Municipal Code With Respect To Fees For Permits From The City Engineer

Int. No. 261 - Local Law Amending The City Charter With Respect To Fire Insurance Liens

Int. No. 262 - Resolution Approving The 2008-09 Debt Limit For General Municipal Purposes

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo (Did not vote on Int. Nos. 210 through 213)
Lovely A. Warren (Did not vote on Int. Nos. 251A through 262)
Gladys Santiago
William F. Pritchard (Did not vote on Int. Nos. 210 through 215, and Int. No. 248)
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-182
Re: Publication of the City Charter and Code

Transmitted herewith for your approval is legislation establishing maximum compensation of \$65,340 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 2008-09 and future budgets of the City Council/City Clerk (\$63,825) and the Department of Community Development (\$1,515).

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 the Comprehensive 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 borne 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,
Gladys Santiago Carolee A. Conklin
President Chair, Finance Committee

Ordinance No. 2008-182
(Int. No. 210)

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. The sum of \$65,340 is hereby established as the compensation to be paid for a professional services agreement with General Code Publishers to publish the City Charter and Code and to provide for continued maintenance of the Charter and Code in paper and electronic versions. The agreement shall extend through June 30, 2011. Of said amount, \$21,275 shall be funded each year from the 2008-09, 2009-10 and 2010-11 Budgets of the City Council/City Clerk for supplementation services and licensing of PC Codebook and E-Code, and \$505 shall be funded each year from 2008-09, 2009-10 and 2010-11 Budgets of the Department of Community Development for continued maintenance of the 1975 E-code, for Codebook CD, and for jump-link maintenance, contingent upon adoption of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-183
Re: Competitive Grant Applications - Fiscal Year 2008-09

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2008-09. As you know, one of the goals of this administration is to increase revenue from granting sources. This legislation will help to streamline the process by which the City applies for competitive federal, state and private grants.

There are over 900 grant programs offered by Federal grant-making agencies, as well as hundreds of state, regional and private grant opportu-

nities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

When any of the following conditions apply, grant applications will continue to require individual Council endorsement:

- 1. If the City is required to pay more than 50% of the cost of the project in the form of operating capital;
- 2. If the award exceeds \$1,000,000; or
- 3. If, in the case of a capital project, completion is required in one calendar year or less.

The City will develop and maintain an inventory of available grant resources to further optimize our ability to take full advantage of funding opportunities. Reports on funds received will be presented to Council upon request.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-183
(Int. No. 211)

Authorizing Competitive Grant Applications

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

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

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

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in the form of operating capital shall require City Council authorization.

Section 5. Grant applications exceeding \$1,000,000, and awards for capital projects that require project completion in one calendar year or less, shall require City Council authorization.

Section 6. This ordinance shall take effect immediately and shall extend through June 30, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-18
Re: Reappointments - Civil Service
Commission

Transmitted herewith for your approval is legislation confirming the reappointments of Diane Larter, 450 Wellington Avenue, Rochester, New York 14619, and Alan Caine, 29 Atkinson Street, Rochester, New York 14608, to the Civil Service Commission.

Ms. Larter was initially appointed to the Commission in July 2003. In the past year, she has attended 12 of 13 meetings. Mr. Caine's initial appointment was in July 1990; he has attended 11 of 13 meetings during the past year. Their current terms expire on May 31, 2008. Their new terms will extend to May 31, 2014.

Copies of resumes for both Ms. Larter and Mr. Caine are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-18
(Int. No. 212)

Resolution Approving Reappointments To The Municipal Civil Service Commission

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

Section 1. The Council hereby approves the reappointment of Diane Larter, 450 Wellington Avenue, to the Municipal Civil Service Commission for a term which shall expire on May 31, 2014.

Section 2. The Council hereby approves the appointment of Alan Caine, 29 Atkinson Street, to the Municipal Civil Service Commission for a term which shall expire on May 31, 2014.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-184
Re: Agreement - The Ferguson Group,
Federal Lobbying Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with The Ferguson Group, LLC, Washington, D.C., for continued federal lobbying services for the City. This amendment will increase maximum compensation to the consultant by \$60,000 and extend the

contract to December 31, 2008. This additional cost will be financed from the 2008-09 Budget of the Mayor's Office. The original agreement was authorized by Council in December 2006 for a one-year term at a cost of \$120,000.

The Ferguson Group will continue to provide the following services:

- Work on a regular basis with the City's Congressional delegation and maintain relationships with other appropriate members of Congress;
- Arrange meetings for City officials with Washington leaders;
- Create and implement federal legislative, regulatory, and appropriation strategies on behalf of the City;
- Provide information to the City concerning: Federal legislation affecting Rochester; testimony from legislative hearings; federal regulations; and
- Provide general direction and guidance on legislative and regulatory matters.

Accomplishments for 2008 include:

- Secured over \$1.5 million in funding for Port and Mt. Hope Cemetery projects, and for the lead hazard reduction program.
- Worked with the City to submit a \$15 million project request to Congresswoman Slaughter; funding would address improvements required by the Safe Drinking Water Act.
- Coordinated meetings for the Mayor and Deputy Mayor in April with Congresswoman Slaughter, Congressman Walsh, Senator Schumer, and Senator Clinton's staff. Also coordinated visits of senior staff to the Department of Justice, the Department of Housing and Urban Development, and the Army Corps of Engineers.
- Lobbied the Department of Justice's Office of Community Oriented Policing Services, resulting in an invitation to apply for a COPS Universal Hiring Program grant. Invited communities stand a greater chance of receiving limited federal funding.
- Worked with the City to develop a strategy to acquire an easement on Coast Guard property to develop a road which will enhance the Port revitalization.
- Continue to work with Congresswoman Slaughter's office to build support for waterfront brownfields legislation.

The Ferguson Group will be pursuing funding opportunities for the following projects in FY 2009: Midtown, Law Enforcement Technology/Zero Tolerance Initiative, Durand Eastman

Beach, Port of Rochester Safety Enhancements, and Jefferson Avenue streetscape improvements.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-184
(Int. No. 213, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Federal Lobbying Services And Authorizing An Amendatory Agreement

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Ferguson Group LLC for the provision of Federal lobbying services. Said amount shall be funded from the 2008-09 Budget of the Office of the Mayor.

Section 2. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the additional compensation to be paid for an amendatory professional services agreement between the City and Geiger & Rothenberg. Said amount shall be funded from the 2007-08 Budget of the Law Department.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-185
Re: Amendatory Agreement - First Consulting, Inc., Automating City Business Processes

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with First Consulting, Inc, Pittsford, NY, for additional services related to the mapping, documentation and reengineering of the City's business processes. This amendment will increase maximum compensation by \$105,000 for a total of \$115,000. The cost of the amendment will be funded by the 2006-07 Cash Capital allocation of the Information Technology Department.

In February 2008, the City implemented the 311-One Call to City Hall system. At that time, twenty specific business processes were automated within 311 between the Call Center, the Police Department and the Department of Environmental Services. Customer calls to 311 not related to those processes are currently transferred to the appropriate departments for resolution.

To eliminate redundant operations, enhance efficiency, and reduce costs, the long-term goal is to automate all customer service processes through 311. For 2008-09, the focus will be to incorporate Neighborhood Service Team, Finance, and remaining DES processes into 311.

In order to document these processes prior to preparing them for automation, and to continue to develop in-house skills in process mapping and reengineering, an interdepartmental staff team recommends using consultant services through 2008-09.

ITD staff interviewed various consultants and selected First Consulting, Inc. on a trial basis. That trial has resulted in the conversion of five DES and one NET process which will be up and running within the 311 system by the end of June 2008.

First Consulting, Inc. is a software engineering and business IT consulting firm that has worked with several regional companies such as Xerox, Eastman Kodak and Johnson & Johnson on similar efforts. Based on their expertise, experience, demonstrated capabilities and lower cost rate in providing these mapping, reengineering and process documentation services, First Consulting, Inc. is uniquely qualified to provide these services to the 311 program over the next year as we continue to transition department processes into the new 311 environment.

The term of the amendatory agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-185
(Int. No. 214)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Automation Of The City's Business Processes

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

Section 1. The sum of \$105,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with First Consulting, Inc. for automation of the City's business processes. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-186
Re: Agreement - Career Development Services, Outplacement Counseling

Transmitted herewith for your approval is legislation establishing \$72,000 for an agreement with Career Development Services, Rochester, to provide outplacement services for displaced City employees. The cost of this agreement will be funded from the 2007-08 Undistributed Fund.

Outplacement Services will be provided for up to forty displaced employees beginning July 1, 2008. Each employee choosing to use this service will be provided with two months of individual counseling.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-186
(Int. No. 215)

Establishing Maximum Compensation For A Professional Services Agreement For Outplacement Services

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

Section 1. The sum of \$72,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Career Development Services for outplacement services for displaced City employees. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-187
Re: Inter-Municipal Agreement - Health Insurance Collaborative Feasibility Study

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District and the County of Monroe for the collective receipt and use of a New York State Shared Municipal Services Grant in the amount of \$84,000. The grant will fund a feasibility study to determine if cost-saving opportunities exist in the creation of a united employee health insurance consortium.

The grant will be administered by the School District, which will contract with Brown & Brown Employee Benefits Consulting and Brokerage Services, located at 45 East Avenue, Rochester, NY 14614, to conduct the study. The consultant will gather and analyze existing health insurance arrangements, utilization data and each organiza-

tion's objectives, collectively and individually. The consultant's services will be funded in full by the grant.

A request for proposals was advertised and resulted in 11 submissions. Evaluation criteria included level of experience, references, project understanding and office location. The Collaborative Review Committee invited four consultants for the interview phase.

Brown & Brown was selected based on the following factors:

1. Demonstrated level of understanding of the project.
2. Degree of relevant experience in the Public Sector and in the Rochester area.
3. Demonstrated evidence of innovative solutions.
4. Office location of key project personnel in Rochester (City).
5. Cost within grant amount.

The Collaborative Review Committee is comprised of nine members, three from each organization, with the City School District acting as lead agency for the grant application submission and receipt of funds. The City is represented by the Director of Human Resource Management, the Director of Finance and the Benefits Manager.

The project is expected to commence July 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-187
(Int. No. 248)

Authorizing An Agreement For A Health Insurance Collaborative Feasibility Study

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District and the County of Monroe for a Health Insurance Collaborative Feasibility Study.

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. 2008-188
Re: Budget Amendment - South Avenue
Rec Center - \$21,700

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$21,700 from the Contingency Account to the Department of Recreation & Youth Services to restore full hours of operation for the South Avenue Rec Center during July and August.

The Proposed Budget reduces the South Avenue Center from a full center to a satellite center. As a result, the hours of operation are scheduled to be substantially reduced. The proposed amendment will allow the center to run Monday through Friday, 9:00 a.m. to 9:00 p.m., and Saturday from 11:00 a.m. to 6:00 p.m.

As you are aware, the proposed change accompanies the proposed elimination of the satellite rec program hours in several schools throughout the City. At the public hearing on the Proposed Budget, there was significant public concern about the reductions in recreation hours. On June 12, Mayor Duffy announced that existing resources within the DRYS budget would be used to keep the other satellite centers open for the same hours as last summer and that the Administration was working with the City School District to redesign after-school programming for September. At that time, a proposal will be submitted to City Council that will address the future of the satellite locations.

In discussions among City Councilmembers, it is clear that the Council believes that the South Avenue Center should operate under the same general principles as the other satellite locations for the summer. Subsequent to that time, its future will be considered along with the other satellite locations as part of the cooperative programming with the City School District

Respectfully submitted,
Elaine M. Spaul Lovely A. Warren
Councilmember Councilmember
East District Northeast District

Ordinance No. 2008-188
(Int. No. 251A)

Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To The South Avenue Rec Center - \$21,700

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

Section 1. The Proposed 2008-09 Budget of the City Of Rochester is hereby amended by transferring \$21,700 from the Contingency Account to the Department of Recreation & Youth Services to fund restoration of the hours of operation for the South Avenue Rec Center during July and August.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-189
Re: Budget Amendment - Health
Benefits - \$50,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$50,000 from the Contingency Account to the Undistributed Account to provide an additional three months of health insurance for City employees who are being laid off as a result of the 2008-09 budget cuts.

The Proposed Budget eliminates a net total of 70 full-time positions; while many of those positions are currently vacant, a large number are filled and it is currently anticipated that there will be about 20 layoffs. The Mayor had already planned to provide six months of health insurance coverage to those former employees, along with counseling and training opportunities.

The Council is concerned that the current economic climate may not allow all of those who are being laid off to find employment within that six-month period. As a result, we believe that in a year that has an unprecedented number of staff cuts, an unprecedented effort should be made to cushion the impact on those who are leaving our employment through no fault of their own.

The proposed amendment will provide an additional three months of coverage for those affected, bringing the total coverage to nine months. We believe that this is an appropriate response to such challenging economic times and we hope it will be a small measure of comfort for those affected.

Respectfully submitted,
Carolee A. Conklin William F. Pritchard
Councilmember Councilmember
At-Large At-Large

Ordinance No. 2008-189
(Int. No. 251B)

Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To Health Insurance - \$50,000

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

Section 1. The Proposed 2008-09 Budget of the City Of Rochester is hereby amended by transferring \$50,000 from the Contingency Account to the Undistributed Account to fund an additional three months of health insurance coverage for employees who are being laid off as a result of reductions in the Proposed Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-190
Re: Budget Amendment - Downtown
Community Forum - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$5,000 from the Contingency Account to the Department of Economic Development to fund support for the Downtown Community Forum's ongoing series on economic development.

The Downtown Community Forum has been a key catalyst for many years in facilitating the exchange of information on a broad range of topics from downtown housing development to broader issues of economic and community revitalization. The organization has been seeking additional support for their efforts to bring in speakers on a range of economic development issues.

The proposed amendment would allow the Downtown Community Forum to attract expert speakers who could engage the community in productive discussions about the best options for Rochester to focus on in our ongoing efforts to create jobs, to increase our tax base, and to provide greater opportunities for our citizens.

Respectfully submitted,
Dana K. Miller Gladys Santiago
Councilmember-at-Large President

Ordinance No. 2008-190
(Int. No. 251C)

Amending The 2008-09 Budget Of The City Of Rochester In Regard To The Downtown Community Forum - \$5,000

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

Section 1. The Proposed 2008-09 Budget of the City of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Economic Development for support of the Downtown Community Forum's series on economic development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-191
Re: Budget Amendment - Southeast
Health Fair - \$10,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$10,000 from the Contingency Account to the Department of Recreation and Youth Services for a Health Fair in the southeast quadrant of the

City. Health fairs are free family-oriented events that provide important health information to the public. Medical institutions, clinics, community organizations and other health-oriented groups staff information tables covering a variety of health issues. Incentives are provided for fairgoers to attend each table and learn something new.

Many of the topics covered are those of particular concern to minority populations, whose health problems are less frequently highlighted. For example, heart disease and diabetes are significant health threats to the African-American and Latino populations.

The planned Health Fair for Summer 2009 follows the same format as the one held in the Northeast area of the City at the Franklin Educational Campus in 2006, the Northwest Fair held in 2007, and the Sector 4 event that will take place in August 2008. At the initial event, which was held outdoors during a deluge of rain, approximately 300 people attended and 54 vendors participated. At the event in August 2007 at the Edgerton Recreation Center in the Northwest area of the City, over 800 residents and sixty vendors participated. Similar numbers are anticipated at Sector 4.

Respectfully submitted,
John F. Lightfoot
Councilmember-at-Large

Elaine M. Spaul
Councilmember
East District

Ordinance No. 2008-191
(Int. No. 251D)

Amending The 2008-09 Budget Of The City Of Rochester In Regard To A Health Fair in The Southeast Quadrant - \$10,000

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

Section 1. The Proposed 2008-09 Budget of the City of Rochester is hereby amended by transferring \$10,000 from the Contingency Account to the Department of Recreation and Youth Services for support of a Health Fair in the Southeast Quadrant.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-192
Re: Budget Amendment - Planning
Charette - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$5,000 from the Contingency Account to the Department of Community Development to fund a planning charette for the Bull's Head area. The intent of the amendment is to provide funding to the Rochester Regional Design Center (RRDC) to coordinate such an event.

As you may know, 2009 will be the 200th anniversary of the Bull's Head area. Located at the intersection of West Main, Genesee, and Brown Streets, Bull's Head is an important part of three different neighborhoods: the 19th Ward, SWAN, and Neighborhood United. Over the years, there have been sporadic plans to redevelop the area, but only minor improvements have actually resulted.

The St. Mary's Campus of Unity Health is located at the intersection; it is the largest employer in the neighborhood and is a key anchor for all three neighborhoods. Working from that strong base offers an opportunity to generate a road map for revitalizing the entire area.

RRDC has extensive experience in organizing and staffing charettes; the proposed amendment would cover a portion of the costs for the event. RRDC and the adjacent neighborhood groups would be responsible for raising any remaining required funds.

Respectfully submitted,
Dana K. Miller
Councilmember-at-Large
South District

Adam C. McFadden
Councilmember

Ordinance No. 2008-192
(Int. No. 251E)

Amending The 2008-09 Budget Of The City Of Rochester In Regard To A Planning Charette - \$5,000

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

Section 1. The Proposed 2008-09 Budget of the City of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Community Development for an agreement with the Rochester Regional Design Center to conduct a planning charette for the Bull's Head neighborhood.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-193
Re: Budget Amendment - Fashion
Show - \$4,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$4,000 from the Contingency Account to the Department of Recreation and Youth Services to support the Mr. and Ms. Trendsetter Fashion Show.

The Mr. and Ms. Trendsetter Fashion Show is an annual pageant for youth ages 15 to 18. The event is in its sixth year and serves 40 to 45 youth who, over four hours a week for six weeks, learn poise,

stage presentation, and the elements of fashion in preparation for the fashion show. The three-hour event will be held in August 2008, when the youth compete in four fashion categories before judges comprised of local leaders of the fashion industry.

The proposed funding of \$4,000 would cover a portion of the cost of the event, including advertising and marketing, rental of the performance venue and trophies. This artistic endeavor allows participating youth to experience diversity and learn to accept difference, learn decorum, investigate self-image, and get an introduction to the fashion industry.

Respectfully submitted,
Adam C. McFadden Gladys Santiago
Councilmember President
South District

Ordinance No. 2008-193
(Int. No. 251F)

Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To A Fashion Show - \$4,000

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

Section 1. The Proposed 2008-09 Budget of the City of Rochester is hereby amended by transferring \$4,000 from the Contingency Account to the Department of Recreation and Youth Services for support of the Mr. and Ms. Trendsetter Fashion Show.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-19
Re: Resolution of Budgetary Intent -
Fire Department Response Times

Transmitted herewith for your approval is a resolution of budgetary intent regarding the planned reorganization of the Rochester Fire Department from a Quint/Midi to an Engine/Truck deployment model. As you are aware, Chief Caufield has recommended this model as a preferred approach to meeting the service demands of the department; as a corollary benefit, it will allow the reduction of sixteen positions in the coming year.

Subsequent to the presentation of the revised model, there have been numerous concerns raised by representatives of the International Association of Firefighters, Local 1071, as well as by some citizens in some City neighborhoods, that the proposal could result in inferior response times. The department has presented substantial data to City Council that suggest that there will be virtually no impact on response times; the union has challenged these data with analyses of their own.

Clearly, the Council is not in a position to substitute its judgment for that of the Fire Chief on matters of staffing, deployment, or other operating issues. Given the Chief's clear testimony that his planned reorganization can provide the same level of service at a lower cost, it would be irresponsible for the Council to insist on expending more taxpayer funds on this vital service than the Chief has requested. Further, since the Chief has indicated that it is his strong belief that the proposed deployment will result in increased safety for the firefighters themselves, it would be unreasonable not to implement the new system.

However, it would be equally imprudent of the Council not to at least consider the possibility that the statistical packages used to develop the new deployment model might not be perfect in their predictive analysis. As a result, Council has determined that a method of providing sufficient oversight is to require regular reports from the department that quantify the actual times for each of the various incident types to which the department responds. Further, should the reports indicate that response times do not continue to meet the current response time levels, Council will require submission of a plan from the Mayor and Chief to address any identified problem and to provide appropriate additional resources to ensure that the excellent service that our citizens have come to expect from the men and women of the Fire Department remains undiminished.

Respectfully submitted,
Carolee A. Conklin Carla M. Palumbo
Chair Councilmember
Finance Committee Northwest District

Resolution No. 2008-19
(Int. No. 251G)

Resolution of Budgetary Intent - Fire Department Response Times

WHEREAS, for many years the Rochester Fire Department has been a model of excellent service in responding to the many and varied calls for service that are directed to that department, and

WHEREAS, for more than twenty years, the Rochester Fire Department has been deployed around a Quint/Midi service delivery model, and

WHEREAS, the leadership of the Rochester Fire Department has planned to reorganize the department's response model by using an Engine/Truck deployment, and

WHEREAS, the planned redeployment will be carried out with a reduction of sixteen positions in the Rochester Fire Department, and

WHEREAS, the statistical models that the Rochester Fire Department has used demonstrate that the new deployment will allow response times to remain the same despite the reduction in force, and

WHEREAS, the leadership of the Rochester

Fire Department has indicated its clear belief that the new deployment model will result in improved safety for the men and women of the department, and

WHEREAS, representatives of various community groups and the International Association of Firefighters, Local 1071, have expressed their concerns that the planned new deployment, when accompanied by the reduction of sixteen staff positions, may result in an increase in response times and a concomitant reduction in public safety, and

WHEREAS, the City Council is committed to ensuring that adhering to current response times and ensuring the safety of our citizens will continue to be priority issues,

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

Section 1. The Mayor is hereby requested to provide to City Council quarterly reports, beginning in October 2008 and continuing for the duration of the four-year implementation period, detailing the response times for each sector of the City for each of the various incident types to which the Fire Department responds.

Section 2. Following the third quarter after implementation of the new deployment model, if said reports indicate a worsening of response times for any sector of the City and/or any type of incident response, the Mayor and Fire Chief shall submit to Council a plan of correction that shall include appropriate additional resources to restore the response times to their previous levels.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-194
Re: Budget Amendment - Courtside
Scouting Service - \$2,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$2,000 from the Contingency Account to the Department of Recreation and Youth Services to support the Courtside Scouting Service program.

Courtside Scouting Service is a program of the Temple of God Church, Inc. It hosts showcase basketball competitions at which Junior College and NCAA Division 2 and 3 coaches and scouts are in attendance in an effort to showcase local talent for potential athletic scholarships. The program targets at-risk youth in an effort to encourage improved academic performance that would be required for college admission.

In April, Courtside held its Spring Showcase at Edison Tech; 105 students participated. Courtside

plans to use the City funds to put on a Fall Showcase in 2008. The funds will pay for ads, t-shirts, referees, rental and other miscellaneous expenses.

The program offers another opportunity for the City to provide a vehicle to encourage better academic performance by our students with the incentive of college scholarship assistance.

Respectfully submitted,
John F. Lightfoot
Councilmember-at-Large
Elaine M. Spaul
Councilmember
East District

Ordinance No. 2008-194
(Int. No. 251H)

Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To The Courtside Scouting Service Program - \$2,000

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

Section 1. The Proposed 2008-09 Budget of the City Of Rochester is hereby amended by transferring \$2,000 from the Contingency Account to the Department of Recreation and Youth Services to fund the Courtside Scouting Service Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-195
Re: Budget Amendment - Future
Boxing Club - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$5,000 from the Contingency Account to the Department of Recreation and Youth Services to support the Future Boxing Club.

Future Boxing Club is in its fifth year of providing positive after-school experiences for underprivileged, asthmatic and obese children in kindergarten through high school. The Club is associated with USA Boxing, and its volunteer coaches are licensed for amateur and professional coaching. It serves up to 150 kids each year, providing training and homework support from 4 p.m. to 7:30 p.m., Monday through Friday, at a nominal fee of \$25 per month. This fee is waived for numerous youth whose parents are unable to pay. Participants also must maintain at least a "C" average in school.

Future Boxing Club currently has seven youth ranked top in the nation, including two 15 year old boxers being scouted by the US Olympic boxing team. The annual cost for the program is approximately \$19,000, which covers rent, utilities, equipment, and local transportation costs. The program is entirely run by volunteers.

It is essential that children have positive, supervised activities during after-school hours and Future Boxing Club offers a successful program that emphasizes academics and physical fitness. This modest sum of \$5,000 will enable the organization to continue helping kids train as athletes, build self-confidence, develop their character, and learn sportsmanship.

Respectfully submitted,
Adam C. McFadden
Councilmember
South District

Dana K. Miller
Councilmember
At-Large

Ordinance No. 2008-195
(Int. No. 251I)

Amending The 2008-09 Budget Of The City Of Rochester In Regard To The Future Boxing Club - \$5,000

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

Section 1. The Proposed 2008-09 Budget of the City of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Recreation and Youth Services for support of after-school programming at the Future Boxing Club.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-196
Re: Budget Amendment - Maplewood
Park Trail Equipment - \$6,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$6,000 from the Contingency Account to Cash Capital for the addition of adult exercise equipment in the Maplewood Park. This amendment is similar to one that City Council approved last year to provide such equipment at Troup Street.

The provision of adult-size exercise equipment, using the model of fitness trails, will encourage adults to exercise alongside their children during trips to the playground.

A family appreciation for exercise, and the opportunity to establish a regular exercise routine, is beneficial to our City's residents. A healthy lifestyle is of particular importance to our urban population, which has a substantial portion of low-income families who lack preventative health care.

It is widely reported, and common sense tells us, that regular exercise and proper nutrition are key components to good health. This amendment is one small step towards increasing health awareness and providing opportunity for individuals to create

an exercise routine.

Respectfully submitted,
Carla M. Palumbo
Councilmember
Northwest District

Carolee A. Conklin
Councilmember-at-Large

Ordinance No. 2008-196
(Int. No. 251J)

Amending The 2008-09 Budget Of The City Of Rochester In Regard To Exercise Equipment - \$6,000

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

Section 1. The Proposed 2008-09 Budget of the City of Rochester is hereby amended by transferring \$6,000 from the Contingency Account to Cash Capital for adult exercise equipment at Maplewood Park.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-197
Re: Budget Amendment - Children's
Festival - \$1,000

Transmitted herewith for your approval is an amendment to the Proposed 2008-09 Budget transferring \$1,000 from the Contingency Account to the Department of Recreation and Youth Services to support a summer Children's Festival at Pulaski Park.

The annual "Save Our Children Festival" is operated by Grace-Unity Fellowship Church and it is intended to emphasize positive life choices, strong families, and individual development. The event begins with a parade from the church to Pulaski Park, followed by a day of free food, educational opportunities, and organized games.

Grace-Unity Fellowship Church has a long track record in youth counseling, tutoring, crisis intervention, and general youth development. Their annual Children's Festival relies entirely on contributions to operate. The festival includes displays and materials from the Police Department, the Fire Department's Fire Safety House, as well as presentations by numerous other not-for-profit and public agencies.

This modest allocation will provide the opportunity for 400-500 children to enjoy and learn at the festival; the event is scheduled for August 23rd.

Respectfully submitted,
Lovely A. Warren
Councilmember
Northeast District

William F. Pritchard
Councilmember-at-Large

Ordinance No. 2008-197
(Int. No. 251K)

Amending The Proposed 2008-09 Budget Of The City Of Rochester In Regard To A Children's Festival - \$1,000

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

Section 1. The Proposed 2008-09 Budget of the City of Rochester is hereby amended by transferring \$1,000 from the Contingency Account to the Department of Recreation and Youth Services to fund a Children's Festival.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-198,
Ordinance No. 2008-199,
Ordinance No. 2008-200,
Ordinance No. 2008-201,
Local Improvement Ordinance No. 1593,
Ordinance No. 2008-202,
Ordinance No. 2008-203,
Ordinance No. 2008-204,
Ordinance No. 2008-205,
Ordinance No. 2008-206 and
Local Law No. 3

Re: 2008-09 Budget

Transmitted herewith for your approval is legislation relating to the 2008-09 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Merchants/Winton open space district
 - f. Downtown Special Services District (previously Downtown Guides)

- g. Downtown Enhancement District
 - h. High Falls Improvement District
 - i. Atlantic Avenue Improvement District
 - j. St. Paul Street Streetscape
5. Authorize certain fee increases and Charter and Code changes.

Details of the above actions related to the 2008-09 proposed budget of the City submitted to City Council on May 16, 2008 are summarized below:

1. Total appropriations of \$1,160,632,045 allocated for the City and the School District

| | <u>Proposed 2008-09</u> | <u>Dollar Difference</u> |
|--------|-----------------------------|-------------------------------|
| | <u>Amended 2007-08</u> | <u>Percent Difference</u> |
| City | \$ 477,878,500 | \$26,641,000 |
| | \$ 451,237,500 | 5.9 |
| School | <u>682,753,545</u> | <u>30,870,024</u> |
| | <u>651,883,521</u> | 4.7 |
| Total | \$1,160,632,045 | \$57,511,024 |
| | \$1,103,121,021 | 5.2 |

Total non-tax revenue distributed between the City and the District as follows:

| | <u>Proposed 2008-09</u> | <u>Dollar Difference</u> |
|--------|-----------------------------|-------------------------------|
| | <u>Amended 2007-08</u> | <u>Percent Difference</u> |
| City | \$ 436,513,110 | \$31,295,351 |
| | \$405,217,759 | 7.7 |
| School | <u>570,204,045</u> | <u>20,438,321</u> |
| | <u>549,765,724</u> | 3.7 |
| Total | \$1,006,717,155 | \$51,733,672 |
| | \$954,983,483 | 5.4 |

2. Total tax levies of \$162,872,900 for the City and City School District as follows:

| | <u>Proposed 2008-09</u> | <u>Dollar Difference</u> |
|-------------|-----------------------------|-------------------------------|
| | <u>Amended 2007-08</u> | <u>Percent Difference</u> |
| Tax Revenue | \$153,914,890 | \$5,777,352 |
| | \$148,137,538 | 3.9 |
| Tax Reserve | <u>8,958,010</u> | <u>336,248</u> |
| | <u>8,621,762</u> | 3.9 |
| Tax Levy | \$162,872,900 | \$6,113,600 |
| | \$156,759,300 | 3.9 |

3. Total appropriations for the Local Works fund of \$15,996,500 and total assessments of \$15,767,300.

| | <u>Proposed 2008-09</u> | <u>Dollar Difference</u> | <u>Percent Difference</u> |
|--------------------|-----------------------------|------------------------------|-------------------------------|
| | <u>Amended 2007-08</u> | | |
| Street Maintenance | \$ 4,106,335 | \$540,347 | |
| | \$ 3,565,988 | 15.1 | |
| Sidewalk Repair | 1,661,594 | 141,776 | |
| | 1,519,818 | 9.3 | |
| Roadway Plowing | 7,846,138 | -92,502 | |
| | 7,938,640 | -1.1 | |
| Sidewalk Plowing | <u>2,153,233</u> | <u>-94,921</u> | |
| | <u>2,248,154</u> | <u>-4.2</u> | |
| Total | \$15,767,300 | \$494,700 | |
| | \$15,272,600 | 3.2 | |

4. The budget for the various street malls was approved on January 15, 2008. The budget for the Public Market was approved on March 18, 2008. The budgets for the open space, lighting, Cascade and Norton Streetscapes, and High Falls Business District were approved on April 15, 2008. The budgets for the Downtown Enhancement District, Downtown Special Services District (previously known as Downtown Guides), and parking lots were approved on May 13, 2008. The assessments required for the various programs consist of the following:

| | <u>Proposed 2008-09</u> | <u>Dollar Difference</u> | <u>Percent Difference</u> |
|---------------------------------|-----------------------------|------------------------------|-------------------------------|
| | <u>Amended 2007-08</u> | | |
| Street Malls | \$ 78,209 | \$ 1,421 | |
| | \$ 76,788 | 1.9 | |
| Parking Lots | 66,110 | 3,010 | |
| | 63,100 | 4.8 | |
| Public Market | 36,159 | 715 | |
| | 35,444 | 2.0 | |
| Lighting and Sidewalks | 40,699 | 16,698 | |
| | 24,001 | 69.6 | |
| Open Space Districts | 6,500 | -3,220 | |
| | 9,720 | -33.1 | |
| Downtown Special Services | 441,969 | 73,156 | |
| | 368,813 | 19.8 | |
| Downtown Enhancement | 540,900 | 17,600 | |
| | 523,300 | 3.4 | |
| High Falls Improvement District | 25,000 | 0 | |
| | 25,000 | 0.0 | |
| Atlantic Avenue Improvement | 21,428 | -572 | |
| | 22,000 | -2.6 | |

| | | |
|-----------------------------|--------|-----|
| St. Paul Street Streetscape | 20,649 | 0 |
| | 20,649 | 0.0 |

5. The proposed additions to the tax roll consist of the following charges:

| | <u>Proposed 2008-09</u> | <u>Dollar Difference</u> | <u>Percent Difference</u> |
|--------------------------------|-----------------------------|------------------------------|-------------------------------|
| | <u>Amended 2007-08</u> | | |
| Delinquent Refuse | \$ 562,598 | \$ 50,391 | |
| | \$ 512,207 | 9.8 | |
| Delinquent Water | 6,857,417 | 129,109 | |
| | 6,728,308 | 1.9 | |
| Code Enforcement | 52,988 | 21,983 | |
| | 31,005 | 70.9 | |
| Supplemental and Omitted Taxes | 175,756 | -136,450 | |
| | 312,206 | -43.7 | |
| Local Improvements | 19,665 | -3,613 | |
| | 23,278 | -15.5 | |
| Encroachments | 4,375 | -150 | |
| | 4,525 | -3.3 | |
| Rehabilitation/Demolition | 220,731 | 100,386 | |
| | 120,345 | 83.4 | |
| Code Violations | 929,801 | -1,048,274 | |
| | 1,978,075 | -53.0 | |
| Arnold Park Monuments | 7,055 | 0 | |
| | 7,055 | 0.0 | |

6. A local works increase is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$420,200 in local works revenue.
7. A water rate increase is proposed to balance the Water Fund. The proposed increase is expected to result in a net increase of \$863,500 in revenue.
8. A 5% increase in parking rates, which vary by garage, is necessary to balance the parking fund, resulting in incremental revenues of approximately \$108,000. Amending the City Code to reflect the addition of the South Avenue Garage and the Mortimer Street Garage to the list of designated parking garages and to enable the Municipal Parking Coordinator to authorize a reduced rate for individuals 65 years or over at all City-operated garages, and to sell blocks of monthly parking passes to local businesses.
9. Amending the City Code for proposed departmental fee and fine increases will result in incremental revenues of approximately \$68,100 to the following Departments:

| | |
|------------------------|---------------|
| City Clerk | \$ 98,647 |
| Environmental Services | <u>18,700</u> |
| | \$117,347 |

10. Amend the City Charter regarding the collection of outstanding taxes and charges from fire insurance proceeds. Currently, the Charter stipulates that the City can collect such amounts only when all taxes and charges are at least one year due. This amendment will bring our ordinance into line with NY State Law to allow for collection of any and all outstanding taxes and charges from fire insurance proceeds if any single one such tax or charge is outstanding for more than one year. This law will not apply to one- or two-family residential structures; it will allow the owner of the affected structure to enter into an agreement with the City to restore the premises using the proceeds of the insurance.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-64

Ordinance No. 2008-198
(Int. No. 251, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2008-09 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

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

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2008 to June 30, 2009, providing for the expenditure of \$[477,878,500] 478,107,100, 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 2008-09 are hereby authorized to be expended and the sum of \$[477,878,500] 478,107,100 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

| | |
|------------------------|------------------------------|
| City Council and Clerk | \$ 1,771,900 |
| Administration | 12,708,300 |
| Community Development | [6,027,200] <u>6,032,200</u> |
| Economic Development | [2,655,800] <u>2,660,800</u> |
| Environmental Services | 82,668,700 |
| Finance | 5,364,500 |
| Information Technology | 4,003,800 |
| Law | 1,929,600 |
| Library | 11,185,900 |

| | | |
|-------------------------------|-----------------|--------------------|
| Recreation and Youth Services | [16,990,200] | <u>17,262,500</u> |
| Emergency Communications | 10,337,200 | |
| Police | 78,734,000 | |
| Fire | 41,304,400 | |
| Undistributed Expenses | [102,929,400] | <u>102,979,400</u> |
| Contingency | [11,427,700] | <u>11,318,000</u> |
| Cash Capital | [50,033,800] | <u>50,039,800</u> |
| Debt Service | 37,806,100 | |
| Sub-total | \$[477,878,500] | <u>478,107,100</u> |
| Tax Reserve | 2,407,510 | |
| Total | \$[480,286,010] | <u>480,514,610</u> |

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2008-09 is hereby fixed and determined at \$436,741,710 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2008-09 providing for the raising of taxation on real estate for municipal purposes of the sum of \$43,772,900 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2008-09.

Section 6. This ordinance shall take effect on July 1, 2008.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2008-199
(Int. No. 252)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009, 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, 2008 to June 30, 2009, providing for the expenditure of \$682,753,545, 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 2008-09 are hereby authorized to be expended and the sum of \$682,753,545 is hereby appropriated to the Board of Education for the following purposes:

| | |
|--------------|-------------------|
| Operations | \$644,237,665 |
| Cash Capital | 12,148,602 |
| Debt Service | <u>26,367,278</u> |
| Subtotal | 682,753,545 |
| Tax Reserve | <u>6,550,500</u> |
| Total | \$689,304,045 |

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2008-09 is hereby fixed and determined at \$570,204,045 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2008-09 providing for the raising of taxation on real estate for school purposes of the sum of \$119,100,000 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2008.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Lightfoot, McFadden, Palumbo, Spaul - 5.

Nays - Councilmembers Conklin, Miller, Pritchard, Warren - 4.

Ordinance No. 2008-200
(Int. No. 253)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009

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

Section 1. The sum of \$43,772,900, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2008 and expiring June 30, 2009 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, 2008 and expiring June 30, 2009.

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, 2008 and expiring June 30, 2009.

Section 3. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Ordinance No. 2008-201
(Int. No. 254)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009

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

Section 1. The sum of \$119,100,000, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2008 and expiring June 30, 2009 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, 2008 and expiring June 30, 2009.

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, 2008 and expiring June 30, 2009.

Section 3. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Local Improvement Ordinance No. 1593
(Int. No. 255)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2008 And Expiring June 30, 2009

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, 2008 to June 30, 2009; (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, 2008 to June 30, 2009:

- 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 2008-09 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 2008-09 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, 2008 shall be \$15,767,300 consisting of \$4,106,335 for street and lot maintenance, \$1,661,594 for sidewalk repair, \$7,846,138 for roadway snow removal and \$2,153,233 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, 2008 and June 30, 2009, 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, 2008 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, 2008.

Passed unanimously.

Ordinance No. 2008-202
(Int. No. 256, As Amended)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2008 And Expiring June 30, 2009

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, 2008 and expiring June 30, 2009 are hereby in all respects confirmed:

| | | |
|--|----------------|---------------------|
| Street and Lot Maintenance | \$4,106,335.00 | |
| Roadway Snow Removal | 7,846,138.00 | |
| Sidewalk Snow Removal | 2,153,233.00 | |
| Hazardous Sidewalk Repair | 1,661,594.00 | |
| Delinquent Refuse | 562,597.76 | |
| Delinquent Water Charges | [6,857,416.85] | <u>6,471,375.30</u> |
| Supplemental Taxes | 175,382.07 | |
| Omitted Taxes | 373.58 | |
| Street Malls | 78,209.00 | |
| Arnold Park Monuments | 7,055.29 | |
| Parking Lots | 66,110.00 | |
| Code Enforcements | 52,987.50 | |
| Code Violations | 929,801.00 | |
| Local Improvements | [19,664.60] | <u>19,656.38</u> |
| Downtown Enhancement | 540,900.00 | |
| Public Market Plowing | 5,290.36 | |
| Public Market Security | 30,868.42 | |
| Encroachment Fees | 4,375.00 | |
| Rehabilitation Charges | 220,730.70 | |
| Downtown Special Services | 441,969.00 | |
| Lyell Avenue Street Lights - District I | 2,502.45 | |
| Lyell Avenue Street Lights - District II | 2,616.69 | |
| Wilson Blvd. Street Lights | 514.38 | |
| Blossom Road Lights | 609.42 | |
| Monroe Avenue Lights I | 7,053.18 | |
| Monroe Avenue Lights and Sidewalk II | 9,538.74 | |
| Norton Street District | 4,133.14 | |
| Cascade District | 6,417.99 | |
| Lake Avenue Lights | 3,774.30 | |
| High Falls Business Improvement District | 25,000.00 | |
| South Avenue-Alexander Open Space | 6,500.00 | |
| St. Paul Street Streetscape | 20,649.38 | |
| St. Paul Street Lighting | 370.77 | |
| Rundel Park Lighting | 3,168.68 | |
| Atlantic Avenue Landscape | [21,428.09] | <u>21,378.29</u> |

Section 2. Pursuant to Section 4 of Local Improvement Ordinance No. 1537, relating to the

South/Alexander Open Space District, the 2008-09 special assessments shall be at a rate of \$0.330/\$1,000 of assessed value for the Inner Tier parcels and \$0.165/\$1,000 of assessed value for the Outer Tier parcels.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted, underlined material added.

Passed unanimously.

Ordinance No. 2008-203
(Int. No. 257)

Amending The Municipal Code With Respect To Water Rates

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

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections A, B, C and D thereof to read in their entirety as follows:

A. Consumption rates.

(1) Consumption charge; schedule of rates.

| Gallons Consumed per Month | Charge per 1,000 Gallons |
|----------------------------|--------------------------|
| 0 to 20,000 | \$2.91 |
| 20,000 to 620,000 | \$2.67 |
| 620,000 to 10,000,000 | \$2.09 |
| 10,000,000 to 15,000,000 | \$1.37 |
| Over 15,000,000 | \$1.17 |

(2) Base charge.

| Size of Meter (inches) | Charge per Month |
|------------------------|------------------|
| Up to ¾ | \$6.11 |
| 1 | \$32.71 |
| 1 ½ | \$48.46 |
| 2 | \$64.84 |
| 3 | \$162.07 |
| 4 | \$323.86 |
| 6 | \$485.48 |
| 8 | \$647.13 |
| 10 | \$808.92 |

B. Water meter fees.

(1) Schedule.

| Meter Size/Type (inches) | Fee |
|--------------------------|-------|
| 5/8 | \$175 |
| ¾ | \$205 |
| 1 | \$265 |
| 1 ½ | \$450 |
| 2 | \$500 |

| | |
|-------------------------------------|---|
| 3/Turbo | * |
| 3/Compound | * |
| 4/Compound | * |
| 6/Turbo | * |
| 6/Turbo with fire service strainer | * |
| 6/Compound | * |
| 6/Electrical | * |
| 10/Turbo | * |
| 10/Turbo with fire service strainer | * |
| 10/Electrical | * |

* NOTE: The City's purchase cost, plus 10% for administrative and installation costs, for compound and turbo-type water meters.

(2) Meters from 5/8 inch through two inches include connections. Connections for meters from three inches through 10 inches shall be furnished by the property owner.

(C) Fire-service charges.

(1) Domestic fire-service charge.

| Size of First Check Valve (inches) | Charge per Quarter |
|------------------------------------|--------------------|
| Up to 2 | \$34.07 |
| 4 | \$68.16 |
| 6 | \$134.10 |
| 8 | \$268.15 |
| 10 | \$395.87 |
| 12 | \$569.77 |

(2) Holly high-pressure fire-service charge.

| Size of First Check Valve (inches) | Charge per Quarter |
|------------------------------------|--------------------|
| Up to 4 | \$120.60 |
| 6 | \$160.73 |
| 8 | \$321.53 |
| 10 | \$474.23 |

(3) Holly high-pressure consumption charge.

| Gallons Consumed per Month | Charge per 1,000 Gallons |
|----------------------------|--------------------------|
| 0 to 20,000 | \$5.82 |
| 20,000 to 620,000 | \$5.34 |
| Over 620,000 | \$4.18 |

D. Service connection fees.

| Size of Service (inches) | Fee |
|--------------------------|---------------------------------------|
| ¾ | \$75 |
| 1 | \$75 |
| 1 ½ | \$180 |
| 2 | \$245 |
| 4 through 12 | Actual cost + 10%, but at least \$500 |

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections

E(4) thereof to read in its entirety as follows:

- (4) Hydrant-moving charge: actual cost + 10%.

Section 3. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections E(5)(b) and (c) thereof to read in their entirety as follows:

- (b) Furnish and install fire hydrant locking device: \$300.
- (c) Annual inspection and lubrication: \$50 each.

Section 4. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections F(2), (3), (4), (5) and (8) thereof to read in their entirety as follows:

- (2) Thawing frozen service.
- (a) First attempt: \$75.
(b) Subsequent attempts: \$85.
- (3) Service resumption charge: \$50. This fee shall not apply to the renewal of residential water service, less than two inches, to which the fee established in § 40-19B(14.1) shall apply.
- (4) Meter test charges:
- (a) 5/8" through 1": \$95.
(b) 1 1/2" through 2": \$125.
(c) 3" and over: \$185.
- (5) Service disconnection charges: contract cost + 10%.
- (8) Test backflow prevention device: \$150.

Section 5. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by repealing subsection F(6) thereof.

Section 6. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Ordinance No. 2008-204
(Int. No. 258)

Amending The Municipal Code With Respect To Municipal Parking Garages And Parking Rates

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

Section 1. Section 111-118 of the Municipal Code, designating parking garages, as amended, is hereby further amended by adding new subsections B and C to read in their entirety as follows:

- B. The building located at 83 Mortimer Street, known as the "Mortimer Street Garage", and the adjacent surface lot.

- C. The building located at 36 South Avenue, known as the "South Avenue Garage".

Section 2. Section 111-119 of the Municipal Code, establishing the fees for use of parking garages, as amended, is hereby further amended by amending subsections A(4)(a) and (b), and by adding a new subsection A(4)(c), to read in their entirety as follows:

- (a) High Falls Garage: \$5.25.
- (b) Court Street Garage, Genesee Crossroads Garage, Mortimer Street Garage (when authorized by the Municipal Parking Coordinator), Sister Cities Garage, South Avenue Garage and Washington Square Garage: \$6.75.
- (c) Midtown Garage: \$6.35.

Section 3. Section 111-119 of the Municipal Code, establishing the fees for use of parking garages, as amended, is hereby further amended by amending subsections A(6)(a)-(g) to read in their entirety as follows:

- (a) Court Street Garage: \$79 for parking in the general area, \$45 for parking in the rooftop area, \$95 for parking in the premium area, and \$126 for parking in the reserved area.
- (b) Genesee Crossroads Garage and South Avenue Garage: \$79.
- (c) High Falls Garage: \$62 for parking in the general area and \$105 for parking in the reserved area.
- (d) Midtown Garage: \$74.
- (e) Sister Cities Garage: \$79 for parking in the general area and \$95 for parking in the premium area.
- (f) Mortimer Street Garage: \$78 for parking in the garage and \$58 for parking in the surface lot.
- (g) Washington Square Garage: \$79 for parking in the general area of the garage, \$95 for parking in the reserved area of the garage, and \$22 for parking in the Wadsworth Square Lot.

Section 4. Section 111-119 of the Municipal Code, establishing the fees for use of parking garages, as amended, is hereby further amended by amending subsection D to read in its entirety as follows:

- D. Notwithstanding the parking rates established in § 111-119 of the Municipal Code for parking at the municipal garages, the Mayor and the Municipal Parking Coordi-

nator are hereby authorized to establish a program allowing a parking discount of 50% off the regular parking rates to individuals 65 years or over between 10:00 a.m. and 3:00 p.m. from Monday through Friday.

Section 5. Section 111-119 of the Municipal Code, establishing the fees for use of parking garages, as amended, is hereby further amended by adding a new subsection G to read in its entirety as follows:

- G. The Municipal Parking Coordinator is hereby authorized enter into agreements with local businesses to sell the businesses blocks of monthly parking passes at the current rates for parking in the City garages, in accordance with legal requirements and conditioned upon availability of parking spaces.

Section 6. This ordinance shall take effect immediately, except that Sections 2 and 3 of this ordinance shall take effect on September 1, 2008.

Passed unanimously.

Ordinance No. 2008-205
(Int. No. 259)

Amending The Municipal Code With Respect To Fees For Licenses And Permits

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

Section 1. Section 27-5 of the Municipal Code, relating to alarm user permits and fees, as amended, is hereby further amended by amending subsection B(3) and subsections E(1)(a), (b) and (c) thereof by deleting the fee "\$10" in each place that it is contained therein and by inserting in its place the fee "\$15".

Section 2. Section 29-5 of the Municipal Code, relating to fees for amusement center licenses, as amended, is hereby further amended by deleting the fee "\$250" where it is contained in subsection A(1) thereof and by inserting in its place the fee "\$325".

Section 3. Section 29-16 of the Municipal Code, relating to fees for entertainment center licenses, as amended, is hereby further amended by amending the chart contained in subsection A(2) thereof to read in its entirety as follows:

| <u>Floor Space</u> <u>(square feet)</u> | <u>Annual Fee</u> |
|--|-------------------|
| Not exceeding 2,400 | \$425.00 |
| Over 2,400 | 475.00 |

Section 4. Section 30-16 of the Municipal Code, relating to fees for animal licenses, is hereby amended by deleting the fee "\$25" where it is contained in subsection A(1) thereof and by inserting in its place the fee "\$37".

Section 5. Section 30-16 of the Municipal Code is hereby further amended by adding to the end thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost license.

Section 6. Section 31-20 of the Municipal Code, Fees for dog licenses and dog control activities, as amended, is hereby further amended by amending Subsection A thereof to read in its entirety as follows:

A. The fees for procuring a New York State dog license in the City shall be as follows:

- (1) Spayed female dogs and neutered male dogs: \$7.50.
- (2) Un-altered dogs under four (4) months of age: \$14.50.
- (3) Un-altered dogs four (4) months of age and over: \$17.50

Section 7. Section 32-4 of the Municipal Code, relating to fees for auctioneer licenses, as amended, is hereby further amended by deleting the fee "\$175" where it is contained therein and by inserting in their place the fee "\$210".

Section 8. Section 32-4 of the Municipal Code is hereby further amended by adding after the first sentence thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost license.

Section 9. Section 37-3 of the Municipal Code, relating to fees for bowling alleys, is hereby further amended by adding to the end thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost license.

Section 10. Section 62-3 of the Municipal Code, relating to fees for commercial travelers and solicitors licenses, as amended, is hereby further amended by deleting the fee "\$200" where it is contained in subsection A(2) thereof and by inserting in its place the fee "\$250", by deleting the fee "\$600" where it is contained in subsection A(2) thereof and by inserting in its place the fee "\$750", by deleting the fee "\$20" where it is contained in subsection A(3) thereof and by inserting in its place the fee "\$24", and by deleting the fee "\$5" where it is contained in subsection C thereof and by inserting in its place the fee "\$7".

Section 11. Section 62-3 of the Municipal Code is hereby further amended by adding thereto the following new subsection:

D. There shall be a fee of \$10 for replacement of a lost license.

Section 12. Section 62-9 of the Municipal Code, relating to fees for special promotional

events licenses, as amended, is hereby further amended by deleting the fee "\$40" where it is contained in subsection B thereof and by inserting in its place the fee "\$56", and by deleting the fee "\$20" where it is contained in subsection B thereof and by inserting in its place the fee "\$24".

Section 13. Section 62-9 of the Municipal Code is hereby further amended by adding the following new sentence to the end of subsection B thereof:

There shall be a fee of \$10 for replacement of a lost license.

Section 14. Section 80-3 of the Municipal Code, relating to fees for pawnbrokers licenses, as amended, is hereby further amended by adding the following new sentence to the end thereof:

There shall be a fee of \$10 for replacement of a lost license.

Section 15. Section 96-4 of the Municipal Code, relating to fees for secondhand dealers licenses, as amended, is hereby further amended by deleting the fee "\$150" where it is contained therein and by inserting in its place the fee "\$200".

Section 16. Section 96-4 of the Municipal Code is hereby further amended by adding to the end thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost license.

Section 17. Section 98-11 of the Municipal Code, relating to fees for sexually oriented business licenses, as amended, is hereby further amended by amending the chart contained in subsection A thereof to read in its entirety as follows:

| <u>Floor Space (square feet)</u> | <u>Annual Fee</u> |
|--------------------------------------|-------------------|
| Not exceeding 2,400 | \$425.00 |
| Over 2,400 | 475.00 |

Section 18. Section 108-6 of the Municipal Code, relating to replacement hack plates, as amended, is hereby further amended by deleting the fee "\$50" where it is contained therein and by inserting in its place the fee "\$60".

Section 19. Section 108-8 of the Municipal Code, relating to hack plate fees, as amended, is hereby further amended by deleting the fee "\$500" where it is contained therein and by inserting in its place the fee "\$550" and by deleting the fee "\$50" where it is contained therein and by inserting in its place the fee "\$55".

Section 20. Section 108-8 of the Municipal Code is hereby further amended by adding to the end of subsection B thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost taxicab license certificate.

Section 21. Section 108-17 of the Municipal Code, relating to taxicab driver's licenses, as amended, is hereby further amended by deleting the fee "\$25" where it is contained in subsection C thereof and by inserting in its place the fee "\$30".

Section 22. Section 108-18 of the Municipal Code, relating to taxicab driver's licenses, as amended, is hereby further amended by deleting the fee "\$20" where it is contained in subsection B thereof and by inserting in its place the fee "\$22".

Section 23. Section 108-18 of the Municipal Code is hereby further amended by adding to the end of subsection B thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost certificate.

Section 24. Section 108-22 of the Municipal Code, relating to livery licenses, as amended, is hereby further amended by deleting the fee "\$200" where it is contained therein and by inserting in its place the fee "\$240".

Section 25. Section 108-22 of the Municipal Code is hereby further amended by adding to the end thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost license.

Section 26. Section 108-26 of the Municipal Code, relating to hotel/motel courtesy vehicle licenses, as amended, is hereby further amended by deleting the fee "\$500" where it is contained in subsection C thereof and by inserting in its place the fee "\$535".

Section 27. Section 108-26 of the Municipal Code, relating to hotel/motel courtesy vehicle licenses, as amended, is hereby further amended by deleting the fee "\$50" where it is contained in subsection E thereof and by inserting in its place the fee "\$52".

Section 28. Section 108-26 of the Municipal Code is hereby further amended by adding thereto the following new subsection:

F. There shall be a fee of \$10 for replacement of a lost certificate.

Section 29. Section 108A-5 of the Municipal Code, relating to fees for towing company licenses, as amended, is hereby further amended by deleting the fee "\$100" where it is contained therein and by inserting in its place the fee "\$150".

Section 30. Section 108A-5 of the Municipal Code is hereby further amended by adding to the end thereof the following new sentence:

There shall be a fee of \$10 for replacement of a lost license.

Section 31. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Ordinance No. 2008-206
(Int. No. 260)

Amending The Municipal Code With Respect To Fees For Permits From The City Engineer

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

Section 1. Section 104-57 of the Municipal Code, relating to fees for permits from the City Engineer, as amended, is hereby further amended by amending subsections A, B, F and I thereof to read in their entirety as follows:

- A. Applications for permits required by this chapter for the following activities or objects shall be made in writing to the City Engineer, shall contain such information as the City Engineer may require and shall be accompanied by the following fees. Where a permit from the City Engineer is required and no other fee is specified herein, the fee shall be \$60.

| <u>Activity or Object</u> | <u>Code</u> | <u>Section</u> | <u>Fee</u> | <u>Length of Permit</u> |
|--|-------------|----------------|--|-------------------------|
| Anode protection work | 104-13 | | \$6 per location outside pavement | |
| Street construction | 104-15 | | \$10 per linear foot | |
| Sidewalk construction or repair | 104-15 | | \$30 for each street along which sidewalk runs | |
| New residential driveways (defined as any driveway accommodating 3 cars or fewer on a parcel used for residential purposes only) | 104-25 | | \$115 | |
| New commercial driveways (any driveway not included as a residential driveway as defined above) | 104-25 | | \$400 | |
| Enlargement of existing driveways (per linear foot) | 104-25 | | \$30 | |
| Extended maintenance fee, reconstructed street excavation | 104-20 | | | |
| | | | 50 square feet or less \$580 | |
| | | | 51 to 100 square feet \$1,700 | |

| | |
|--|--------------------------------------|
| 101 to 150 square feet | \$3,400 |
| Over 150 square feet | \$5,665 |
| Trenches less than 50 feet in length | |
| | Based on square feet as above |
| Trenches greater than 50 feet in length | |
| | \$1,660, plus \$8.90 per linear foot |
| Extended maintenance fee, resurfaced street excavation | |
| 104-20 | |
| 50 square feet or less | \$290 |
| 51 to 100 square feet | \$905 |
| 101 to 150 square feet | \$1,595 |
| Over 150 square feet | \$3,195 |
| Trenches less than 50 feet in length | |
| | Based on square feet as above |
| Trenches greater than 50 feet in length | |
| | \$890, plus \$7.80 per linear foot |
| Street reconstruction cost sharing | |
| 104-27 | |
| Heavy-duty pavement | \$7 per square foot |
| Medium-duty pavement | \$5 per square foot |
| Light-duty pavement | \$3 per square foot |
| Fixed projection (architectural character) | |
| 104-33 | \$200 |
| Entrance details | |
| 104-33 | \$60 |
| Architectural details | |
| 104-33 | \$60 |
| Balconies and fire escapes | |
| 104-33 | \$300 |
| Marquees | |
| 104-33 | \$60 |
| Awnings | |
| 104-33 | \$60 |
| Flagpoles | |
| 104-33 | \$60 |
| Light fixtures | |
| 104-33 | \$60 |

5 years

| | | | |
|---|---------------------------------|----------|--|
| Signs | | | |
| 104-33 | \$60 | | |
| Storm enclosures | | 6 months | |
| 104-33 | \$60 | | |
| Sidewalk cafes | | 8 months | |
| 104-33 | \$100 | | |
| Moving a building | | | |
| 104-23 | \$200 per move | | |
| Street obstruction | | 1 day | |
| 104-24 | \$40 | 1 month | |
| | \$320 | | |
| Phone booth installation | | Annual | |
| 104-24 | \$140 | | |
| Resurfacing existing driveway | | Annual | |
| 104-13 | \$40 per driveway | | |
| | \$230 | | |
| Utility pole installation | | | |
| 104-13 | \$155 | | |
| Interference with survey monument | | | |
| 104-22 | \$350 per occurrence | | |
| Excavations | | | |
| 104-13 | | | |
| 50 square feet or less | \$105 | | |
| 51 to 100 square feet | \$230 | | |
| 101 to 150 square feet | \$450 | | |
| Over 150 square feet | \$930 | | |
| Trenches less than 50 feet in length | | | |
| | Based on square feet as above | | |
| Trenches greater than 50 feet in length | \$290, plus \$1 per linear foot | | |
| Banners | | 1 month | |
| 104-33 | \$40 | | |
| Bridges | | 1 year | |
| 104-33 | \$200 initially; | 1 year | |
| | \$25 thereafter | | |
| Footings | | | |
| 104-34 | \$60 | | |
| Foundation walls | | | |
| 104-34 | \$60 | | |
| Vaults and areaways | | | |
| 104-34 | | | |
| 100 square feet or less | \$100 initially; | 1 year | |
| | \$25 thereafter | 1 year | |

101 to 500 square feet
 \$200 initially; 1 year
 \$50 thereafter 1 year

Over 500 square feet
 \$300 initially; 1 year
 \$75 thereafter 1 year

Tunnels
 104-34 \$200 initially; 1 year
 \$100 thereafter 1 year

B. Utility companies and other companies performing work in the city may pay an annual maintenance fee of \$1,270 per company which shall include the fees for all work other than work requiring excavation in City rights-of-way. The fee for a one-time use permit for an oversized or overweight vehicle as required by § 111-78 of the Municipal Code shall be \$200. An annual permit for one oversized or overweight vehicle shall be \$600, while an annual permit for four or more such vehicles shall be \$2,400.

F. The fee for a building wall permit authorized by § 5-35 of the City Charter and § 104-30 of the Code of the City of Rochester shall be \$400.

I. If work is not completed within the time established in a permit and a reinspection is required, a fee of \$60 per visit shall be required in addition to any other permit fees.

Section 2. Section 104-18 of the Municipal Code, Tests on street restorations, as amended, is hereby further amended by amending the third sentence thereof to read in its entirety as follows:

If the first test shows the street restoration to be unacceptable, the permit holder must pay the amount of \$550, and for additional tests the amount of \$750, in addition to making the proper restoration.

Section 3. This ordinance shall take effect on July 1, 2008.

Passed unanimously.

Local Law No. 3
 (Int. No. 261)

Local Law Amending The City Charter With Respect To Fire Insurance Liens

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 6-121, Collection from certain fire insurance proceeds, by amending Subsection A thereof to read in its entirety as follows:

A. The City Treasurer shall establish and implement a program in accordance with the provisions of Section 22 of the General Municipal Law to collect an unpaid City tax, special ad valorem levy, special assessment or other charge, and interest thereon, which is an encumbrance on real property, from the proceeds of any fire insurance policy insuring the interest of an owner and issued on real property located in the City, provided that one such tax, levy, assessment or other charge has remained undischarged for a period of one year or more. Upon the City Treasurer's filing of a certificate with the insurer certifying the amount of taxes owed, the City shall have a lien to the extent of such taxes on the fire insurance proceeds, which lien, as to such proceeds, shall have priority over all other liens and claims, except the claim of a mortgagee of record named in such fire insurance policy.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2008-20
Re: Debt Limit 2008-09

Transmitted herewith for your approval is legislation relating to the 2008-09 Budget. This legislation will establish the Debt Limit, Debt Rollover and Debt Extension.

2008-09 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 Fast Ferry) and is further reduced by specific revenues attributable to bonded debt.

The Debt Limit for 2008-09 is \$16,855,000. The attached 2008-09 Debt Authorization Plan calls for borrowing of \$16,855,000 in tax supported funds and an additional \$7,821,000 from Enterprise Funds.

Debt Rollover 2007-08 and 2006-07

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.

2007-08: The Debt Limit for this year is \$34,363,700. Of that amount \$22,087,600 has been authorized, leaving a balance of \$12,276,100. Approval of a rollover in that amount is requested. The plan was modified to include advance funding for Midtown Plaza acquisition and relocation costs as well as funding for the Fast Ferry payment as Council had been advised. The attached Debt Authorization Plan for 2007-08 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

2006-07: The Rollover Limit for this year is \$16,078,000. Of that amount \$7,783,000 has been authorized, leaving a balance of \$8,295,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for FY 2006-07 itemizes projects remaining for that year.

Time Limit Extensions for 2005-06, 2001-02 and 2000-01

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available.

2005-06: The request for one-year extensions for the following items relate to programming and timing:

G-4 Parking Garage Improvements \$ 90,000
This amount is programmed for garage renovations

G-8 Historic Aqueduct Redevelopment \$ 387,000
This amount is programmed for renovation of the broad street aqueduct

G-8 Oak View Hill Development \$1,400,000
This amount is programmed for development of infrastructure to support market rate housing.

T-9 Broad Street Subway Tunnel \$ 934,000
This amount is programmed for rehabilitation of tunnel between Brown and Exchange Streets.

F-2 Hazardous Waste Remediation \$ 880,000
This amount is programmed for contaminated sites within the City's jurisdiction

G-7 Waterfront Planning & Acquisition \$1,400,000
This amount is programmed for ongoing infra-

structure and development at Port of Rochester

Total 2005-06 Extensions \$5,091,000

2001-02: The request for one-year extensions relate to programming and timing:

T-9 Historic Aqueduct Redevelopment \$ 62,000
This amount is recommended as the project has expanded to include Interpretive Center.

Total 2001-02 Extensions \$ 62,000

2000-01: The request for one-year extensions relate to programming and timing:

G-8 La Marketa/La Avenida \$533,000

Total 2000-01 Extensions \$533,000

Each of these projects depends upon the partnership of developers and the cooperation of other governments. Like any business venture, delays are inevitable when financial or regulatory obstacles delay implementation. At the same time the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-65

Resolution No. 2008-20
(Int. No. 262)

Resolution Approving The 2008-09 Debt Limit For General Municipal Purposes

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2008-09 to \$16,855,000 for general municipal purposes;

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2006-07 and 2007-08 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 in-

cluded 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 2005-06 relating to parking garage improvements, Historic Aqueduct Redevelopment, Oak View Hill Development, Broad Street Subway Tunnel, hazardous waste remediation, and waterfront planning and acquisition, from the debt limit for fiscal year 2001-02 relating to the Historic Aqueduct Redevelopment, and from the debt limit for fiscal year 2000-01 relating to La Marketa/La Avenida.

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

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

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Warren
June 17, 2008

To the Council:

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

Int. No. 216 - Authorizing The Sale Of Real Estate

Int. No. 217 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Hamilton Apartments Project

Int. No. 218 - Authorizing A Second Trial Reinvest In Rochester Sale Program

Int. No. 219 - Approving A Loan Agreement For The Marketview Heights Association Rental Housing Project

Int. No. 220 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Marketview Heights Association Rental Housing Project

Int. No. 221 - Establishing Maximum Compensation For An Agreement For Foreclosure Research

Int. No. 222 - Authorizing Agreements For The Emergency Shelter Grant Program

Int. No. 223 - Approving Consolidated Plan Housing Programs, As Amended

Int. No. 224 - Amending Ordinance No. 2008-173, Relating To The City Development Fund

Int. No. 249 - Authorizing Acquisition Of Real Estate From The State Of New York, As Amended

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

Int. No. 225 - Authorizing Amendatory 2004-05 And 2005-06 Community Development Program Plans To Transfer And Appropriate Funds For Smoke And Carbon Monoxide Detectors

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
Gladys Santiago
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-207
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of two properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the 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 property was sold at a Request for Proposal sale. The property at 575 Brooks Avenue will be rehabilitated as a restaurant and ice cream parlor and two apartments.

The next property was sold through a sealed bid process. The purchasers will combine the parcel with their adjoining property.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$7,742.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of

City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-66

Ordinance No. 2008-207
(Int. No. 216)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcel of improved property by request for proposal sale:

Address: 575 Brooks Ave
S.B.L.#: 135.32-4-6
Lot size: 44x115
Price: \$65,000
Purchaser: Terry Mack

Section 2. The Council hereby approves the sale of the following parcel of vacant land with proposal by sealed bid:

Address: 1124-1126 North St
S.B.L.#: 106.26-1-96
Lot size: 41x120
Price: \$351
Purchaser: Jeffery Benjamin & Neil F. Brewster

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-208
Re: The Hamilton Apartments/Genesee Gateway Houses - PILOT

Transmitted herewith for your approval is legislation relating to the renovation of the high-rise at Genesee Gateway Houses. This legislation authorizes a property tax exemption and payment in-lieu-of tax (PILOT) agreement equal to 10% of shelter rent minus utilities with a housing development fund corporation to be formed by Conifer Realty.

River Park Commons is a 402-unit multi-family project located at 185 and 225-405 Mt. Hope Ave-

nue. River Park has experienced physical deterioration and high vacancy rates. The project's existing NYS Urban Development Corporation (UDC) mortgage has been in arrears for a number of years. A viability assessment concluded that the low-rise structures are in such a deteriorated state that the only economically viable option is demolition.

Conifer Realty purchased the general partner interest in April 2004 and will redevelop the site. Phase I, the Hamilton Apartments, involves: the rehabilitation of the high-rise, and the environmental remediation of the site using an already approved agreement through the NYS Brownfield Cleanup Program. Phase I will proceed through HUD's 236(e)(2) decoupling program. Conifer will refinance the existing UDC mortgage with tax-exempt bonds and Low-Income Housing Tax Credits. No tenants will be dislocated and no rent increase is anticipated.

HUD has issued a conditional approval for the project to proceed through its Section 236(e)(2) decoupling program and the granting of related waivers. Conifer expects to accomplish the 236 decoupling, close on the permanent financing, and begin renovations by the Fall of 2009.

Phase II, Erie Harbor, involves: 1) Relocation assistance for approximately 60 households; 2) Asbestos removal and the demolition of the four structures; 3) Environmental remediation of the site using an already-approved second agreement through the NYS Brownfield Cleanup Program; and 4) Construction of approximately 100 rental housing units, including 20 for low-income households (at or below 60% of area median income). When Phase I is decoupled, Phase II will no longer be subject to any federal or NYS restrictions.

City Council authorized a Memorandum of Understanding with Conifer Realty, LLC for the project in March 2004. A \$1,000,000 loan to Conifer Hamilton LLC was authorized in December 2005. Conifer may need to shift \$500,000 of this amount to Phase 2, leaving City funding at \$500,000 for Phase 1, and \$2,000,000 for Phase 2. City Council also authorized \$800,000 for relocation costs in March 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-208
(Int. No. 217)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Hamilton Apartments Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the property at 185 Mt.

Hope Avenue, SBL #121.55-1-59.2, to be owned by a housing development fund company formed by Genesee Gateway Houses, Inc., and to be used for housing as a part of the Hamilton 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 development fund company, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-209
Re: Reinvest In Rochester Sale
Program

Transmitted herewith for your approval is legislation authorizing an extension to a trial sale program, and authorizing the sale of an additional group of properties under this trial program. The program, originally approved in February 2007 as the Investor Bulk Sale, is being renamed Reinvest In Rochester Sale Program. The February legislation authorized a one-time offering through this program, with anticipated completion of September 30, 2008.

The proposed extension would allow the City to issue a second Request for Qualifications (RFQ) to identify qualified investors and offer a select group of City foreclosed real estate for sale under the terms set forth in the previous legislation. It is anticipated that the RFQ will be issued in June 2008 with developer selection made in July 2008. All interested parties, including previously approved developers, must submit their qualifications for consideration. Contracts are anticipated to be completed by January 2010. At that time, the effectiveness of the program shall again be reviewed for possible continuation.

Under Ord. No. 2007-138, passed May 2007, nine investors were approved to participate. Six of the approved investors entered into sale contracts for 33 properties. Rehabilitation of these properties is currently underway and, as of May 13, 2008, 15 properties are complete and have had a Certificate of Occupancy issued.

A list of residential 1-, 2-, and 3-family structures to be offered is attached. Properties may be removed from this list if they are selected for the Home Rochester program for first-time homebuy-

ers or other City housing initiatives. In addition, properties are regularly reviewed and inspected and if the condition warrants, demolition may be determined as the best alternative.

Council approval is requested for the sale of the structures to any of the approved developers for their bid amount. The administration expects to present the identified developers to City Council for approval along with the amount of residential units each developer is approved to purchase in August 2008. The minimum bid amount will be determined by the Director of Real Estate. Properties not sold through Reinvest In Rochester will be offered for sale at a future auction.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-67

Ordinance No. 2008-209
(Int. No. 218)

Authorizing A Second Trial Reinvest In Rochester Sale Program

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

Section 1. Notwithstanding the provisions established for other real estate sales programs and the requirements of Resolution No. 82-110, the Council hereby approves a second trial Reinvest in Rochester Sale Program in accordance with the guidelines adopted in Ordinance No. 2007-38. This Program may be initiated immediately, and the trial Program shall consist of one Request For Qualification process which leads to approved purchases and rehabilitation, with contracts anticipated to be completed by January 31, 2010. At that time, the effectiveness of the Program shall be evaluated for possible continuation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-210 and
Ordinance No. 2008-211
Re: Marketview Heights Association
Rental Housing Project

Transmitted herewith for your approval is legislation relating to an affordable rental housing project to be undertaken by Marketview Heights Association (MVH). This legislation will:

1. Appropriate \$80,000 from the Rental Housing Fund Account of the 2008 HOME Program and authorize its use as both an interest-free construction and a 30-year permanent loan at the applicable federal rate, with annual payments of 1% interest; and

2. Authorize a 30-year property tax exemption and payment in-lieu-of tax (PILOT) agreement with a housing development fund company, to be formed by MVH, equal to 10% of shelter rent minus utilities.

Marketview Heights Association (MVH) received funding from New York State to redevelop two adjacent buildings located at 302-308 North Street. The buildings will be combined to include a new office for MVH on the first floor, and eight affordable rental units will occupy the second and third floors. Rental occupants will have incomes at or below 30% of area median income. The proposed HOME funding will be used for the development of the rental units. The total project cost is \$1,131,754.

The proposed project is consistent with the City's Housing Policy goals to support efforts to strengthen the rental market and to promote housing choice.

The administration provided a letter of support to accompany MVH's state funding application in February 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-210
(Int. No. 219)

Approving A Loan Agreement For The Marketview Heights Association Rental Housing Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the Marketview Heights Association, or a limited partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Marketview Heights Association Rental Housing Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$80,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2008 HOME Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor

deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-211
(Int. No. 220)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of Tax Agreement For The Marketview Heights Association Rental Housing Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the properties at 302-304 and 308 North Street, SBL #106.64-3-40 & 39, to be owned by a housing development fund company formed by the Marketview Heights Association, and to be used for housing as a part of the Marketview Heights Association Rental Housing 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 development fund company, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-212
Re: Agreement - The Housing Council,
Foreclosure Task Force Research

Transmitted herewith for your approval is legislation establishing \$6,000 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc. for research of property foreclosure records in the city. The source of funds is the 2007-08 Budget of the Department of Community Development.

The Foreclosure Task Force, established in the summer of 2007 to address the issue of foreclosure in our community, has identified a need for further information regarding the large number of foreclosures initiated locally. The research will compile information on the disposition of previously-

foreclosed properties, including the duration of the foreclosure process and title transfer, and the impact on value and tenure of the properties. This information is not readily available, therefore further research and cross-referencing of existing data is anticipated to provide for a more comprehensive analysis of foreclosed properties. This information will be used to determine how foreclosure prevention efforts can be enhanced, and hopefully reduce the number of abandoned properties.

The Housing Council will oversee the work of an intern who will work part-time, June through August 2008, to collect and organize data. The Housing Council will provide oversight of the intern's work and be responsible for delivering the data and related analysis to the Foreclosure Task Force.

This agreement, while for an amount less than \$10,000, is being presented to City Council since The Housing Council already has existing agreements for services with the City of Rochester for amounts greater than \$10,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-212
(Int. No. 221)

Establishing Maximum Compensation For An Agreement For Foreclosure Research

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

Section 1. The sum of \$6,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and The Housing Council in the Monroe County Area, Inc. for research of property foreclosure records in the City. Said amount shall be funded from the 2007-08 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. 2008-213
Re: Agreements and Appropriations -
Emergency Shelter Grant Program

Transmitted herewith for your approval is legislation relating to the 2008-09 Emergency Shelter Grant (ESG) Program. This legislation will:

1. Appropriate \$425,305 of 2008-09 ESG Funds (U.S. Department of Housing and Urban Development) for use in the ESG Program;
2. Appropriate \$40,000 of unexpended funds in the prior years' Emergency Shelter Grant

Program, as set forth in Ordinance No. 2007-72;

3. Appropriate the sum of \$21,265, or so much thereof as may be necessary, from ESG funds, to pay for administrative expenses; and
4. Establish maximum compensation for agreements with the following community organizations for ESG programs totaling \$444,040:

| <u>Organization</u> | <u>Amount</u> |
|---|---------------|
| Alternatives for Battered Women | \$21,490 |
| Asbury Dining and Caring | 2,010 |
| Baden Street Settlement | 9,550 |
| Blessed Sacrament Church | 11,780 |
| Cameron Community Ministries | 7,640 |
| Catholic Charities | 11,600 |
| Catholic Family Center - Emergency Services | 11,940 |
| Catholic Family Center - Francis Center | 16,710 |
| Catholic Family Center - Sanctuary House | 7,640 |
| Catholic Family Center - Women's Place | 19,100 |
| The Center for Youth | 28,650 |
| The Community Place | 11,270 |
| Dimitri House | 16,710 |
| Enriche House | 14,320 |
| Grace Urban Ministries | 13,880 |
| Hillside Children's Center | 9,550 |
| Mercy Residential - Families First | 13,370 |
| Mercy Residential - Melita House | 12,410 |
| Recovery House | 20,150 |
| Rochester Area Interfaith Hospitality Network | 11,460 |
| St. Martin's Place | 8,590 |
| Salvation Army | 28,650 |
| Sojourner House | 23,870 |
| Spiritus Christi - Jennifer House | 13,370 |
| Spiritus Christi - Nielsen House | 9,550 |
| Veteran's Outreach Center | 48,090 |
| Volunteers of America | 17,190 |
| Wilson Commencement Park | 16,340 |
| YWCA | 7,160 |

A 2006 request for proposals resulted in the selection of 28 projects, based on federal guidelines and provision of services meeting priority needs identified in the RFP and the Consolidated Community Development Plan. During the 2006-07 program year, two additional projects were identified and approved for funding. Council approved these in June 2007.

Through program monitoring and assessment, the Bureau of Youth Services has found that all 30 current projects are operating according to contract requirements, are achieving their goals and objectives, and are recommended for continued funding. However, funding availability requires a reduction of all current programs by approximately 4.5% from the prior year.

As a targeted approach to supporting the reduction

of homelessness among veterans, a one-time increment of \$32,310 is provided to the Veteran's Outreach Center for the rehabilitation of a transitional residence. Their current operations will be funded at \$15,780, for a total of \$48,090.

Project summaries are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-68

Ordinance No. 2008-213
(Int. No. 222)

Authorizing Agreements For The Emergency Shelter Grant Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

| <u>Organization</u> | <u>Amount</u> |
|---|---------------|
| Alternatives for Battered Women | \$21,490 |
| Asbury Dining and Caring | 2,010 |
| Baden Street Settlement | 9,550 |
| Blessed Sacrament Church | 11,780 |
| Cameron Community Ministries | 7,640 |
| Catholic Charities | 11,600 |
| Catholic Family Center/Emergency Services | 11,940 |
| Catholic Family Center/Francis Center | 16,710 |
| Catholic Family Center/Sanctuary House | 7,640 |
| Catholic Family Center/Women's Place | 19,100 |
| The Center for Youth | 28,650 |
| The Community Place | 11,270 |
| Dimitri House | 16,710 |
| Enriche House | 14,320 |
| Grace Urban Ministries | 13,880 |
| Hillside Children's Center | 9,550 |
| Mercy Residential/Families First | 13,370 |
| Mercy Residential/Melita House | 12,410 |
| Recovery House | 20,150 |
| RAIHN (Rochester Area Interfaith Hospitality Network) | 11,460 |
| St. Martins Place | 8,590 |
| Salvation Army | 28,650 |
| Sojourner House | 23,870 |
| Spiritus Christi - Jennifer House | 13,370 |
| Spiritus Christi - Nielsen House | 9,550 |
| Veteran's Outreach Center | 48,090 |
| Volunteers of America | 17,190 |
| Wilson Commencement Park | 16,340 |
| YWCA | 7,160 |

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$444,040, and of said amount, and \$21,265 for administrative expenses, or so much thereof as may be necessary, \$425,305 is hereby appropriated from 2008-09

Emergency Shelter Grant Program Funds and \$40,000 is hereby reappropriated from 2006-07 Emergency Shelter Grant Program Funds reduced by Ordinance No. 2007-72.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 8.

Nays - None - 0.

Councilmember Spaul abtained because she is employed by one of the agencies receiving funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-214 and
Ordinance No. 2008-215
Re: Consolidated Plan Housing
Programs

Transmitted herewith for your approval is legislation appropriating a total of \$1,417,286, authorizing agreements for City Housing Programs consistent with the City's Housing Policy, and amending Ord. No. 2008-173. Specifically, this legislation will:

1. Appropriate \$621,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Block Grant;
2. Appropriate \$576,286 from the Housing Stock and General Property Conditions allocation of the 2008-09 HOME Program;
3. Appropriate \$75,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Block Grant;
4. Appropriate \$40,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Block Grant;
5. Appropriate \$35,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 HOME Program;
6. Appropriate \$70,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Block Grant;
7. Authorize agreements necessary to imple-

ment the programs; and

8. Amend Ord. No. 2008-173 to correct the amount appropriated from the City Development Fund from \$1,550,000 to \$600,000.

Housing Development Fund (\$897,286)

This program provides financing for the development of owner and rental housing; rehabilitation grants and loans for owner-occupants for minor and moderate repairs; lead hazard reduction for owner-occupants and housing providers/landlords; and operating assistance for housing development support. Funds will be distributed through agreements with the following:

| <u>Agency</u> | <u>Purpose</u> | <u>Amount</u> | <u>Source</u> |
|---|---------------------------------------|---------------|---------------|
| Community Housing Development Organizations | Development | \$576,286 | 2008-09 HOME |
| Rochester Housing Development Fund Corp. | Housing Development Support | \$186,000 | 2008-09 CDBG |
| Greater Rochester Housing Partnership | Housing Development Support | \$ 80,000 | 2008-09 CDBG |
| NeighborWorks Rochester | Revolving Loan Fund Operating Support | \$ 55,000 | 2008-09 CDBG |

Homeownership Assistance Fund (\$450,000)

This fund provides down-payment and closing cost assistance to first-time homebuyers, pre- and post-purchase education and training; write-down subsidies for the acquisition and rehabilitation and resale of vacant structures; foreclosure prevention services, and mortgage default resolution. Funds will be distributed through agreements with the following:

| <u>Agency</u> | <u>Purpose</u> | <u>Amount</u> | <u>Source</u> |
|-----------------------|---|---------------|---------------|
| The Housing Council | Foreclosure Prevention | \$300,000 | 2008-09 CDBG |
| | | \$ 35,000 | 2007-08 CDBG |
| Empire Justice Center | Predatory Lending Prevention Legal Services | \$ 40,000 | 2007-08 CDBG |

NeighborWorks Rochester
 Home Buyer Training
 \$ 40,000 2007-08 CDBG
 \$ 35,000 2007-08 HOME

Greater Rochester
 Housing Partnership 80,000
 NeighborWorks Rochester
 55,000

Housing Choice Fund (\$70,000)

This fund will help the City meet federal requirements to actively promote fair housing choice. Funds will be used for an agreement with:

Agency

| <u>Purpose</u> | <u>Amount</u> | <u>Source</u> |
|--|---------------|---------------|
| Empire Justice Center Fair Lending Monitoring Services | \$70,000 | 2005-06 CDBG |

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AH-69

Ordinance No. 2008-214
 (Int. No. 223, As Amended)

Approving Consolidated Plan Housing Programs

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$621,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 HOME Program the sum of \$576,286, from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program the sum of \$75,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program the sum of \$40,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 HOME Program the sum of \$35,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$70,000, and from the Home Purchase Assistance allocation of the 2004-05 HOME Program the sum of \$48,000, or so much thereof as may be necessary, to fund the following Consolidated Plan Housing Programs:

| | |
|--|-----------|
| Housing Development Fund | \$897,286 |
| Community Housing Development Organizations | \$576,286 |
| Rochester Housing Development Fund Corp. | 186,000 |

| | | |
|---|-----------|----------------|
| Homeownership Assistance Fund | [450,000] | <u>498,000</u> |
| The Housing Council | 335,000 | |
| Empire Justice Center | 40,000 | |
| NeighborWorks Rochester | 75,000 | |
| <u>Home Purchase Assistance Program</u> | | <u>48,000</u> |

| | |
|-----------------------|--------|
| Housing Choice Fund | 70,000 |
| Empire Justice Center | 70,000 |

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2008-215
 (Int. No. 224)

Amending Ordinance No. 2008-173, Relating To The City Development Fund

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

Section 1. Ordinance No. 2008-173, appropriation of funds for the 2008-09 City Development Fund, is hereby amended by changing the amount of funds appropriated therein to \$600,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2008-216
 Re: Acquisition of Real Estate from
 New York State

Transmitted herewith for your approval is legislation authorizing the acquisition of a parcel of land from the New York State Office of General Services. The land consists of a triangular shaped parcel measuring .75 acre, situated at the rear of

the Culver Road Armory. The property is a fenced, gravel parking lot that is currently part of the I-490 right-of-way.

The land is to be conveyed to the City for \$1 under Section 34 of the New York State Public Lands Law. Section 34 authorizes conveyances of State-owned land to municipalities for \$1 with provision that the future use be maintained for a restricted pre-approved use, such as highway purposes, including parking, park or recreational purposes.

This acquisition is an initial step by the City toward participating in the redevelopment of the Culver Road Armory, soon to be decommissioned by the State of New York Division of Military and Naval Services. The parcel being acquired has limited development potential due to its configuration, but, used in conjunction with the Armory site, it could provide complementary green space, parking or other amenities. The lot has been leased from New York State to the New Life Presbyterian Church for more than 10 years. The future redesign of this parcel will be evaluated as the Armory redevelopment takes shape.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-70

Ordinance No. 2008-216
(Int. No. 249, As Amended)

Authorizing Acquisition Of Real Estate From The State Of New York

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

Section 1. The Council hereby approves the acquisition of Parcel No. 805 under the jurisdiction of the New York State [Department of Transportation] Division of Military and Naval Affairs, constituting a triangular parcel of land of approximately 0.757 acres situated at the rear of the Culver Road Armory, currently forming a portion of the I-490 right-of-way and used for parking purposes, from the New York State Office of General Services for the sum of \$1. Said parcel shall be acquired pursuant to Article 3, Section 34 of the Public Lands Law for street or highway purposes.

Section 2. The Council hereby certifies that such parcel is useful for street or highway purposes and will be properly improved and maintained for such purposes or such other purpose as may be approved under law by the Commissioner of General Services, and hereby requests that such parcel be conveyed to the City.

Section 3. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-217
Re: Amendments to the 2004-05 and 2005-06 Action Plans of the Consolidated Community Development Plan

Transmitted herewith for your approval is legislation amending the Consolidated Community Development Plan/2004-05 and 2005-06 Annual Action Plans. The amendments will transfer \$92,550 from existing accounts to new accounts, as summarized below, for the purchase and installation of smoke and carbon monoxide detectors. Both transfers are within the Improving the Housing Stock and General Property Conditions allocation.

| <u>Year</u> | <u>From Account</u> | <u>To Account</u> | <u>Amount</u> |
|-------------|--------------------------------|-----------------------|---------------|
| 2004-05 | Neighborhood Parks/Playgrounds | Smoke & CO2 Detectors | \$42,550 |
| 2005-06 | Neighborhood Improvements | Smoke & CO2 Detectors | \$50,000 |

The Rochester Fire Department will provide and install free smoke and carbon monoxide detectors to low and moderate income families living in residential properties. The department will also install replacement batteries in existing detectors at no charge.

A public hearing is required for the plan amendments.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-217
(Int. No. 225)

Authorizing Amendatory 2004-05 And 2005-06 Community Development Program Plans To Transfer And Appropriate Funds For Smoke And Carbon Monoxide Detectors

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

Section 1. The Council hereby approves amendments to the Consolidated Community Development Plan/2004-05 and 2005-06 Annual Action Plans whereby within the Improving the Housing Stock and General Property Conditions Allocations, \$42,550 from the 2004-05 Neighborhood Parks/Playgrounds Account and \$50,000 from the 2005-06 Neighborhood Improvements Account shall be transferred to new accounts to provide for the purchase and installation of smoke and carbon monoxide detectors.

Section 2. The sum of \$42,550 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 \$50,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program, or so much thereof as may be necessary, to fund the purchase and installation of smoke and carbon monoxide detectors.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
June 17, 2008

To the Council:

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

Int. No. 226 - Authorizing A Municipal Cooperation Agreement For A Dewey Avenue Corridor Traffic Calming Study

Int. No. 227 - Authorizing An Application And Agreement For The City Hall Stonework Restoration Project

Int. No. 247 - Establishing Maximum Compensation For An Agreement For A Port Of Rochester Study

The following entitled legislation is being held in Committee:

Int. No. 263 - Authorizing An Agreement For Management Of The Port Terminal Building

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-218
Re: Dewey Avenue Corridor Traffic Calming Study

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Town of Greece related to a traffic calming study for the Dewey Avenue Corridor. The study is a federal Unified Planning Work Program (UPWP) project administered by the Town of Greece through the Genesee Transportation Council.

The purpose of the project is to inventory existing and planned conditions, assess needs, and develop recommendations to reduce the adverse impacts of vehicular traffic on pedestrian circulation within

the Dewey Avenue corridor. The Town will manage the study in consultation with the City, and the Town will administer the Consultant Contract. The City will match the Town's \$1,000 cash contribution to the study for the purposes of obtaining consulting services. The source of the City's cash match is the 2005-06 Neighborhood Traffic Calming program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-218
(Int. No. 226)

Authorizing A Municipal Cooperation Agreement For A Dewey Avenue Corridor Traffic Calming Study

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Greece for a Dewey Avenue Corridor Traffic Calming Study.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 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. 2008-219
Re: New York State Historic Preservation Grant Application - City Hall Stonework Restoration

Transmitted herewith for your approval is legislation authorizing application to New York State for an Historic Preservation grant in the amount of \$600,000 and execution of agreements as required with New York State, if awarded the grant.

The grant would be used to partially finance the cost of the City Hall Stonework Restoration project. Acceptance of the grant would obligate the City to provide a local share equal to the amount of the grant. The preliminary cost estimate for construction of the project is \$8.3 million, which will be financed as follows:

\$4,000,000 2006-07 Capital Improvement Program General Debt

\$4,300,000 Anticipated Future Capital Improvement Program

City Council authorized an agreement with Handler Grosso Durfee and Associates in 1998 to assess the condition of the building envelope. Constructed in 1887, with Portland Brownstone, it is suffering from deterioration caused by exposure to harsh environmental conditions.

In 1999, Council authorized a demonstration project on the west facade to ascertain corrective methods and materials for prolonging the overall life of the building. The demonstration project included slate roofing replacement, sandstone facade restoration, wood window repair, loose stone removal, and a stone by stone sounding of a portion of the west facade. City Council authorized an agreement with Mesick, Cohen, Wilson, Baker Architects, LLP, in 2006 for investigation, design and construction administration services related to the project. The design phase is currently underway.

It is anticipated that the restoration will begin in the fall of 2008 and be completed in the fall of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-219
(Int. No. 227)

Authorizing An Application And Agreement For The City Hall Stonework Restoration 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 for an Historic Preservation Grant for the City Hall Stonework Restoration Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-220
Re: Agreement - US Army Corps of Engineers, Port of Rochester

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with the U.S. Department of the Army Corps of Engineers (USACOE) for completion of a study to determine potential

USACOE projects that would support and facilitate revitalization of the Port of Rochester. The cost of this agreement will be financed from the 2007-08 Cash Capital allocation of the Department of Environmental Services.

In 2007, the City requested a federal funding appropriation for the USACOE to perform planning studies that are needed to support various Port of Rochester revitalization efforts. As a result, under 2008 Federal Energy and Water Appropriations legislation, the USACOE received a \$98,000 Section 22 planning grant for this purpose. The City will be the local sponsor for any projects with the USACOE and, as such, is required to contribute a 50% local match, which will be met through in-kind services and the \$15,000 requested herein. The total project cost for this project, including the USACOE share and the City's cash and in-kind contribution, will be \$60,000.

The City will identify a list of potential projects for the Port of Rochester, and for each, the USACOE will evaluate its existing statutory authorities, potential funding sources, and internal capabilities to perform the project. The Corps will include preliminary costs and schedule information in their report to the City, which will be used as a planning guide for the Port.

Potential projects that are important for long-term Port revitalization include beach water quality improvement studies and projects, possible marina basin design and construction, river wall studies, river and lake hydraulic studies, river sediment transport and deposition studies, and hydrographic analysis of the beach and river channel.

The agreement obligates the City to pay its cash share of the project costs in advance; it is anticipated that the project will take six to nine months to complete.

Respectfully submitted
Robert J. Duffy
Mayor

Ordinance No. 2008-220
(Int. No. 247)

Establishing Maximum Compensation For An Agreement For A Port Of Rochester Study

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the United States Army Corps of Engineers for a study of projects to support and facilitate revitalization of the Port of Rochester. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Lightfoot moved to discharge Int. No. 263 from Committee.

Ordinance No. 2008-221
(Int. No. 263)

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-221
Re: Agreement - Rochester Riverside
Convention Center, Port Terminal
Building

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Riverside Convention Center (RRCC) to manage special events in the departure hall and operate the restaurant/bar and grill on the second floor at the Port Terminal Building at 1000 North River Street.

With the recent settlement of the lease of the Terminal Building, the City desires to stabilize its operation as soon as possible. In order to take advantage of event bookings for the summer season, maximize the building's use and increase its market exposure, it is not practical to undertake a request for proposal process for the selection of a private operator.

This agreement will have an initial term of two years, starting July 1, 2008. Thereafter, the agreement may be renewed annually. In light of their necessary investment, RRCC will be retaining all revenues from catering and beverage. The City will be retaining the fee for use of the Departure Hall. During the initial two-year term, there will be no rent due from RRCC and the City will be responsible for utilities.

RRCC will coordinate special events, marketing, and catering services for the Departure Hall, and equip and manage the second floor restaurant/bar and grill. The City will provide office space, security and maintenance services, and marketing support.

In the event the City terminates the agreement with RRCC, the City agrees to assume RRCC's obligations for payments due for equipment and furniture purchased or leased by RRCC, and the City shall be the owner of such equipment and furniture. All other renovations made by RRCC to either space shall be RRCC's responsibility and, in the event of termination, shall be retained by the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Authorizing An Agreement For Management Of The Port Terminal Building

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Riverside Convention Center (RRCC) for management of special events in the Departure Hall and of the restaurant/bar and grill on the second floor of the Port Terminal Building at 1000 North River Street. The agreement shall extend for a term of two years, and may be renewed annually. RRCC shall coordinate special events and provide marketing and catering services for the Departure Hall. RRCC shall renovate the Hall and provide all necessary equipment for the special events. RRCC shall also equip, refurbish and manage the restaurant/bar and grill on the second floor of the Port Terminal Building, including purchasing necessary kitchen equipment. The City shall provide office space, security, maintenance and marketing support.

Section 2. During the initial term, the City shall be paid the special charges for use of the Departure Hall as rent. RRCC may retain all other revenues. The City shall be responsible for utilities. In the event the City terminates the agreement with RRCC, the City agrees to assume RRCC's obligations for payments due for equipment and furniture purchased or leased by RRCC and the City shall become the owner of such equipment and furniture. All other renovations made by RRCC to either space shall be RRCC's responsibility and, in the event of termination, shall be retained by the City.

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 Miller
June 17, 2008

To the Council:

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

Int. No. 228 - Authorizing Easements And Rights For The New ESL Federal Credit Union Project

Int. No. 229 - Authorizing Pedestrian Bridges For The New ESL Federal Credit Union Headquarters Building

Int. No. 230 - Establishing Maximum Compen-

sation For A Professional Services Agreement For The Expansion Of The Driving Park Urban Renewal District

Int. No. 231 - Local Law Adding The Zeller Corporation Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 232 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

Int. No. 233 - Approving The 2008-09 Operating And Capital Budgets Of The Cultural Center Commission

Int. No. 234 - Approving Business Programs

Int. No. 250 - Authorizing An Agreement For Operation Of The Mortimer Street Parking Garage And Appropriating Funds

Int. No. 265 - Authorizing An Agreement For The Temporary Relocation Of The Midtown Plaza Bus Terminal

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-222 and
Ordinance No. 2008-223
Re: ESL Development Approvals

Transmitted herewith for your approval is legislation relating to access and easements to accommodate the ESL Federal Credit Union (ESL) development on S. Clinton Avenue and Chestnut Street. This legislation will:

1. Authorize an access agreement (potential easement) with ESL to be utilized between the Washington Square Garage at 250 S. Clinton Avenue and the ESL garage site at 280 S. Clinton Avenue for two one-way connection bridges for vehicles and pedestrians to pass;
2. Approve air rights to ESL for a bridge walkway connecting the ESL garage to the ESL office building. The clearance height between Johnson Place and the bottom of the pedestrian link will be approximately 13'-6";
3. Authorize the use of air rights for the construction and maintenance of a pedestrian bridge to connect the proposed ESL Federal Credit Union Headquarters to be constructed at 225 Chestnut Street through the Washing-

ton Square Garage to the skyway system. Additional City Council approval will be required if the pedestrian bridge involves an alternative connection to the skyway system;

4. Authorize an access easement between the Washington Square Garage and the ESL office building for truck maneuvering. The easement will be 10 feet wide and located on the east side of 250 S. Clinton Avenue between the Washington Square Garage and 225 Chestnut Street, from the Johnson Place right-of-way north to Woodbury Boulevard;
5. Accept from ESL a 10-foot wide access easement located on 225 Chestnut Street between the Washington Square Garage and ESL Headquarters directly adjacent to the easement mentioned above, creating a combined width of 20 feet;
6. Authorize an easement between the Washington Square Garage and the ESL garage site. The size of the easement will be either approximately 10 feet wide or to the northern limits of the ESL Garage, to allow maintenance between the two structures; and
7. Authorize the reservation, granting, acceptance or release of all easements and other rights necessary for the implementation of the ESL Federal Credit Union Project.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-71

Ordinance No. 2008-222
(Int. No. 228)

Authorizing Easements And Rights For The New ESL Federal Credit Union Project

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

Section 1. The Council hereby approves all access agreements and/or easements necessary for the construction and maintenance of connection bridges to allow vehicles and pedestrians to pass between the proposed ESL Federal Credit Union garage to be constructed at 280 South Clinton Avenue and the Washington Square Garage.

Section 2. The Council hereby further approves the granting and acceptance of easements necessary to allow vehicles to maneuver between the proposed ESL Federal Credit Union Headquarters to be constructed at 225 Chestnut Street and the Washington Square Garage.

Section 3. The Council hereby further approves reciprocal easements necessary to allow maintenance activities between the proposed ESL Federal Credit Union garage to be constructed at 280 South Clinton Avenue and the Washington Square Garage.

Section 4. The Council hereby further approves the reservation, granting, acceptance or release of all easements and other access rights necessary for the implementation of the ESL Federal Credit Union Project.

Section 5. The easements 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.

Ordinance No. 2008-223
(Int. No. 229)

Authorizing Pedestrian Bridges For The New ESL Federal Credit Union Headquarters Building

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

Section 1. The Council hereby authorizes the use of air rights for a period not to exceed 99 years over Johnson Place for the construction and maintenance of a pedestrian bridge between the proposed ESL Federal Credit Union Headquarters to be constructed at 225 Chestnut Street and the proposed ESL Federal Credit Union garage to be constructed at 280 South Clinton Avenue.

Section 2. The Council hereby further authorizes the use of air rights for a period not to exceed 99 years for the construction and maintenance of a pedestrian bridge to connect the proposed ESL Federal Credit Union Headquarters to be constructed at 225 Chestnut Street through the Washington Square Garage to the skyway system. The Council further expresses its intent to approve an alternative connection to the skyway system in the future if a different connection is determined to be appropriate.

Section 3. The Council further authorizes the Mayor to enter into necessary agreements for use of the air rights and the construction and maintenance of the bridges.

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. 2008-224
Re: Agreement - Ingalls Planning and Design, Driving Park Urban Renewal District Expansion

Transmitted herewith for your approval is legisla-

tion establishing \$22,230 as maximum compensation for an agreement with Ingalls Planning and Design (principal, Matt Ingalls) to prepare a condition analysis and comprehensive revitalization plan in anticipation of the expansion of the Driving Park Urban Renewal District. Funding for this agreement will come from the Driving Park Urban Renewal Project Support Fund which was established from the proceeds of the sale of 373-375 Driving Park Avenue as per Ordinance No. 2007-373.

Ingalls Planning and Design (IPD) will provide the following services:

- Phase 1 - Condition Analysis: An evaluation of the parcels to determine if the Driving Park Urban Renewal District should be expanded. The area includes approximately 90 parcels fronting Dewey Avenue, including parcels on all corners at street intersections, between Birr Street and Glenwood Avenue.
- Phase 2 - Comprehensive Revitalization Plan: If the Condition Analysis supports an expansion of the District, IPD will prepare a comprehensive revitalization plan and update the Urban Renewal District. The revitalization plan will include a conceptual redevelopment plan that will show potential buildings with associated land uses, parking, streetscape improvements, and other recommendations. A draft and a final Comprehensive Revitalization Plan will be provided.

| | |
|----------------------|--------------|
| Project Fee Summary: | |
| Phase 1 | \$12,240 |
| Phase 2 | <u>9,990</u> |
| Total | \$22,230 |

Once the Condition Analysis and Comprehensive Revitalization Plan are completed and approved, the Economic Development Department will implement the plan and administer the Targeted Commercial Exterior Improvement Grant Program for eligible commercial properties located in the expanded Urban Renewal District. This program provides up to \$30,000 to improve commercial storefronts. Eligible applicants will be required to cover the cost of design improvements by a licensed architect.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-224
(Int. No. 230)

Establishing Maximum Compensation For A Professional Services Agreement For The Expansion Of The Driving Park Urban Renewal District

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

Section 1. The sum of \$22,230, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional

services agreement with Ingalls Planning and Design for services related to the expansion of the Driving Park Urban Renewal District. Said amount shall be funded from the appropriation made in Section 2 of Ordinance No. 2007-373.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 4
Re: New York State Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of Zeller Corporation to the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant manufacturing project.

The New York State Empire Zone Program allows local zones, with the approval of Empire State Development, to include regionally significant projects, i.e., manufacturing companies projecting fifty 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.

Zeller Corporation is currently located at 800 Emerson Street. This facility will not support the company's growth plans. To accommodate their proposed expansion, the company is negotiating with Gleason Works to lease 55,000 square feet of office, manufacturing and warehouse space. The Gleason Works facility at 1000 University Avenue is not located within the boundaries of the Empire Zone.

Zeller Corporation started as an electronic distributor in 1986 and has grown substantially over the past decade into a manufacturer and assembler of electrical components. The company manufactures machine control systems, machine vision inspection, process control systems and power supply modules. Zeller Corporation currently employs 63 people at their Emerson Street facility, and are projecting to create 50 new jobs within the next three years. The company will also invest approximately \$2,700,000 in leasehold improvements and machinery and equipment.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-72

Local Law No. 4
(Int. No. 231)

Local Law Adding The Zeller Corporation Facilities To The City of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Zeller Corporation is proposing an expansion at the Gleason Facility in the City of Rochester, and

WHEREAS, this expansion project will add 50 jobs that support Zeller Corporation's onsite 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 has determined that the proposed expansion project is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law;

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

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Zeller Corporation's manufacturing project for a regionally significant project as determined by the Zone Administrative board and the New York State Department of Economic Development Law, said zone lands to constitute the property described as follows: 1000 University Avenue, SBL #122.21-1-2.1.

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. 2008-225
Re: Agreement - Sally Wood Winslow,
Operation of High Falls Centers

Transmitted herewith for your approval is legislation establishing \$41,600 as maximum compensation for a one-year agreement with Sally Wood Winslow for operation of the High Falls Centers, including the museum, interpretive center, gallery, and gift shop. Her current one-year contract expires July 17, 2008. The cost of this agreement will be funded from the 2008-09 Budget of the Economic Development Department.

A requirement of a New York State grant received in 1992, requires the Centers to operate for a minimum of 23 years. Sally Wood Winslow has successfully operated the Centers since February 2004 on a full-time basis; previously, she had worked at the facility part-time since 1993.

Operation of the Gift Shop includes a monthly fee to the City of 15% of gross sales.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-225
(Int. No. 232)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

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

Section 1. The sum of \$41,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Sally Wood Winslow for the operation of the museum, interpretive center, gallery and gift shop at the High Falls Centers for a term of one year. Said amount shall be funded from the 2008-09 Budget of the Economic Development Department. Ms. Winslow shall pay to the City a monthly fee of 15% of the gross sales from the previous month for the gift shop.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-226
Re: Cultural Center Commission -
2008-09 Budget

Transmitted herewith for your approval is legislation relating to the 2008-09 operating and capital budgets of the Cultural Center Commission. This legislation will:

1. Approve and appropriate the budgets proposed by the Commission for July 1, 2008 - June 30, 2009;
2. Authorize the Commission, during 2008-09, to approve the transfer of capital budget appropriations not exceeding \$10,000.

Approval of the budgets by the City Council and County Legislature is required by New York State Law (Ch. 613, 1979). Authority to expend funds was granted to the Commission by the Council and the Legislature in 1980. The budgets, summarized below, were approved by the Commission on April 28, 2008, and have been reviewed by both the

City's and the County's Office of Management and Budget.

| | <u>2008-09</u> | <u>2007-08</u> |
|-------------------------------|------------------|------------------|
| Operating: | | |
| Salaries | \$ 44,655 | \$ 45,515 |
| Fringe benefits | 21,558 | 21,973 |
| Office supplies/ equipment | 100 | 100 |
| Telephone and postage | 1,300 | 600 |
| Printing and advertising | 500 | 500 |
| Training and meetings | 500 | 500 |
| Professional services | 10,000 | 10,000 |
| Marketing | 1,000 | 2,000 |
| Contingency | <u>500</u> | <u>500</u> |
| Total | \$ 80,113 | \$ 81,688 |
| Capital: | | |
| Development | \$199,787 | \$227,731 |
| Streets/open space | 218,385 | 218,954 |
| Administration | 80,113 | 81,688 |
| Annual audit | <u>11,900</u> | <u>13,500</u> |
| Total | <u>\$510,185</u> | <u>\$541,873</u> |

The capital budget assumes \$66,000 in parking revenue from the Commission-owned property at 420 East Main Street. Any funds not utilized during the 2008-09 fiscal year will be re-appropriated for 2009-10.

The authorization for the Commission to approve minor capital transfers, designed to facilitate operations, was last approved by the Council in 2007. A comparable authorization to transfer operation appropriations was approved by Council in 1981.

The budgets will be considered by the Monroe County Legislature at its June meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-226
(Int. No. 233)

Approving The 2008-09 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 2008-09 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 4 of 2008. 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. 2008-227
Re: Community Development Block
Grant, Business Programs

Transmitted herewith for your approval is legislation appropriating \$1,080,000 from the Economic Stability allocation of the 2008-09 Community Development Block Grant to fund the Business Programs, and authorizing agreements necessary to implement the following programs:

EDD Financial Assistance Loan and Grant Programs (\$500,000)

These programs provide various forms of financial assistance to city businesses, including low-interest loans, interest rate subsidy grants, and matching grants for building improvements and pre-development studies. Included are the following Economic Development Department programs: EDD Financial Assistance Program, Building Renovation Matching Grant Program, Targeted Business Assistance Program, Main Street Assistance Program, and Pre-Development Grant Program. Also supporting these programs, as included in the 2008-09 Consolidated Community Development Plan, is a \$320,000 appropriation from the City Development Fund.

Neighborhood Commercial Assistance Program (\$330,000)

This program funds three Small Business grants, including: Matching Grants of up to \$3,000 for advertising, computers, architectural assistance, interior design; Security Matching Grants of up to \$2,000 for security cameras, alarm systems, exterior lighting and security fencing; and Exterior Grants of up to \$2,000 for exterior painting, exterior sign, roof, exterior store front windows and doors. The program also provides support to business associations including area advertising, permanent improvements, street managers and grant writing assistance. It is anticipated that up to 75 businesses and 18 business associations will be assisted in 2008-09.

Section 108 Loan Loss Reserve (\$250,000)

A Section 108 Loan Loss Reserve is necessary to ensure that, if a business defaults on a loan, the City is able to maintain its required repayment schedule to HUD. Historically, the City has experienced, other than the now-discontinued microloan program, relatively low levels of losses on the Section 108 loan program. The City continues to pay HUD on one defaulted Section 108 loan.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-73

Ordinance No. 2008-227
(Int. No. 234)

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 2008-09 Community Development Program the sum of \$1,080,000, or so much thereof as may be necessary, to fund the following programs in the following amounts:

| | |
|---|-----------|
| EDD Financial Assistance Loan & Grant Programs | \$500,000 |
| EDD Financial Assistance Program Building Renovation Matching Grant Program | |
| Targeted Business Assistance Program | |
| Main Street Assistance Program | |
| Pre-Development Grant Program | |
| Neighborhood Commercial Assistance Program | 330,000 |
| Section 108 Loan Loss Reserve | 250,000 |

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-228
Re: Agreement - Allpro Parking, LLC,
Mortimer Street Garage and
Appropriation of Funds for Start-up
Costs and Equipment Removal

Transmitted herewith for your approval is legislation related to re-opening the Mortimer Street Parking Garage. This legislation will:

1. Authorize an agreement with Allpro Parking LLC, Buffalo, NY, for operation of the Mortimer Street Garage and adjacent surface lot; and
2. Appropriate \$260,000 from the Midtown Project portion of the local improvement fund for the removal of equipment from the Midtown Parking Garage, for the re-installation of the equipment in other City garages, and to prepare the Mortimer Street Ga-

rage to accommodate customers displaced by the closure of the Midtown Garage. This appropriation will leave a balance of \$217,000.

Operating Agreement - Mortimer Street Garage. A request for proposals for operation of the Mortimer Street Garage issued in April 2008 resulted in proposals from: Central Parking System, Rochester Riverside Convention Center Management Corporation, Allpro Parking LLC, and Ampco System Parking.

Allpro Parking LLC currently operates the Court Street and East End garages and scored the highest rating in a staff review that included: completeness of proposal; relevant experience; qualifications of key personnel; financial condition of company; customer service plan; safe environment and staffing plans; maintenance plan; and compensation proposal. The City will pay Allpro Parking LLC \$700 per month during the first year of operation of the garage. All revenue after expenses will be returned to the City. The parking fund will be charged to cover any deficit.

The contract will be for an initial term of one year, with two one-year renewal options. The monthly management fee will drop to \$600 in year two, and \$500 in year three. The agreement can be terminated within 60 days notice by the City.

Equipment and Start-up Costs - \$260,000. Midtown Garage will be closed to accommodate the Paetec development. Security surveillance equipment (valued at \$138,600) will be removed and reinstalled at the Washington Square Garage at a cost of \$120,000. Revenue control equipment (valued at \$431,190) will be removed and reinstalled at the High Falls Garage for a cost of \$70,000. And, preparation of the Mortimer Street Garage for re-opening will require \$70,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-228
(Int. No. 250)

Authorizing An Agreement For Operation Of The Mortimer Street Parking Garage And Appropriating Funds

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Allpro Parking LLC for the operation of the Mortimer Street Parking Garage and adjacent surface lot. Allpro shall provide a full-time manager and all other personnel required for operation of the garage, including customer service representatives, security guards and maintenance staff. All monthly expenses of the garage shall be paid from garage revenues. Allpro shall be paid a monthly management fee of \$700 for the first year, \$600 for the second year and \$500 for the third year. All net operating income shall be paid to the City. The City shall be

responsible for any deficits if gross revenues for any month are insufficient to pay operating expenses. The agreement shall be for a term of one year effective September 1, 2008, with two one-year renewal options, and may be terminated by the City upon 60 days notice.

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

Section 3. The sum of \$260,000, or so much thereof as may be necessary, is hereby appropriated from the Local Improvement Fund to prepare the Mortimer Street Parking Garage for reopening and to move equipment from the Midtown Parking Garage to other garages.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to amend Int. No. 265.

The motion was seconded by Councilmember Warren.

The motion was passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-229
Re: RGRTA Temporary Bus
Terminal Relocation

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Rochester-Genesee Regional Transportation Authority (RGRTA) for the temporary relocation of the RGRTA Park & Ride bus terminal currently located at Midtown Plaza; and appropriating \$250,000 from anticipated reimbursements from the RGRTA to finance the associated costs.

The site selected jointly by the City and RGRTA is a City-owned parcel located one block east of Midtown Plaza, and bounded by Broad, Chestnut and James Streets.

RGRTA does not have sufficient time to publicly bid the project for completion by this date, and deferral of the relocation beyond September 30, 2008 will negatively impact the City's schedule for redevelopment of Midtown. It is anticipated the Park & Ride terminal will have a permanent location within the proposed Renaissance Square Development scheduled for completion by 2012.

The City will pre-finance and administer the project using existing competitively bid City contracts

to assure completion by September 1, 2008, when the new bus schedules are issued. The City will prepare the site including installation of the concrete slab foundation for the structure to be built by RGRTA. The City will also provide appropriate sidewalk and curb improvements, and utilities for the site. RGRTA will reimburse the City for the cost of these services, which is not expected to exceed \$250,000.

The City-owned triangle parcel is currently used as open space, and the proposed temporary use will not impact City or public use of the property.

The preliminary estimate for relocation of the terminal is \$250,000 and will be financed from the appropriation requested herein.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-74

Ordinance No. 2008-229
(Int. No. 265, As Amended)

Authorizing An Agreement For The Temporary Relocation Of The Midtown Plaza Bus 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 the Rochester-Genesee Regional Transportation Authority (RGRTA) for the temporary relocation of the RGRTA Park & Ride Bus Terminal currently located at Midtown Plaza. The City shall permit RGRTA to install [the] shelters in the area of the triangle bounded by Broad, Chestnut and James Streets. The City shall pre-finance and administer the relocation project, but RGRTA shall pay [for] the costs of the relocation [of the terminal].

Section 2. The sum of \$[250,000] 175,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the RGRTA to fund the temporary relocation [of the terminal] project.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember McFadden
June 17, 2008

To the Council:

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

Int. No. 235 - Authorizing Agreements With The County Of Monroe For Funding For Police Programs

Int. No. 236 - Establishing Maximum Compensation For A Professional Services Agreement For the Police Records Management System

Int. No. 237 - Establishing Maximum Compensation For A Professional Services Agreement For The Police MDT Fleet Standardization

Int. No. 238 - Authorizing Agreements And Amending The 2007-08 Budget For A Mt. Hope Cemetery Study

Int. No. 239 - Establishing Maximum Compensation For Professional Services Agreements For Youth Outreach Counselors

Int. No. 240 - Authorizing An Agreement For A Tauck Foundation Grant And Amending The 2007-08 Budget

Int. No. 241 - Authorizing An Agreement For The City At Peace-Rochester Project

Int. No. 242 - Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

Int. No. 243 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Sound And Lighting Services

Int. No. 244 - Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows, As Amended

Int. No. 245 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 246 - Establishing Maximum Compensation For A Professional Services Agreement For The Ribbin' On The River Rib Festival And Riverside Festival Site Management

Int. No. 264 - Authorizing Agreements Relating To The Rochester After School Academy 4 Program And Amending The 2008-09 Budget

Int. No. 266 - Authorizing Agreements Relating To The 2008 Summer Of Opportunity Program

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul (Abstained on Int. No. 264)
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-230
Re: Agreements - Monroe County/Police
Programs

Transmitted herewith for your approval is legislation authorizing agreements with Monroe County for the receipt and use of funds related to three Police Department programs as described below.

1. \$55,675 for the 2008 Firearms Instruction Program. The County provides reimbursement for a portion of the salary and benefits of a firearms instructor to train officers in Monroe County police agencies. The instructor, an RPD officer, is assigned full time to provide shooting range training. The agreement was authorized by the Monroe County Legislature in February 2008. No budget amendment is needed, as the position was included in the 2007-08 and 2008-09 Budgets of the Police Department. The 2007 agreement was authorized in June 2007.
2. \$300,000 for 2008 Downtown Public Safety. The County provides funding to support public safety services provided by the City to benefit all the residents of the County including, but not limited to, those residents commuting into the City on a regular basis to their place of employment. The funding provided by the County does not fully reimburse these services, but is made in recognition of the public safety burden for which the City has the major responsibility. The agreement was authorized by the Monroe County Legislature in February 2008. The 2007 agreement was authorized in June, 2007. No budget amendment is needed.
3. Stop DWI 2008. These are New York State funds administered by Monroe County. The award to the City for January 1 through December 31, 2008 is \$91,323 and will be used for enhanced detection and enforcement of DWI offenses. No matching funds are required. The agreement was authorized by the Monroe County Legislature in March, 2008. These funds primarily reimburse expenses for overtime traffic enforcement patrols and a portion is designated specifically for enforcement against underage alcohol sales. During calendar year 2007, the Rochester Police Department arrested 497 individuals during DWI patrols. The agreement for the last round of funding of \$135,575 for calendar year 2007 was authorized in April 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-230
(Int. No. 235)

**Authorizing Agreements With The County
Of Monroe For Funding For Police Programs**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the County of Monroe for funding under the 2008 STOP DWI Program, and for reimbursement for the 2008 Downtown Public Safety and Firearms Instruction Programs.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-231
Re: Agreement - Voyager Systems,
Inc., Police Records Management

Transmitted herewith for your approval is legislation establishing \$74,000 as maximum compensation for a one-year agreement with Voyager Systems, Inc., Bedford, NH, for finalizing the consolidation of the Police Department's records management system into one centralized database. Voyager will also provide training for Information Technology Department staff so that maintenance and support for this system can be done in-house. The cost of this agreement will be funded from 2006-07 Cash Capital.

Voyager Systems developed and implemented the Police records management system in the 1990s and has enhanced and maintained this system over the years. ITD staff have been acquiring expertise in this system over the last six months; this agreement will enable staff to fully take over support of the system.

This database centralization is the second phase of a 2006-07 Police Department information systems initiative to enhance the reporting capabilities of their records management system.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-231
(Int. No. 236)

**Establishing Maximum Compensation For A
Professional Services Agreement For The Police
Records Management System**

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

Section 1. The sum of \$74,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Voyager Systems, Incorporated for the consolidation of the Rochester

Police Department's Records Management System and training relating to the system. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-232
Re: Agreement - Brite Computers,
Police Mobile Equipment
Standardization

Transmitted herewith for your approval is legislation establishing \$75,000 as maximum compensation for a one-year agreement with Brite Computers, Rochester, to provide services for the Police Department's Mobile Data Terminals. The cost of this agreement will be funded from the 2006-07 Cash Capital allocation of the Information Technology Department.

Each police patrol car is equipped with a Mobile Data Terminal (MDT), which includes a computer, scanner, printer, and two data network connections.

Brite Computers will bring the RPD's system into compliance with the County's MDT standard. Initially, the new standard will be implemented with the new vehicles purchased by RPD in 2008-09. Brite will then replace up to 120 of the department's older tablet computers. The agreement will also cover implementation of Automatic Vehicle Locator technology in all of RPD's marked vehicles, as well as provide day-to-day trouble shooting as required during implementation. Brite Computers will be under the direction of ITD during the agreement term.

Brite Computers was selected to provide this service based on price, their expertise, experience and success in providing these services within RPD's MDT equipment and operational environment over the last two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-232
(Int. No. 237)

Establishing Maximum Compensation For A Professional Services Agreement For The Police MDT Fleet Standardization

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

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Brite Computers for stan-

standardization of the Rochester Police Department's Mobile Data Terminal (MDT) fleet operational environment. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-233
Re: Mount Hope Cemetery - Cultural
Landscape and Tree Inventory

Transmitted herewith for your approval is legislation relating to the Cultural Landscape Report and Tree Inventory project for Mount Hope Cemetery. This legislation will:

1. Establish \$92,810 as maximum compensation for an agreement with Wendel Duchshorer Architects and Engineers, PC, Amherst, NY, to provide a comprehensive report on the cultural/historical landscape and inventory of the trees for the northernmost 86 acres of Mount Hope Cemetery. The cost of this agreement will be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.
2. Authorize an agreement with New York State Department of State Quality Communities Grant Program for the receipt of a \$69,480 grant to be used for the project. The application for this grant was authorized by Ordinance No. 2006-379.
3. Authorize receipt and use of \$12,600 awarded by the Lloyd E. Klos Historic Preservation Fund of the Rochester Area Community Foundation to the Friends of Mount Hope for allocation to the Mount Hope Cemetery Cultural Landscape Report and Tree Inventory project.
4. Authorize receipt of \$8,000 awarded by the Preservation League of New York State to the Rochester Cemeteries Heritage Foundation for allocation to the Mount Hope Cemetery Cultural Landscape Report and Tree Inventory project.
5. Amend the 2007-08 Budget of the department of Recreation and Youth services by \$90,080 to reflect the receipt of grants as listed above to fund the project.

The City, in partnership with the Friends of Mount Hope Cemetery and the Rochester Cemeteries Heritage Foundation will obtain a cultural landscape report and tree management plan that clearly and specifically expresses the needs of Mount Hope Cemetery. The report will determine priorities for planning and resource allocation for the care of the cemetery in accordance with its unique historic features while also considering its function

as a cemetery with active burials.

Tree Inventory: A tree inventory for the designated northern 86 acres of Mount Hope and a tree management plan will be developed that will include care guidelines, specimen removal, and reforestation.

Historic/Cultural Landscape Survey: This report will address the need for detailed and comprehensive documentation of the landscape and its evolution. The survey will provide information needed for proper management, as well as additional information pertaining to the history and significance of the landscape that can be incorporated into the interpretive program for the site. The model proposed for this report will adhere to that used by the National Park Service. Total project cost is estimated to be \$92,810.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-233
(Int. No. 238)

Authorizing Agreements And Amending The 2007-08 Budget For A Mt. Hope Cemetery Study

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 State for funding under the Quality Communities Grant Program, the Friends of Mt. Hope Cemetery for funding from the Lloyd E. Klos Historic Preservation Fund of the Rochester Community Foundation, and the Rochester Cemeteries Heritage Foundation for funding from the Preservation League of New York State, for a Cultural Landscape Report and Tree Inventory for the northern portion of Mt. Hope Cemetery.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Youth and Recreation Services by the sum of \$90,080, which amount is hereby appropriated from funds to be received under the grant agreements authorized herein.

Section 3. The sum of \$92,810, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Wendell Duchsherer Architects and Engineers for a Cultural Landscape Report and Tree Inventory for the northern portion of Mt. Hope Cemetery. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-234
Re: Agreements - Youth Outreach
Counselors, Pathways to Peace

Transmitted herewith for your approval is legislation related to Pathways to Peace Youth Outreach Counselors. This legislation will:

1. Establish \$121,000 as maximum compensation for agreements with eleven individuals to serve as Youth Outreach Counselors for the Pathways to Peace program. These agreements, at a maximum of \$11,000 each, will be for a term of 20 weeks, at 20 hours per week. The cost of these agreements will be funded from the 2007-08 Budget of the Mayor's Office.

The Counselors will develop relationships with the most severely at-risk youth in the City. They will visit locations that are frequented by those youth who are not typically involved in traditional after school activities. These locations include street corners, store fronts, and homes with frequent calls for service involving unruly youth. Counselors will provide information to the youth and their families on the availability of community resources that can help break the cycle of violence and/or criminal behavior. The counselors will look to engage youth in traditional and non-traditional ways of accessing those alternatives that will decrease recidivist behavior. Counselors will work specifically in the most poverty stricken, crime ridden areas of the city.

2. Amend Ordinance No. 2007-426 to authorize hiring a replacement for Todd Wingate. The Ordinance authorized maximum compensation of \$40,000 for Mr. Wingate; upon finding other employment, the contract was terminated. This amendment will allow Pathways to contract with another individual for the remaining time (38 weeks) and funds (\$36,924).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-75

Ordinance No. 2008-234
(Int. No. 239)

Establishing Maximum Compensation For Professional Services Agreements For Youth Outreach Counselors

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

Section 1. The sum of \$11,000 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for eleven professional services agreements with youth outreach counselors to assist Pathways to Peace. The sum of \$121,000 to fund said agreements shall be funded from the 2007-08 Budget of the Mayor's Office.

Section 2. The sum of \$36,924, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with a youth outreach counselor to assist Pathways to Peace. Said amount shall be funded from the 2007-08 Budget of the Mayor's Office.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-235
Re: Budget Amendment - Grant to Support International Children's Games

Transmitted herewith for your approval is legislation amending the 2007-08 Budget of the Department of Recreation and Youth Services to reflect the receipt and use of a \$10,000 grant from the Tauck Foundation.

This grant will support the transportation of four adult chaperones and 16 members of the North Street Community Center girls' and boys' soccer teams to compete in the International Children's Games.

The 42nd International Children's Games will be held July 10 to July 15 in San Francisco, California. Athletes from 100 cities representing 50 countries and spanning six continents will compete in eight sports and participate in cultural activities designed to foster understanding and friendship. The games will bring together 2,000 athletes, 12 to 15 years of age, to put forth their personal best in track and field, tennis, swimming, volleyball, soccer, table tennis, basketball and golf.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-235
(Int. No. 240)

Authorizing An Agreement For A Tauck Foundation Grant And Amending The 2007-08 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Tauck Foundation

for a grant to pay for the transportation of the North Street Community Center soccer teams to the International Children's Games in San Francisco.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Youth and Recreation Services by the sum of \$10,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The 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. 2008-236
Re: Agreement - Art Peace, Inc., City at Peace-Rochester Project

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Art Peace, Inc., for the City at Peace-Rochester project. The cost of the agreement will be funded from the General Community Needs allocation of the 2007-08 Community Development Block Grant.

The City at Peace is a national program promoting cross-cultural communication, self-expression, conflict resolution through the performing arts. Working closely with the national program, City at Peace-Rochester will work with 35 City youth to create, for public performance, a high quality, full-length musical production based on their lives and experiences. The program will also develop community action projects to address issues identified through the creation of the show.

City at Peace is considered a project with matching funds, and this will be the first year of funding.

A project description and budget summary are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-76

Ordinance No. 2008-236
(Int. No. 241)

Authorizing An Agreement For The City At Peace-Rochester 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 Art Peace, Inc. for the City at Peace-Rochester Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2007-08 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-237
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with The Puerto Rican Festival, Inc., Rochester, NY, for the 2008 Puerto Rican Festival. The cost of this agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

The Puerto Rican Festival, Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State, making Monroe County and the City of Rochester home to the second largest Hispanic population in New York State.

The Puerto Rican Festival, Inc. sponsors a variety of events to share and celebrate Puerto Rican culture. The largest is the Puerto Rican Festival, which, with 38 annual events to date, is the longest-running cultural festival in the County of Monroe.

The annual three-day event, which averages a daily attendance of 7,000 people of all cultures and ethnic backgrounds, will be held on August 1-3, 2008 at the Frontier Field VIP Parking Lot.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-77

Ordinance No. 2008-237
(Int. No. 242)

Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

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

Section 1. The sum of \$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 Puerto Rican Festival, Inc. for the Puerto Rican Festival. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-238
Re: Amendatory Agreement -
Northeastern Production Systems,
Inc., Summer Concert Series

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Northeastern Production Systems, Inc., Henrietta (Raymond DiBiase, Jr., President), to provide additional production services related to the 2008 summer concert series. This amendment will increase compensation in the first year of the agreement by \$20,000 in 2007-08 to a maximum total of \$83,000, and \$25,000 in the second year of the agreement to a maximum total of \$90,500. This additional cost will be funded from the 2007-08 and 2008-09 budgets of Recreation and Youth Services, respectively.

The additional funds will be used for generators for electrical power for production services related to the 2008 "Party in the Park" concert series and sound, lights, stage, roof, and power for the 2008 Corn Hill Landing concert series. The original agreement, approved by City Council in June 2007, authorized a three-year agreement, which began on July 1, 2007. That agreement had an initial term of one year with provisions for renewal for two one-year periods upon mutual consent. If the agreement is renewed, the specified prices will be adjusted by a percentage equivalent to the annual increase in the consumer price index for urban areas. The maximum cost of sound and lighting services in Ordinance No. 2007-240 were as follows:

| <u>Year</u> | <u>Total</u> | <u>DRYS Budget</u> | <u>Rochester Events Network Trust Fund</u> |
|-------------|--------------|--------------------|--|
| 2007-08 | \$63,000 | \$55,000 | \$8,000 |
| 2008-09 | \$65,500 | \$57,200 | \$8,300 |
| 2009-10 | \$68,100 | \$59,500 | \$8,600 |

The total cost of sound, lighting, and stage services during 2005-06 was \$56,915. Increases for the next two years were due to increased technical support for national talent for some concerts and possible needs for increased events.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2008-238
(Int. No. 243)

**Establishing Maximum Compensation For
An Amendatory Professional Services Agree-
ment For Sound And Lighting 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 additional compensation to be paid by the
City in the first year of an amendatory professional
services agreement between the City and North-
eastern Production Systems, Inc. for sound and
lighting services for special and cultural events.
Said amount shall be funded from the 2007-08
Budget of the Department of Recreation and Youth
Services. In the second year, the additional com-
pensation to be paid by the City in the amendatory
agreement shall not exceed \$25,000, which amount
shall be funded from the 2008-09 Budget of the
Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-239 and
Ordinance No. 2008-240

Re: Agreements - Lightscape Media
and Young Explosives, Laser
Shows and Fireworks

Transmitted herewith for your approval is legisla-
tion related to the High Falls laser shows and holi-
day fireworks exhibitions. This legislation will:

1. Establish \$137,700 as maximum compensa-
tion for an agreement with Lightscape Media
Corporation, Stone Mountain, GA (Robert
Daffin, President), to provide laser shows
July 5, 2008-June 30, 2009. Lightscape Me-
dia will provide the Genesee River Gorge
shows (\$76,500) and maintenance on City-
owned laser equipment (\$61,200). The cost
of this agreement will be funded from the
2008-09 Budget of the Department of Rec-
reation and Youth Services;
2. Establish \$46,000 as maximum compensa-
tion for an agreement with Young Explosives
Corporation, Rochester (James Young, Presi-
dent), to provide aerial fireworks and pyro-
technic displays to accompany the High Falls
laser shows. The cost of this agreement will
be funded from the 2008-09 (\$11,000) and
2007-08(\$20,000) Budgets of DRYS, and the
Rochester Events Network Trust Fund
(\$15,000); and

3. Establish \$52,000 as maximum compensation
for a separate agreement with Young Explo-
sives to provide aerial fireworks displays on
July 4 and December 31, 2008. This cost
will be funded from the 2008-09 Budget of
DRYS (\$27,000), the 2007-08 Budget of
DRYS (\$20,000), and the Rochester Events
Network Trust Fund (\$5,000).

Laser Shows. A total of 42 laser shows, accompa-
nied by fireworks and pyrotechnics, are schedu-
led for Saturdays, July 5 through August 30, 2008,
May 29-June 27, 2009; and for Labor Day weekend
2008, December holidays, Rochester's 175th An-
niversary Celebration, and Memorial Day weekend
2009. A projected schedule is attached. Attend-
ance for 2007 was estimated at 61,010. There are
also occasional sponsor-requested laser shows,
with costs offset by revenue from such sponsors
through the Rochester Events Network Trust Fund.
Similar agreements for the laser shows were
authorized by City Council in June 2007.

Holiday Fireworks. The July 4 display will extend
for about 20 minutes and will be the largest in the
area. The New Year's Eve display, part of an
overall downtown celebration, will begin at mid-
night and extend for approximately 18 minutes.
Both displays will be launched over the Genesee
River from the entrance ramp to Route I-490 east-
bound and the Genesee Riverwalk.

Young Explosives will be responsible for obtain-
ing the necessary Fire Department permits and for
acquiring liability insurance in the amount of \$1
million. Young Explosives, as a U.S. licensed
vendor, does not employ anyone below the age of
18.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-78

Ordinance No. 2008-239
(Int. No. 244, As Amended)

**Establishing Maximum Compensation For
Professional Services Agreements For The High
Falls Laser Shows**

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

Section 1. The sum of \$137,700, 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 [Light-
scape Media Corporation] Carolina-Carolina Con-
tract Services Corporation for laser shows at High
Falls and for maintenance of the laser equipment at
High Falls.

Section 2. The sum of \$46,000, 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 aerial fireworks and pyrotechnic

displays to accompany laser shows at High Falls.

Section 3. Of said amounts, \$148,700 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, \$20,000 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services, and \$15,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2008-240
(Int. No. 245)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

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

Section 1. The sum of \$52,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for Fourth of July and New Year's Eve aerial fireworks displays. Of said amount, \$27,000 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, \$20,000 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services and \$5,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-241
Re: Agreement - SMG/Blue Cross
Arena, Rib Festival and Festival
Site Management

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with SMG/Blue Cross Arena, Rochester, (Jeff Calkins, Manager) for coordination, management, and promotion of the Ribbin' on the River Rib Competition and Festival (\$20,000) and for management of the Riverside Festival Site (\$10,000). The cost of this agreement will be funded from the 2008-09 (\$20,000) and 2007-08 (\$10,000) Budgets of the Department of Recreation and Youth Services.

The rib festival will take place in the parking lot on the corner of Court Street and Exchange Boulevard July 18-July 20, 2008. Barbequers from across the country have been invited to participate and dem-

onstrate their various styles. There will also be two stages of live blues music. Last year's event drew approximately 7,200. This year, the event is expected to draw as many as 10,000 people.

Management of the new Riverside Festival Site includes oversight of the parking lot at the corner of Court Street and Exchange Boulevard for the 2008 summer season. The City-produced Party in the Park Thursday evening concert series will take place in this lot, as well as the Ribbin' on the River Rib Competition and other events.

A similar agreement for the rib festival was authorized in July 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-241
(Int. No. 246)

Establishing Maximum Compensation For A Professional Services Agreement For The Ribbin' On The River Rib Festival And Riverside Festival Site Management

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 SMG for the Ribbin' on the River Rib Festival and management of the Riverside Festival Site. Of said amount, \$20,000 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services and \$10,000 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to amend Int. No. 264

The motion was seconded by Councilmember Palumbo

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-242
Re: 21st Century Community Learning
Centers - Rochester After School
Academy (RASA-4)

Transmitted herewith for your approval is legislation related to a grant in the amount of \$847,771 from the New York 21st Century Community Learning Centers Program for the operation of Round 4 of the Rochester After School Academy (RASA-4). This legislation will:

1. Authorize an agreement with the New York State Department of State for the receipt and use of the funds;
2. Amend the 2008-09 Budget of the Department of Recreation and Youth Services to include \$228,619 of the grant for the operation of the RASA-4 site at Jefferson High School (\$207,136) and indirect costs associated with the management of the grant (\$21,483);
3. Authorize agreements with the following organizations for operation of various components of the RASA program. These agreements will be funded from the remaining grant funds (\$619,152) through the RASA Trust Fund.

| <u>Contractor</u> <u>School Partner</u> | <u>Amount</u> |
|---|----------------|
| Puerto Rican Youth Development Edison/School of Engineering & Mfg | \$140,770 |
| Community Place of Greater Rochester Dr. Freddie Thomas Learning Center | 150,240 |
| The Center for Youth Services East High School | 153,200 |
| Children's Institute RASA 4 Evaluator | 60,674 |
| Coordinated Care Services, Inc. Professional Development, Parent University, APR Evaluation | <u>114,268</u> |
| Total | \$619,152 |

RASA-4 is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. This is the first year of a five-year grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-242
(Int. No. 264, As Amended)

Authorizing Agreements Relating To The Rochester After School Academy 4 Program And Amending The Proposed 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to

enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy-Round 4 (RASA-4) Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the RASA-4 Program:

| Agency School/Agency Partner | Amount |
|---|-----------|
| Puerto Rican Youth Development Edison/School of Eng. & Mfg. | \$140,770 |
| Community Place of Greater Rochester Dr. Freddie Thomas Learning Center | 150,240 |
| The Center for Youth Services East High School | 153,200 |
| Children's Institute RASA-4 Evaluator | 60,674 |
| Coordinated Care Services, Inc. Professional Development, Parent University, APR Evaluation | 114,268 |
| Department of Recreation and Youth Services Jefferson High School | 207,136 |

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$619,152, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York 21st Century Community Learning Centers Program Funds. The Department of Recreation and Youth Services Program and indirect City costs of \$21,483 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

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

Section 5. [Ordinance No. 2008-___, the] The Proposed 2008-09 Budget of the City of Rochester, as amended, is hereby [further] amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$228,600, which amount is hereby appropriated from the New York 21st Century Community Learning Centers Program Funds.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin,

Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 8.

Nays - None - 0.

Councilmember Spauld abstained because she is employed by one of the organizations that receives funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-243
Re: Summer of Opportunity Program

Transmitted herewith for your approval is legislation relating to the Summer of Opportunity Program. This legislation will:

1. Appropriate funds from the following sources to finance the program:
 - a. \$581,493 from the 2008-09 Budget of the Department of Recreation and Youth Services;
 - b. \$9,476 from the 2007-08 Budget of the Department of Recreation and Youth Services;
 - c. \$51,590 in Community Development Block Grant funding from the 2007-08 Job Creation/Youth Development allocation;
2. Authorize any necessary agreements to implement the program.

A total of 407 youth will be served through Summer of Opportunity Program 2008 at a cost of \$642,559.

The Summer of Opportunity Program (SOOP) provides City high school students between the ages of 14-20 with a summer work experience or vocational exploration opportunity. SOOP gives priority for placement to students with at least a 90% minimum school attendance rate, and no long-term school suspensions for the current school year.

This year, the SOOP collaborated with RochesterWorks, the local workforce investment entity, on a joint recruitment process, and incorporated all SOOP application intake steps, including mandatory Job Readiness Training and Parent Orientations for all students seeking to work in a summer job through either entity.

To provide coordination and consistency in summer employment programs, RochesterWorks and the City issued a joint Request for Proposal (RFP). The scope of the RFP was to serve all youth, with a priority on serving 14 and 15 year-old youth, by providing significant opportunities for work readiness, community service, and academic enrichment activities during the summer. For youth ages 16 and older, the RFP requested participation in work experience as a major activity, as well as civic engagement, and academic enhancement if needed

during the summer.

A total of 37 proposals were received; 32 programs are recommended for funding - 10 by the City and 22 by RochesterWorks.

A list of the ten programs recommended for City funding is attached. They were selected based on the description of proposed services, past performance, and the amount of funding available. These programs will serve a total of 230 students at a cost of \$300,000.

The following components are also part of the Summer of Opportunity Program:

Community Conservation Corps (CCC) will employ 84 youth, and Teens on Patrol (TOPS) will employ 20 youth at minimum wage (\$7.15/hr.) to work in City recreation centers and/or with Police-sponsored programs. These jobs are for youth 16 and older, who will work for 7- 8 weeks. Funds for this component are included in the proposed 2008-09 Budget of the Department of Recreation and Youth Services.

The Jr. Recreation Leader program offered by DRYS will hire 15 youth as recreation interns, working 20 hours a week for 8 weeks.

Summer of Opportunity Plus (SOOP+) will provide work experience for 28 high school youth who are at least 16 and have a GPA of 3.0 or better. These private and non-profit sector (including City offices) internships include positions as: Office Clerk, Receptionist, Customer Service Representative, Summer Program Assistant and Student Intern.

As in previous years, the Rochester City School District will provide payroll processing services and check distribution for the CCC, TOP, Jr. Recreation Leadership and the SOOP+ programs. The cost for 147 youth wages and benefits, plus administrative costs for the RCSD, will be \$290,969.

The National Youth Sports Program at Monroe Community College will employ 10 Camp Counselor Assistants. The program enables 360 city youth, ages 10-16, to participate in organized athletic instruction and supervised activities. The cost for the 10 counselors will be \$11,590; an additional \$10,000 is included in the agreement to provide transportation for all youth participating in the program.

Teen Empowerment will provide coordination and oversight of the Mayor's Youth Advisory Council, which provides 20 youth with advocacy and job readiness skills training, for \$30,000. The youth will receive a comprehensive overview of City government, and will also provide youth consultation with the Mayor on youth issues, as well as coordinate an annual Youth Forum at City Hall.

The most recent agreements for these services were approved by Council on June 19, 2007, Ordinance No. 2007-199.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-79

Ordinance No. 2008-243
(Int. No. 266)

Authorizing Agreements Relating To The 2008 Summer Of Opportunity Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2008 Summer of Opportunity Program:

| <u>Organization</u> | <u>Total</u> |
|--|--------------|
| Academy For Career Development - HelpTech | \$ 11,691 |
| Academy For Career Development - AbilityTech | 8,678 |
| Baden Street Settlement | 39,204 |
| Charles Settlement House | 23,600 |
| The Community Place of Greater Rochester, Inc. | 62,345 |
| Iglesia Educational Centers | 30,346 |
| IBERO Summer of Opportunity | 27,777 |
| North East Area Development | 68,247 |
| Rochester City School District - Academy of Law | 18,112 |
| Volunteers of America | 10,000 |
| Rochester City School District - Administrative Services | 290,969 |
| MCC - National Youth Sports | 21,590 |
| Teen Empowerment | 30,000 |

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$642,559, and of said amount, or so much thereof as may be necessary, \$581,493 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, \$9,476 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services, and \$51,590 is hereby appropriated from the Job Creation/Youth Development allocation of the 2007-08 Community Development Program.

Section 3. The Mayor is hereby further authorized to enter into any other necessary agreements for the 2008 Summer of Opportunity Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge

Int. No. 76 from Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 76.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Introductory No. 76 was introduced February 12, 2008 and appears in its original form with its transmittal letter on page 75 of the current Council Proceedings.

Attachment No. AH-79

Ordinance No. 2008-244
(Int. No. 76, As Amended)

Establishing Maximum Compensation For An Agreement For A [WDKX Anniversary] Free Concert

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

Section 1. The sum of \$[25,000] 32,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe County Broadcasting Co., LTD for a [WDKX anniversary] free concert. Of said amount, \$[15,000] 22,500 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services and \$10,000 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said budget.

Section 2. Ord. No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$7,500 from the Contingency account to the Department of Recreation and Youth Services.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 8.

Nays - Councilmember Warren -1.

The meeting was adjourned at 9:40 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JULY 15, 2008

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

BHRM

- *Bruce N. Glaser
Community Development
- *Karolyn S. Emler
- *Christine K. Linzy
Environmental Services
- *Nicholas Messina
Patricia Petisi
- *Charles A. Williams

DRYS

- *Carmen M. Russo
Emergency Communications
Jennie Orum
- Information Technology
- *Bruce R. Fridd
- *Leopold J. Morelli
- Fire Department
- *Steven C. Beach
- *Richard N. Franco
- *Thomas F. Haley
- *George R. Rondash
- *Donald W. Schroeder
- *Thomas A. Tytler

Library

- *Barbara Puro
- Police Department
- Frank V. Churnetski
- Roy G. Compertore
- Louis D'Angelo
- *James T. DiPasquale
- *Ronald G. Evangelista
- *David T. Friedlander
- *Jonathan S. Northrup
- *William Stauber
- *William C. Wood, Jr.

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Conklin

RESOLVED, that the minutes of the Public Hearing on June 11, 2008 and the Regular Meeting of June 17, 2008 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 3931-7
- Notice of Environmental Determination 3932-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

From Canal Society regarding Int. No. 286, 1 signature Remonstrance No. 1634

RECEIVED AND FILED.

PUBLIC HEARINGS.

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

Authorizing Amendatory 2006-07 And 2007-08 Community Development Program Plans To Transfer Funds For The Challenged Street Initiative Int. No. 282 No speakers.

Changing The Zoning Classification Of 115 North Union Street And Portions Of 271, 275-277 And 283 Lyndhurst Street From R-2 Medium Density Residential To CCD-M City Center District Main Street Int. No. 303 2 speakers: Georgia Nesmith, Roger Brown.

Approving Changes In The Pavement Width Of Broad, Brown, Campbell, Allen, Canal And Main Streets As A Part Of The Broad Street Tunnel Project Int. No. 288 3 speakers: Dwayne Feller, Dawn Noto, Barbara Hoffman

Changing The Traffic Flow Of Finch Street Between Driving Park Avenue And Lexington Avenue From Two-Way To One-Way Southbound Int. No. 289 No speakers.

Resolution Approving Relocation To The Wayne County Empire Zone Int. No. 309 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
July 15, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 267 - Cancellation Of Taxes And Charges

Int. No. 268 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Pre-K Transportation

Int. No. 269 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Customer Relationship Management System

Int. No. 270 - Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Assistance

Int. No. 271 - Establishing Maximum Compensation For A Professional Services Agreement For Audit Services

Int. No. 272 - Authorizing Payment Of The Fast Ferry Loan

Int. No. 273 - Establishing Maximum Compensation For Professional Services Agreements For Investigative Services

Int. No. 274 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Legal Services And Amending The 2007-08 Budget

Respectfully submitted,
 Carolee A. Conklin
 Lovely A. Warren (Did not vote on Int. No. 274)
 Gladys Santiago
 FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2008-245
 Re: Cancellation or Refund of
 Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$1,207,743.44.

On October 27, 2007, the County of Monroe foreclosed on 152 properties located in the City of Rochester. The properties were subsequently transferred to the City of Rochester on April 15, 2008. As the City's lien is superior to that of the County, the County foreclosure action did not cancel outstanding City taxes and charges. This action will remove all taxes and charges that remain. The amount is \$1,207,743.44, or 100% of the total.

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$1,259,299.29.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 152 | \$1,207,743.44 |
| Administrative | 169 | 51,555.85 |
| Total | 321 | \$1,259,299.29 |

These cancellations represent .545% of the taxes receivable as of July 1, 2008.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AH-80

Ordinance No. 2008-245
 (Int. No. 267)

Cancellation Of Taxes And Charges

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

Section 1. The City Treasurer is authorized to cancel the taxes and charges in the total amount of \$1,207,743.44 on properties from the County of Monroe Tax Foreclosure Sale held on October 27, 2007 in accordance with the list submitted herewith and on file with the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2008-246
 Re: Amendatory Agreement - Rochester Area Community Foundation, Pre-K Transportation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Area Community Foundation (RACF) to provide additional support for transportation of city children to pre-kindergarten programs in support of the Literacy Initiative. This amendment will increase compensation by \$8,000, to a maximum total of \$18,000. The additional cost will be funded from the 2007-08 Budget of the Communications Bureau.

The current contract with RACF for \$10,000 provides services required for the coordination of pre-k transportation services for the Rochester City School District.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No., 2008-246
 (Int. No. 268)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Pre-K Transportation

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

Section 1. The sum of \$8,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with the Rochester Area Community Foundation for the transportation of city children to Pre-K educational programs. Said amount shall be funded from the 2007-08 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-247
Re: Agreement - Navint Consulting,
Customer Relationship Management
System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Navint Consulting, LLC, Pittsford, NY, for additional services related to the installation and implementation of Customer Relationship Management (CRM) software. This amendment will increase maximum compensation by \$144,000 for a total of \$152,000, and will be funded from 2006-07 Cash Capital.

CRM software is used for the planning and management of key customer processes, such as those currently managed manually in the Economic Development Department and the Communications Bureau.

Economic Development Department. EDD will use the CRM software to develop, manage and track annual goals and plans. The scheduling and event-planning tools will increase overall efficiency by allowing staff to dedicate more time to direct economic development leads, enhancing the strategic penetration of programs and services, and reducing lead-time for responding to requests for service.

Communications. The Bureau will use the software for the planning, staging, execution and evaluation of all outreach activities. The system will be used to track outreach activities, enhance the ability to target community segments, and compile response data to evaluate the impact of activities.

Navint, through the initial agreement, has completed the scoping and requirements definition of the project. The additional funds will support the installation and configuration of a system to meet the requirements defined by EDD and Communications. Navint will provide training on the use of the system to City employees, and will work with staff of the Informational Technology Department to ensure ongoing support and future extensions of

this system.

A Request for Proposal was published on the City's website and mailed directly to vendors. Proposals were received from: Navint Consulting; Buan Consulting, Annapolis, MD; ThirdWave Consulting, Halifax, Nova Scotia; Infinity Info Systems, New York, NY; Reltronics, Rochester, NY; and Endeavor Enterprise Management, Perry, NY. Proposals were evaluated for technical approach, qualifications, experience and project cost. Navint is recommended based on the quality and scope of its proposal, the firm's unique qualifications, cost, and ability to meet the City's timeline and Microsoft centric environment.

The term of this new agreement will be for one year, with an option for annual software maintenance and support renewals by the City thereafter.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-247
(Int. No. 269)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Customer Relationship Management System

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

Section 1. The sum of \$144,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Navint Consulting, LLC for the installation and implementation of a Customer Relationship Management System for the Economic Development Department and the Communications Bureau. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-248
Re: Agreement - A+ Consulting

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with A+ Consulting, Rochester, for information technology services. The cost of this agreement will be funded from the 2008-09 Budget of the Information Technology Department.

This agreement will supplement the work provided by Information Technology staff for internal requests for service that occur on an unplanned basis. These as-needed services include employee

moves, printer repairs, equipment returns and other repairs.

As part of the 2008-09 budget process, some service demand areas within ITD were identified which did not require a full-time employee. To achieve fiscal targets, use of a third-party to provide on-demand services in the above service areas will achieve customer service levels at a reduced cost to the City of Rochester.

After review of various local consulting/outsource organizations located in the City, A+ Consulting was selected based on its ability to meet intermittent needs in a wide range of IT service areas.

The term of this agreement will be from August 1, 2008 through June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-248
(Int. No. 270)

Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Assistance

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 A+ Consulting for assistance to the Information Technology Department with customer service demands. Said amount shall be funded from the 2008-09 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-249
Re: Agreement - Audit Services

Transmitted herewith for your approval is legislation establishing \$16,500 as maximum compensation for an agreement with Joseph J. Porempski, Cheektowaga, New York, for auditing services related to the City's collection of Utility Gross Receipts Tax. The cost of this agreement will be funded from the 2007-08 Undistributed Budget.

As provided by Section 20-B of General City Law, the City imposes a 3% tax on the gross income of utility company transactions that take place within the city. The City receives approximately \$9 million annually from this tax. An audit of this revenue has not been conducted within the last twenty years.

The agreement with Mr. Porempski will provide for a review of the City's documentation and processes for collecting this tax, an audit of Rochester Gas & Electric's payment for a recent quarter, and the development of a methodology for conducting future audits, which the City may choose to do in-house. Services will be provided at the rate of \$75 per hour, plus reimbursement for mileage and travel-related expenses. The term of the agreement will be July 1, 2008 through June 30, 2009.

Mr. Porempski was chosen to provide these services based upon his experience as a Corporate Tax Auditor with the New York State Department of Taxation and Finance from 1985-2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-249
(Int. No. 271)

Establishing Maximum Compensation For A Professional Services Agreement For Audit Services

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

Section 1. The sum of \$16,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Joseph J. Porempski for audit services related to the City's collection of the Utility Gross Receipts Tax. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-250
Re: Final Ferry Payment

Transmitted herewith for your approval is legislation authorizing payment of the sum of \$21,428,819 to the Export Finance and Insurance Corporation (EFIC) to pay off the EFIC loan for the vessel Spirit of Ontario I. Said amount shall be funded from the Fast Ferry Debt Service Fund (\$15,923,010) and from the 2008-09 Debt Service allocation (\$5,505,809).

A payment of \$19,534,735 in principal was made in February 2008 pursuant to Ordinance No. 2008-45, leaving a principal balance of \$21,011,183. At its meeting of April 15, 2008, the Council approved a one-time addition to the City's debt limit in the amount of \$15,922,900 to partially fund the balance due to EFIC. At the same meeting, the Council further approved the issuance of bonds in the amount of \$12,036,800 to free up Cash Capital

funds to make the EFIC payment. Bonding for the remaining amount of \$3,886,100 will be requested as the funds are needed for the specific projects.

As you are aware, the legal basis for the City assumption of the EFIC loan was challenged in New York State Supreme Court, where the City prevailed. The case has been appealed to the Appellate Division, Fourth Department, and is awaiting argument. The Fourth Department has denied a stay which would have prohibited the City from making the payment to EFIC. The payment authorized herein will be made on August 15, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-250
(Int. No. 272)

Authorizing Payment Of The Fast Ferry Loan

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

Section 1. The Council hereby approves the payment of the sum of \$21,428,819 to the Export Finance and Insurance Corporation (EFIC) on the EFIC loan for the vessel Spirit of Ontario I. Of said amount, \$15,923,010 shall be funded from the Fast Ferry Debt Service Fund and \$5,505,809 shall be funded from the 2008-09 Debt Service allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-251
Re: Agreement - Litigation Services

Transmitted herewith for your approval is legislation authorizing agreements with Investigative Associates for the provision of investigative services relating to certain litigation involving the City. This maximum cost of the agreements will be \$27,500, which will be financed from the 2007-08 (\$22,500) and 2008-09 (\$5,000) budgets of the Law Department. The City currently has an agreement with Investigative Associates for such services at a maximum cost of \$5,000.

The Law Department often requires various professional services and assistance in conjunction with claims and litigation involving the City. The Council periodically authorizes agreements with private investigators, medical experts or others for these services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-251
(Int. No. 273)

Establishing Maximum Compensation For Professional Services Agreements For Investigative Services

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

Section 1. The sum of \$27,500, 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 Investigative Associates for investigative services in connection with claims made against the City. Of said amount, \$22,500 shall be funded from the 2007-08 Budget of the Law Department and \$5,000 shall be funded from the 2008-09 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-252
Re: Agreement - Legal Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Woods Oviatt Gilman LLP for legal representation of the City in internal Police Department proceedings arising out of incidents that occurred on South Goodman Street on June 1, 2007, and amending the 2007-08 Budget. The agreement shall provide for William Bauer to represent the City at an hourly rate of \$275. The maximum amount of the amendatory agreement is \$40,000. The City has already entered into an initial agreement in the amount of \$10,000 with Woods Oviatt Gilman LLP for these legal representation services. Said amounts shall be funded from the 2007-08 Budget of the Law Department. An amendment to the 2007-08 Budget is necessary to transfer funds for these agreements from the Contingency Account to the Law Department.

Outside counsel is required for this matter because of a conflict. The Law Department is already defending the City in lawsuits commenced as a result of these incidents.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-252
(Int. No. 274)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Legal Services And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$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 Woods Oviatt Gilman LLP for legal representation of the City in administrative proceedings. The agreement may extend for the duration of the legal proceedings. Said amount shall be funded from the 2007-08 Budget of the Law Department.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Account to the Law Department to fund the legal services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
July 15, 2008

To the Council:

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

Int. No. 275 - Authorizing The Sale Of Real Estate

Int. No. 276 - Local Law Amending The City Charter With Respect To The Neighborhood Empowerment Team

Int. No. 277 - Amending The Municipal Code With Respect To The Neighborhood Empowerment Team

Int. No. 278 - Resolution Approving An Appointment To The Electrical Examining Board

Int. No. 279 - Resolution Approving An Appointment To The Rochester Public Library Board Of Trustees

Int. No. 280 - Authorizing A Cooperation Agreement For A Library Content Management System

Int. No. 281 - Amending The 2007-08 Budget For Library Teen Centers

Int. No. 283 - Approving Housing Development Fund Programs And Repealing Ordinance No. 2006-223

Int. No. 302 - Authorizing The Acquisition Of 419 Orange Street As A Part Of The Challenged Streets Program

Int. No. 304 - Local Law Amending The City Charter With Respect To The Rochester Environmental Commission

Int. No. 305 - Resolution Approving Appointments To The Rochester Environmental Commission

Int. No. 306 - Amending Ordinances No. 2005-377 And 2008-90 Relating To The Redevelopment Of River Park Commons

Int. No. 307 - Authorizing An Application And Agreement For The Lead Hazard Control Program

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

Int. No. 303 - Changing The Zoning Classification Of 115 North Union Street And Portions Of 271, 275-277 And 283 Lyndhurst Street From R-2 Medium Density Residential To CCD-M City Center District Main Street

The following entitled legislation is being held in Committee:

Int. No. 282 - Authorizing Amendatory 2006-07 And 2007-08 Community Development Program Plans To Transfer Funds For The Challenged Street Initiative

Respectfully submitted,
Lovely A. Warren (Did not vote on Int. No. 303)
Carolee A. Conklin
Carla M. Palumbo
Gladys Santiago
William F. Pritchard (Voted on Int. No. 303 only)
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-253
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 22 properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a structure that was sold at a Request for Proposal sale. The property at 392-394 Genesee Street will be rehabilitated as a retail store and a two-family dwelling.

The next four properties are being sold to the RHDFC for their appraised value. The properties will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester Metropolitan Statistical Area.

The next eight properties are vacant lots, sold at appraised value. 490 South Clinton Avenue will be sold to the Association for the Blind and Visually Impaired (ABVI) and combined with their adjoining property at 422 South Clinton Avenue. 396-398 Lexington Avenue will be sold to the adjoining owners, who will combine it with the adjacent property and develop a parking lot to be used in conjunction with the Price-Rite grocery store. The remaining six (6) parcels are being sold to Flower City Habitat for Humanity for owner-occupant, single-family housing.

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

The first year projected tax revenue for these twenty-two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$9,388.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-81

Ordinance No. 2008-253
(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 parcel of improved property by request for proposal sale:

Address: 392-394 Genesee St
S.B.L.# 120.66-2-24
Lot size: 36x100
Price: \$3,000
Purchaser: Burdett Properties, LLC*

*Member: Scott Burdett

Section 2. The Council hereby approves the negotiated sale of the following parcels of improved property:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---|--------------|
| 147 Clifton St 120.51-4-8 | 36x100 Rochester Housing Development Fund Corp.** | \$3,000 |

| | | |
|--------------------------------|---|-------|
| 602 Hayward Av 107.61-3-32 | 40x135 Rochester Housing Development Fund Corp.** | 3,000 |
| 85 Woodbine Av 120.57-1-62 | 40x136 Rochester Housing Development Fund Corp.** | 1,000 |
| 305 Woodbine Av 120.73-1-94 | 40x114 Rochester Housing Development Fund Corp.** | 9,000 |

** Officers: Jean A. Lowe, President; R. Scott Schmid, Vice President

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

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|------------------------------------|--|--------------|
| 235 Campbell St 120.27-1-64.1 | 51x128 Flower City Habitat For Humanity*** | \$ 475 |
| 278 Campbell St 120.26-1-47 | 50x165 Flower City Habitat For Humanity*** | 525 |
| 314 Campbell St 120.26-1-40.1 | 66x165 Flower City Habitat For Humanity*** | 600 |
| 490 S. Clinton Av 121.48-1-13 | 20x99 ABVI-Goodwill**** | 500 |
| 396-398 Lexington Av 105.25-3-3 | 60x82 Schodack Holdings LLC^ | 10,000 |
| 123 Orange St 105.83-3-68 | 50x122 Flower City Habitat For Humanity*** | 475 |
| 187 Orange St 105.83-3-53.1 | 49x163 Flower City Habitat For Humanity*** | 500 |
| 349 Orange St 105.82-2-70 | 46x130 Flower City Habitat For Humanity*** | 450 |

*** Principals: Edward Lipsky, President; Musette Castle, Vice President; Donna Murano, Secretary; Jeffrey Lewis, Treasurer; Arthur Woodward, Executive Director

**** Principals: Joyce Zimowski, Chair; Michael J. Dinan, Vice Chair; Joseph J. Istvan, Vice Chair; Richard Baum, Secretary; Antoinette P. McCorvey, Treasurer; Steven E. Feldon, Controller; A. Gidget Hopf, President/CEO; Lynn Sullivan, CFO

^Members: Peter Lutz, Fedele V. Scutti

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

| <u>Address</u> | <u>Lot Size</u> | <u>Sq. Ft.</u> | <u>Purchaser</u> |
|--|-----------------|----------------|--------------------------------------|
| 5 Fien St 106.46-1-13.2 East ½ of 715B | 62x24 | 1488± | Burnice Bernard Green |
| Harvard St Pt. of 122.53-3-25 West ½ of 715B | 14x44 | 616± | Dragonfly Group, LLC ^{^^} |
| Harvard St Pt. of 122.53-3-25 | 14x44 | 616± | Adam N. Blackmon & Joanna Disanto |
| 75.5 Mead St 106.31-1-27 | 5x58 | 290± | John T. Glover |
| 77-79 Mead St 106.31-1-28 | 39x58 | 2262± | John T. Glover |
| 16-18 Nielson St 106.29-1-49 | 50x65 | 3250± | Keith Jackson & Erika Ayala |
| 20 Nielson St 106.29-1-62 | 32x47 | 1504± | Keith Jackson & Erika Ayala |
| 1391 North St 091.73-1-40 | 38x94 | 3572± | Ivan Gurman |
| 69 Remington St 106.31-1-12 | 39x109 | 4251± | Mary Heath |

^{^^}Sole Proprietor: Kimberly Black

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:

Local Law No. 5 and
Ordinance No. 2008-254
Re: Amending the City Charter and
Code - Neighborhood Service
Centers

Transmitted herewith for your approval is legislation amending the City Charter and Code to reflect an organizational change as presented in the 2008-09 Budget. The Bureau of Neighborhood Empowerment Teams will be replaced by Neighborhood Service Centers.

This change is in support of the Administration's goal of improved customer service. The NSC will continue to provide property code inspection and enforcement services, crime prevention activities, and support of neighborhood organizations while the consolidation of the Economic Development Department, Department of Community Development and NSCs is planned.

The departmental consolidation will include the development of a new neighborhood services delivery model that will be based on staff and community input. The new model, which will be housed in the NSC, is expected to be implemented by July 1, 2009. NSC staff will work during the next year to bring internal and external customers together to ensure that we have a neighborhood services delivery model that is comprehensive, cost-efficient, responsive and accountable.

These amendments are largely technical, replacing all references to Neighborhood Empowerment Teams and NET with Neighborhood Service Centers and NSC.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 5
(Int. No. 276)

**Local Law Amending The City Charter With
Respect To The Neighborhood Empowerment
Team**

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 § 3-8.1, Neighborhood Empowerment Team Director, to read in its entirety as follows:

§ 3-8.1. Neighborhood Service Centers Director.

The Neighborhood Service Centers Director shall be responsible for the operation and management of the Neighborhood Service Centers. The Director shall be appointed by the Mayor. The Director is hereby designated an agent of the Commissioner of Community Development and of the Commissioner of Environmental Services, who shall have all the powers of the Commissioners with respect to, and who with the Commissioners shall be responsible for, supervising and directing the enforcement of the Property Conservation Code; Zoning Ordinance; Refuse and Sanitation Codes; the Anti-Litter Ordinance; Streets Code; and all laws and ordinances of the City and state governing the maintenance, construction, use and occupancy of buildings, structures and property. The Director shall develop and implement programs aimed at arresting and correcting blight and deterioration in housing and other structures and property and shall inspect existing structures and property prior to the issuance of certificates of occupancy or letters of compliance, as may otherwise be directed by the Mayor. State Certified Code Enforcement Officers in the Neighborhood Service Centers may issue appearance tickets returnable in the Municipal Code Violations Bureau for violations of the Zoning Code, Fire Prevention Code, Building Code, Plumbing

Code, Electrical Code, Elevator Code and any other laws and ordinances enforced by the Department of Community Development or Department of Environmental Services over which the Municipal Code Violations Bureau has jurisdiction. Neighborhood Service Centers Administrators are further authorized to issue appearance tickets for violations of the Noise Code. The Director shall be the appointing authority for employees of the Neighborhood Service Centers.

Section 2. Section 3-1 of the City Charter, Mayor, as amended, is hereby further amended by deleting the words "Neighborhood Empowerment Team" in both places where they appear in the third paragraph thereof and by inserting in their place the words "Neighborhood Service Centers".

Section 3. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-254
(Int. No. 277)

Amending The Municipal Code With Respect To The Neighborhood Empowerment Team

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

Section 1. Section 13A-11 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by deleting the reference to "NET" where it appears in subsection D(1), referring to the Neighborhood Empowerment Team, and by inserting in its place the words "the Director of the Neighborhood Service Centers".

Section 2. The Municipal Code, as amended, is hereby further amended by deleting the words "Neighborhood Empowerment Team" in all places where they appear in the following sections and by inserting in their place the words "Neighborhood Service Centers":

- § 52-2. Enforcement.
- § 54-7. Orders.
- § 75-20. Administration and enforcement.
- § 98-10. Grant or denial of sexually oriented business license.
- § 98-12. Inspections.

Section 3. Section 52-9 of the Municipal Code, Definitions, as amended, is hereby further amended by deleting the words "Neighborhood Empowerment Team" where they appear in the definition of "Director" and by inserting in their place the words "Neighborhood Service Centers". Said Section is hereby further amended by deleting the definition of "NET" and by inserting where it should appear in alphabetical order the following

new definition:

NSC - The Neighborhood Service Centers of the City of Rochester.

Section 4. Chapter 52 of the Municipal Code, Enforcement Procedures, as amended, is hereby further amended by deleting the references to "NET" in each place other than where it has already been amended by Section 3 herein, referring to the Neighborhood Empowerment Team, and by inserting in their place references to "NSC", referring to the Neighborhood Service Centers.

Section 5. Section 90-3 of the Municipal Code, Definitions, as amended, is hereby further amended by deleting the reference to "NET" where it appears in the definition of "Director", referring to the Neighborhood Empowerment Team, and by inserting in its place the words "the Neighborhood Service Centers". Said Section is hereby further amended by inserting where it should appear in alphabetical order the following new definition:

NSC - The Neighborhood Service Centers of the City of Rochester.

Section 6. Chapter 90 of the Municipal Code, Property Conservation Code, as amended, is hereby further amended by deleting the references to "NET" in each place other than where it has already been amended by Section 5 herein, referring to the Neighborhood Empowerment Team, and by inserting in their place references to "NSC", referring to the Neighborhood Service Centers.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-21
Re: Electrical Examining Board
Appointment

Transmitted herewith for your approval is legislation to appoint David Young, 21 Gardiner Park, Rochester, 14607, to the Electrical Examining Board.

Mr. Young is the Manager of the International Brotherhood of Electrical Workers Local 86 with 20 years of electrical installation experience. He will replace Kathleen McManus, Principal Staff Assistant of the Department of Community Development, on the Board as the Commissioner's designee.

Mr. Young's term will expire as of December 31, 2008. A copy of his resume is on record in the City Clerk's office.

Respectfully submitted,

Robert J. Duffy
Mayor

Resolution No. 2008-21
(Int. No. 278)

**Resolution Approving An Appointment To
The Electrical Examining Board**

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

Section 1. The Council hereby approves the
appointment of David Young, 21 Gardiner Park, to
the Electrical Examining Board for a term which
shall expire on December 31, 2008. Mr. Young
shall replace Kathleen McManus as the designated
representative of the Commissioner of Community
Development on the Board.

Section 2. This resolution shall take effect
immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-22
Re: Appointment - Rochester Public
Library Board of Trustees

Transmitted herewith for your approval is legisla-
tion confirming the appointment of H. Allen
Spencer, Ph.D., 125 Old Mill Road, Rochester
14618, as the Reynolds Board representative on
the Rochester Public Library Board of Trustees.

As specified in the New York State Charter of the
Reynolds Library, the Reynolds Board nominates
one of their trustees as liaison to the RPL Board.

Dr. Spencer will fill the unexpired term of
Katharine Parsons, who has resigned from the
RPL Board. The term expires December 31, 2010.

A copy of Dr. Spencer's resume is on file with the
City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-82

Resolution No. 2008-22
(Int. No. 279)

**Resolution Approving An Appointment To
The Rochester Public Library Board Of Trus-
tees**

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

Section 1. The Council hereby approves the
appointment of H. Allen Spencer, Ph.D., 125 Old
Mill Road, as the Reynolds Library Board repre-
sentative on the Rochester Public Library Board of

Trustees for a term which shall expire on Decem-
ber 31, 2010. Dr. Spencer shall replace Katharine
Parsons, who has resigned.

Section 2. This resolution shall take effect
immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-255
Re: Inter-Municipal Agreement -
Monroe County Library System

Transmitted herewith for your approval is legisla-
tion authorizing an inter-municipal agreement with
the Monroe County Library System to fund and
implement a website content management system
for the use of both the City and the County.

The goal of this collaboration is to reduce costs,
share the intellectual capital of each organization
and create dynamic web sites for our community.
To facilitate the cooperative approach in meeting
our mutual expectations, a Memorandum of Un-
derstanding was developed. The MOU states that
the Monroe County Library System shall purchase
and pay annual maintenance on the Ektron
CMS400.NET software; the software will reside
on City of Rochester equipment; and the City will
provide the hardware, staff support, and annual
maintenance coverage for that equipment and
cover the cost of future hardware upgrades and
expansions. Training costs will be shared by both
the City and MCLS based on a mutually-agreed
formula.

A content management system (CMS) is computer
software used to create, edit, manage, and publish
content in a consistently organized fashion. CMSs
are frequently used for storing, controlling,
versioning, and publishing industry-specific
documentation such as news articles, operators'
manuals, technical manuals, sales guides, and
marketing brochures. The content managed may
include computer files, image media, audio files,
electronic documents, and Web content.

The agreement, approved by the Library Board on
June 16, 2008, will expire on December 31, 2012.
The agreement may be terminated by either party
upon written notice to the other, no later than nine
months prior to the end of any calendar year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-255
(Int. No. 280)

**Authorizing A Cooperation Agreement For
A Library Content Management System**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Monroe County Library System for a website content management system to be used by the City and County Libraries. The agreement may extend through December 31, 2012.

Section 2. The agreement shall obligate the Monroe County Library System to purchase and pay the maintenance costs of the software, which shall reside on City equipment. The City shall provide hardware, including future upgrades and expansions, staff support and annual maintenance of the equipment. Training costs shall be shared by the City and County Libraries. Necessary City funding shall be provided in the annual budgets of the Rochester Public Library.

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. 2008-256
Re: Teen Centers at Lyell and Lincoln Branch Libraries

Transmitted herewith for your approval is legislation transferring \$100,000 from the 2007-08 Budget Contingency Account to the Library Cash Capital allocation for the construction of Teen Centers at the Lyell (\$25,000) and Lincoln (\$75,000) Branch Libraries.

The new Teen Centers will be supported by three youth service aides and three literacy aides. Thirty-one computers funded by the City and the Bill and Melinda Gates Foundation will be added to the locations over the next two years. The new Teen Centers will provide computer and life skills training and counseling services.

Over 22,000 youths visited the existing Teen Centers at the Maplewood and Arnett Branch Libraries over the past year, and we will build on that success with this expansion. We expect the work to be completed before the end of June 2009.

Respectfully submitted,
Robert Duffy
Mayor

Attachment No. AH-83

Ordinance No. 2008-256
(Int. No. 281)

Amending The 2007-08 Budget For Library Teen Centers

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

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency Account to the Cash Capital allocation to fund the construction of Teen Centers at the Lyell and Lincoln Branch Libraries.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-257 and
Ordinance No. 2008-262
Re: Consolidated Plan Housing Programs

Transmitted herewith for your approval is legislation appropriating a total of \$394,608 and authorizing agreements for City Housing Programs consistent with the City's Housing Policy. This legislation will:

1. Amend the 2006-07 and 2007-08 Consolidated Community Development Plans, as summarized below, to transfer the amount of \$182,108, the Challenged Streets Initiative, and appropriate those funds;

CDBG Fund Transfers to the Challenged Streets Initiative Fund

| Funding Source | Program Year | Amount |
|----------------------|-------------------------------|---------------|
| <u>Transfer From</u> | | |
| CDBG | 2006-07 | \$110,000 |
| | Homebuyer Assistance/Training | |
| CDBG | 2007-08 | <u>72,108</u> |
| | Homebuyer Assistance/Training | |
| Total City Funding | | \$182,108 |

2. Establish \$182,108 as maximum compensation for an agreement with Northeast Area Development, Inc (NEAD) for a property repair program through the Challenged Streets Initiative;
3. Repeal Ordinance No. 2006-223 that appropriated \$25,000 from the 2004 HOME Program, New Housing Construction allocation and authorized the sale of five properties to the Ibero-American Development Corporation for the Ibero-Woodbridge project. That project has been withdrawn. The developer has decided not to proceed with the project and the property sale authorization and funds are no longer needed;
4. Appropriate \$150,000 from the 2004 HOME Program, New Housing Construction allocation;
5. Authorize an agreement with Flower City Habitat For Humanity for infrastructure im-

- provements for 10 houses at a maximum cost of \$150,000;
- 6. Appropriate \$62,500 from the 2008-09 Consolidated Community Development Plan, Improving the Housing Stock and General Property Conditions allocation; and
- 7. Establish \$62,500 as maximum compensation for an agreement with Enterprise Community Partners, Inc. (Enterprise).

Descriptions and details related to each of the three proposed program are provided as attachments.

Housing Development Fund (\$394,608)

The program provides financing for the development of owner and rental housing; rehabilitation grants and loans for owner-occupants for minor and moderate repairs; lead hazard reduction for owner-occupants and housing providers/landlords; and operating assistance for housing development support. This legislation provides funding for the following Housing programs: Community Housing Development Organizations (CHDO) - Development, Housing Development Support, Lead Hazard Reduction & Rehab Rochester, Neighborhoods Revolving Loan, Rental Housing Fund and the Residential Assistance Program (RAP).

| <u>Agency</u> | <u>Purpose</u> | <u>Amount</u> | <u>Source</u> |
|-------------------------------------|-----------------------------|---------------|---------------|
| Northeast Area Development | Housing Rehabilitation | \$110,000 | 2006-07 CDBG |
| | | \$72,108 | 2007-08 CDBG |
| Flower City Habitat For Humanity | New Construction | \$150,000 | 2004 HOME |
| | | | |
| Enterprise Community Partners, Inc. | Housing Development Support | \$62,500 | 2008-09 CDBG |
| | | | |

Public hearings to amend the 2006-07 and 2007-08 Consolidated Plans are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment AH-84

Ordinance No. 2008-257
(Int. No. 283)

Approving Housing Development Fund Programs And Repealing Ordinance No. 2006-223

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General

Property Conditions allocation of the 2008-09 Community Development Program the sum of \$62,500, from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program the sum of \$72,108, from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program the sum of \$110,000, and from the New Housing Construction allocation of the 2004 HOME Program the sum of \$150,000, or so much thereof as may be necessary, to fund the following Consolidated Plan Housing Programs:

| | |
|-------------------------------------|-----------|
| Housing Development Fund | \$394,608 |
| Northeast Area Development | \$182,108 |
| Flower City Habitat for Humanity | 150,000 |
| Enterprise Community Partners, Inc. | 62,500 |

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. Ordinance No. 2006-223, relating to the sale of real estate to and an agreement with the Ibero-American Development Corporation, is hereby repealed.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-262 appears on page 247 of the current Council Proceedings.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-258
Re: Acquisition of Real Estate

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation or condemnation of 419 Orange Street, currently owned by Donna Dews, as part of the Challenged Streets Initiative. The acquisition amount of \$2,000 was established through an independent appraisal prepared by Midland Appraisal Associates. The property is a residential vacant lot; therefore no relocation estimates are required. A total cost of \$3,000 is requested to cover the acquisition and closing costs for the property. The source of funds is the 2002-03 Cash Capital, NET Acquisition allocation.

The Challenged Streets Program, initiated through the Neighborhood Empowerment Team (now Neighborhood Service Centers) is aimed at neighborhood improvements. The goal of the program is to invest resources in targeted neighborhoods that meet the following criteria: the neighborhood

must be of specific concern to residents, have an abundance of vacant and blighted properties and associated public safety issues, and have current plans for development in the immediate area. Funding is to be used for the acquisition, rehabilitation and demolition of blighted properties. The JOSANA neighborhood, located in the northwest section of the City, was selected to receive funding in the amount of \$200,000.

Some of the specific streets identified for the project area include Jay, Orchard, Orange, and Grape Streets. The neighborhood is characterized by blight and general deterioration. At the same time, there are a committed neighborhood organization and other community service partners who are working to improve the area. Improvements to the JOSANA neighborhood will strengthen the neighborhood, which includes PAETEC Park.

The acquisition of this lot will support ongoing developments in JOSANA by Flower City Habitat for Humanity and the Rochester Housing Authority. Both entities are committed to revitalizing the neighborhood through the construction of affordable single housing units in JOSANA.

Outstanding City taxes and other charges against the vacant lot will be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-85

Ordinance No. 2008-258
(Int. No. 302)

Authorizing The Acquisition Of 419 Orange Street As A Part Of The Challenged Streets Program

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

Section 1. The Council hereby approves the acquisition of 419 Orange Street, SBL #105.82-3-40, from the current owner, Donna Dews, for the sum of \$2,000, as a part of the Challenged Streets Program. Said amount, and necessary closing costs, shall be funded from the 2002-03 Cash Capital allocation.

Section 2. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 6 and
Resolution No. 2008-23
Re: Rochester Environmental Commission

Transmitted herewith for your approval is legislation relating to the Rochester Environmental Commission (REC). This legislation will:

1. Amend the City Charter to eliminate term limits for Commission members and clarify provisions relating to the filling of vacancies; and
2. Confirm the appointments and reappointments of members to the Commission.

Charter Amendment. With the adoption of the 2003 Zoning Code, term limits for members of land-use boards and commissions were eliminated to retain dedicated and qualified members. The REC term limit changes were inadvertently omitted at that time. The changes also clarify that the Mayor appoints members, with confirmation by City Council, to fill vacancies for the balance of unexpired terms.

Appointments.

| | |
|---------------------|---------------------|
| Richard M. Pospula | Tanya Mooza Zwahlen |
| 63 Elmtree Road | 139 Caroline Street |
| Rochester, NY 14612 | Rochester, NY 14620 |

Mr. Pospula, AIA, NCARB, is a licensed architect at Hunt Engineer & Architects and has 33 years of experience in the architectural and planning fields. He is president of the Rochester Chapter of American Institute of Architects.

Ms. Mooza Zwahlen, AICP, is a certified planner with experience in neighborhood planning, transportation planning, economic development, socio-economic and demographic analysis and participatory planning methods. She is currently employed by Bergman Associates.

Mr. Pospula's and Ms. Mooza Zwahlen's terms will expire July 31, 2011. Copies of their resumes are on file in the City Clerk's Office.

Reappointments. The following are current members.

| <u>Name</u> | <u>Term Expired</u> | |
|--------------------|----------------------|---|
| | <u>Meetings Held</u> | <u>Meetings Attended</u> <u>New Term Expiration</u> |
| Eugene F. Gartland | Mar 1998 | |
| 64 | 62 | Mar 2011 |
| Rosemary Jonientz | Apr 2005 | |
| 15 | 12 | Apr 2009 |

| | | |
|-----------------|----|-----------|
| Thomas Tuori | | Apr 2005 |
| 15 | 10 | Apr 2010 |
| Patsy Robertson | | Mar 1997 |
| 57 | 50 | Mar 2011 |
| Molly Doyle | | July 2004 |
| 24 | 19 | July 2010 |

| <u>Name</u> | <u>Expiration of Term</u> |
|-------------------|---------------------------|
| Eugene Gartland | March 31, 2011 |
| Rosemary Jonientz | April 30, 2009 |
| Thomas Tuori | April 30, 2010 |
| Patsy Robertson | March 31, 2011 |
| Molly Doyle | July 31, 2010 |

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 6
(Int. No. 304)

Local Law Amending The City Charter With Respect To The Rochester Environmental Commission

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 C of Section 12-12, Rochester Environmental Commission, to read in its entirety as follows:

- C. Term of office: vacancies. The term of office of each member shall be three (3) years. Vacancies on the Commission shall be filled by appointment by the Mayor, subject to confirmation by City Council, for the balance of the unexpired term.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Resolution No. 2008-23
(Int. No. 305)

Resolution Approving Appointments To The Rochester Environmental Commission

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

Section 1. The Council hereby approves the appointment of Richard M. Pospula, 63 Elmtree Road, to the Rochester Environmental Commission for a term which shall expire on July 31, 2011.

Section 2. The Council hereby approves the appointment of Tanya Mooza Zwahlen, 139 Caroline Street, to the Rochester Environmental Commission for a term which shall expire on July 31, 2011.

Section 3. The Council hereby approves the reappointment of the following persons to the Rochester Environmental Commission:

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-259
Re: River Park Commons

Transmitted herewith for your approval is legislation related to funding for the redevelopment of River Park Commons. This legislation will:

1. Amend Ord. No. 2005-377 by reducing the amount of the loan agreement with Conifer Hamilton, LLC, or an affiliated partnership or housing development fund corporation to be formed by Conifer Hamilton, LLC, for the purchase and rehabilitation of the high-rise Hamilton Apartments from \$1,000,000 to an amount not to exceed \$500,000 to be funded by the Rental Housing Fund in the 2005 HOME Program;
2. Rescind the appropriation of \$500,000 for the above loan from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program;
3. Appropriate \$500,000 for relocation assistance for the redevelopment of the Erie Harbor low-rise structures from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program; and
4. Amend Ord. No. 2008-90 by rescinding the following appropriations: \$130,000 from the 2003-04 HOME Program and \$400,000 from the 2004-05 HOME Program and substituting these funds with the \$500,000 appropriated above, and \$30,000 from the Industrial Revolving Loan Fund as described below.

The City has committed \$3,300,000 to the redevelopment of River Park Commons through two projects - the Hamilton Apartments and Erie Harbor. Of this amount, City Council appropriated \$1 million for the Hamilton Apartments through Ord. No. 2005-377, and \$800,000 for relocation assistance for tenants of the Erie Harbor structures through Ord. No. 2008-90 (\$530,000 in HOME funds and \$270,000 in CDBG funds). Conifer has requested permission from the City to shift \$500,000 of the \$1million for the Hamilton Apartments to Erie Harbor. At the same time, the City needs to replace the \$530,000 in HOME Program funds for relocation assistance with

\$500,000 in CDBG funds and \$30,000 from the Industrial Revolving Loan Fund. The latter \$30,000 is already appropriated.

This shift would then structure City construction/permanent financing in the amounts of \$500,000 for the Hamilton Apartments and \$2,000,000 for Erie Harbor, with an additional \$800,000 for relocation assistance for tenants of Erie Harbor. Appropriation of the \$2,000,000 for construction/permanent financing for Erie Harbor will be recommended to City Council at a later date.

HUD's approval is needed for a Section 236 decoupling and related waivers. Conifer has received conditional approval for the decoupling and expects to complete the decoupling and close on the financing for the Hamilton Apartments by September 2008. Relocation of the Erie Harbor tenants is expected to start in Summer 2008 and be complete by Fall 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-86

Ordinance No. 2008-259
(Int. No. 306)

Amending Ordinances No. 2005-377 And 2008-90 Relating To The Redevelopment Of River Park Commons

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

Section 1. Ordinance No. 2005-377, relating to a loan agreement for the Hamilton Apartments Project, is hereby amended by reducing the amount authorized and appropriated for said loan to an amount not to exceed \$500,000, and by repealing the appropriation of \$500,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program contained in Section 2 thereof.

Section 2. Ordinance No. 2008-90, relating to relocation assistance for the redevelopment of River Park Commons, is hereby amended by repealing the amount authorized and appropriated for said assistance in the amount of \$130,000 from the 2003-04 HOME Program and in the amount of \$400,000 from the 2004-05 HOME Program. The sum of \$500,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program, and the sum of \$30,000 shall be funded from the Industrial Revolving Loan Fund, to replace said amounts.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-260
Re: Lead Hazard Control Grant Program
Submission of Grant Application

Transmitted herewith for your approval is legislation authorizing application to the HUD Office of Healthy Homes and Lead Hazard Control for a grant in the amount of \$4,000,000.

The grant application will support the City's Lead Hazard Control Program where deferred loans are made available to eligible owners of privately held 1-4 unit residential structures. Assistance will be provided to correct lead-based paint hazards, including: window replacement, porch repair, painting, siding, bare soil treatment, and minor rehabilitation work associated with lead hazard control.

The City will provide a funding match of \$1,650,000 which, with \$3.3 million of the HUD grant, will address a total of 330 residential units over a three-year period, with an average loan of \$15,000 per unit. The remaining HUD funds (\$695,000) will fund administrative costs, lead-based paint inspections, child blood testing, lead-safe work practices training, and temporary relocations.

Participating property owners will be required to complete a HUD-approved lead-safe work practices training course. They must also agree to have child occupants under the age of six tested for lead poisoning if they have not done so six months before the work starts. Rental property owners will be required to produce a 20% funding match and must agree to provide rents affordable to families earning incomes at or below 50% AMI. All assisted property owners must agree to maintain the assisted unit(s) as lead-safe for a period of five years.

The program will be made available City-wide with an emphasis placed on enrolling families with children located in the City's "at-risk" neighborhoods. These areas comprise 41 census tracts where the incidence of child lead-poisoning is greatest. Neighborhood and faith-based organizations will be recruited to market the program in the neighborhoods they serve. If funded, applications are expected to be taken beginning in January 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-260
(Int. No. 307)

Authorizing An Application And Agreement For The Lead Hazard Control 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 for the City's Lead Hazard Control Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-261
Re: Zoning Map Amendment (M-06-07-08)
To Rezone 115 N. Union Street
and portions of 271, 275-277 and
283 Lyndhurst Street from R-2
Medium Density Residential to
CCD-M City Center District
Main Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning a 0.28 acre area of land from R-2 Medium Density Residential to CCD-M Center City District-Main Street.

The 0.28 acre land area that is proposed to be rezoned includes 115 N. Union Street and the rear of 271, 275-277 and 283 Lyndhurst Street. This land area is proposed to be combined with 650, 658 and 672 E. Main Street to create a 1.13 acre parcel to accommodate future development. The R-2 residential district does not permit commercial development and therefore must be rezoned.

The Planning Commission held an informational hearing on June 16, 2008. There were 2 speakers in support of this proposal and 2 speakers in opposition. One of the speakers spoke in favor of the proposal in her capacity as a neighborhood association president, and in opposition on behalf of area residents that have concerns regarding proposed development.

By a vote of 4-1-0, the Planning Commission recommends approval of the rezoning to City Council with Findings.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an Unlisted Action. An environmental determination for the Zoning Map Amendment will be issued prior to City Council action.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-87

Ordinance No. 2008-261
(Int. No. 303)

Changing The Zoning Classification Of 115 North Union Street And Portions Of 271, 275-277 And 283 Lyndhurst Street From R-2 Medium Density Residential To CCD-M City Center District Main Street

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 115 North Union Street and portions of 271, 275-277 and 283 Lyndhurst Street from R-2 Medium Density Residential to CCD-M City Center District Main Street:

ALL THAT TRACT OR PARCEL OF LAND, being a portion of Lots 10, 11 and 12 of the Otis Viele Tract and Lots 35 & 36 of the Riley's East Main Street Tract, situate in the City of Rochester, County of Monroe, State of New York, bounded and described as follows:

BEGINNING at a point on the west line of North Union Street marking the northeast corner of lands now or formerly owned by David F. Gantt and Andrew Gross per Tax Map No. 106.82-01-3 and the northeast corner of Lot 34 of the Riley's East Main Street Tract, said point of beginning also being N 22° 07' 48" E, 69.78 feet from the intersection of the west line of North Union Street with the northerly line of East Main Street and running thence:

- (1) The following courses and distances along the northerly line of lands now or formerly owned by David F. Gantt and Andrew Gross, N 68° 18' 02" W, 129.98 feet to a point,
- (2) N 22° 07' 48" E, 0.76 feet to a point and
- (3) N 68° 18' 02" W, 117.23 feet to a point on the south line of Lot 10 of the Otis Viele Tract, lands now or formerly owned by David F. Gantt and Andrew Gross; thence,
- (4) N 82° 42' 19" E, through Lot 10, lands now or formerly owned by David F. Gantt and Andrew Gross, 38.33 feet to a point on the west line of Lot 11 of the Otis Viele Tract and lands now or formerly owned by David F. Gantt; thence,
- (5) Continuing on the same course through Lot 11, land now or formerly owned by David F. Gantt, 48.51 feet to a point on the west line of Lot 12 of the Otis Viele Tract, west line of land now or formerly owned by Andrew Gross, Jr. and continuing on the same course through Lot 12, land now or formerly owned by An-

drew Gross, Jr., 47.74 feet to a point marking the southwest corner of Lot 37 of the Riley's East Main Street Tract and the southwest corner of land now or formerly owned by Narciso and Luz Ayala; thence,

- (6) S 68° 18' 07" E, along the south line of Lot 37, land now or formerly owned by Narciso and Luz Ayala, land now or formerly owned by Marion Jones and land now or formerly owned by Rachael Quinones, passing through an iron pin 129.98 feet distant and continuing along the same course, 25.00 feet distant farther comprising a total distance of 154.98 feet to a point in the centerline of North Union Street; thence,
- (7) S 22° 07' 48" W, along the centerline of North Union Street, 66.00 feet to a point; thence,
- (8) N 68° 18' 02" W, 25.00 feet to the point and place of beginning comprising an area of 0.232 acres according to a plan prepared by Kocher Surveying, P.C. on April 9, 2008, Project No. N06-208.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Councilmember Warren abstained because her employer is an owner of one of the properties.

Councilmember Warren moved to discharge Int. No. 282 from committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

The transmittal letter for Introductory No. 282 appears on page 241 of the current Council Proceedings.

Ordinance No. 2008-262
(Int. No. 282)

Authorizing Amendatory 2006-07 And 2007-08 Community Development Program Plans To Transfer Funds For The Challenged Streets Initiative

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

Section 1. The Council hereby approves amendments to the Consolidated Community Development Plan / 2006-07 and 2007-08 Annual Action Plans whereby within the Improving the Housing Stock and General Property Conditions Allocations, \$110,000 from the 2006-07 Homebuyer Assistance/Training Account and \$72,108 from the 2007-08 Homebuyer Assistance/Training Account shall be transferred to new accounts for the Challenged Streets Initiative.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Miller - 1.

By Councilmember Lightfoot
July 15, 2008

To the Council:

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

Int. No. 284 - Authorizing An Agreement With The Rochester City School District For Refuse Collection

Int. No. 285 - Amending The 2007-08 Budget For Emergency Repairs At High Falls

Int. No. 286 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The Broad Street Tunnel Project And Appropriating Funds

Int. No. 287 - Authorizing The Acquisition Of A Permanent Easement For The Broad Street Tunnel Project

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

Int. No. 288 - Approving Changes In The Pavement Width Of Broad, Brown, Campbell, Allen, Canal And Main Streets As A Part Of The Broad Street Tunnel Project

Int. No. 289 - Changing The Traffic Flow Of Finch Street Between Driving Park Avenue And Lexington Avenue From Two-Way To One-Way Southbound

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo

Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-263
Re: Agreement - City School District,
Refuse and Recycling Collection

Transmitted herewith for your approval is legislation re-authorizing an inter-municipal agreement with the Rochester City School District for the collection of refuse and recyclable materials at all District facilities. The current agreement expires on June 30, 2008. The new agreement will be for two years (through June 30, 2010), with the option for three one-year renewals.

The City's Department of Environmental Services will provide solid waste collection and disposal, and coordinate collection of City School District recyclables.

The City shall also provide a 30-cubic yard compactor for corrugated cardboard, and 30-cubic yard open top roll-offs as required. Services shall be provided on a schedule when school is in session and on a will-call basis during school breaks.

All costs, estimated at \$350,000 for the first year, will be reimbursed by the School District. The agreement allows for an escalation of up to 6% in service charges after the first year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-263
(Int. No. 284)

Authorizing An Agreement With The Rochester City School District For Refuse Collection

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District whereby the City shall provide for the collection and disposal of refuse and recyclable materials from City School District facilities. The agreement shall extend for a term of two years, with three one-year renewal options. The City shall provide a compactor for corrugated cardboard and open top roll-offs as required.

Section 2. The agreement shall obligate the School District to pay the City for the use of the compactor and roll-offs and for the collection and disposal of refuse and recyclable materials at rates approved by the Commissioner of Environmental Services, which rates may be increased annually, not to exceed 6% during the initial term. All per ton tipping fees for solid waste roll-off containers

shall be as billed by the County of Monroe to the City. Fees shall also be established for the maintenance, sanitation, repair and replacement of the District's containers.

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. 2008-264
Re: 2007-08 Budget Amendment -
Emergency Repairs, High Falls

Transmitted herewith for your approval is legislation amending the 2007-08 Budget by transferring \$60,000 from Contingency to Cash Capital to fund emergency repairs at Granite Mills Park in the High Falls/Brown's Race Historic District, where a sinkhole has caused damage.

Granite Mills Park was originally constructed in 1992 as part of the High Falls District project. The park was erected over a demolished building or mill; the sinkhole is attributed to continued settling of the former building debris.

Design was prepared in-house. Repairs will include: protection and/or relocation of existing trees; removal of damaged pavers and excavation of the hole; excavation and installation of a new drainage system; use of appropriate fill to seal and stabilize the hole; installation of new pavers; and resetting of trees.

Repairs will be completed using existing contracts. Construction is planned for summer 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-264
(Int. No. 285)

Amending The 2007-08 Budget For Emergency Repairs At High Falls

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

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$60,000 from the Contingency Account to the Cash Capital allocation to fund emergency repairs at Granite Mills Park in the High Falls/Brown's Race Historic District.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-265,
Ordinance No. 2008-266 and
Ordinance No. 2008-267

Re: Broad Street Tunnel Project - Brown
Street to Exchange Boulevard

Transmitted herewith for your approval is legislation related to the Broad Street Tunnel Project. This legislation will:

1. Authorize an amendatory agreement with FRA Engineering, P.C. for additional engineering design services, at a cost of \$215,000. This will bring total maximum compensation to FRA for this project to \$1,439,160. The original agreement for \$1,224,160 was authorized by Council in August 1994. The cost of the amendatory agreement will be financed from Federal (\$172,000) and State (\$32,250) reimbursements appropriated below, and 2003-04 DES Cash Capital (\$10,750);
2. Authorize the acquisition of a permanent easement for right-of-way purposes at 60 Trowbridge Street;
3. Appropriate \$226,400 from anticipated reimbursements from the Federal Highway Administration to finance the federal share of additional design and administrative charges;
4. Appropriate \$42,450 from anticipated reimbursements from the State of New York to finance the state share of additional design and administrative costs; and
5. Authorize changes in the pavement width of Broad, Brown, Campbell, Allen, Canal and Main Streets as required for the project. The details of these changes are attached.

Planned improvements

The project includes two separate tunnel sections. Work in the north section (Main Street to Brown Street) includes removal of the entire structural deck and steel girder system; filling the tunnel cavity with embankment material; construction of new street pavement; installation of a new railroad access portal; replacement of concrete sidewalks and driveway aprons; granite curbs; street lighting improvements; drainage improvements; relocation of water utilities; replacement of traffic signal equipment as necessary; new pavement markings and signage; landscape improvements; and installation of a center median.

Work in the south section (Main Street to Exchange Street) is limited pending completion of the master plan authorized by City Council in February 2008. Interim design of improvements will address current structural deficiencies and preservation of the tunnel. This includes minor

rehabilitation to the substructure elements; complete removal and replacement of the waterproof membrane system; installation of a new asphaltic wearing surface; curb resetting; minor landscaping; and the installation several kiosks, markers and sidewalk striping corresponding to the Rochester Heritage Trail.

Amendatory Agreement

The additional funds will cover engineering planning and preliminary design services to complete the improvements described, and wage increases since the original agreement was authorized in 1994. Since 1994, feasibility studies have been conducted and public input sought on viable options for the tunnel. The 1998 Rochester Light Rail Transit Study (Wilbur Smith Associates), and the 2002 study conducted by Stone Consulting and Design, Inc., recommended the tunnel be filled from Plymouth Avenue to the Brown Street portal.

In 2007 the Federal Highway Administration directed the City to progress the project with an environmental assessment. This directive resulted in additional tasks for the consultant, including refinements to engineering design and traffic analysis, supplemental environmental assessment, additional public outreach, and development of an environmental assessment report.

The City will be reimbursed for its cost to administer this project. Additional administrative costs associated with this project are estimated to be \$68,000; the administrative costs will be funded from the Federal (\$54,400) and New York State funding (\$10,200), with the City's local share of \$3,400 funded from the 2008-09 Operating Budget of the Department of Environmental Services.

Easement

The acquisition of a permanent easement at 60 Trowbridge Street, currently owned by William B. Morse Lumber Co., will permit correction of a substandard highway alignment along Broad Street and enhance the visual aspects of a strategic Center City gateway. Both federal and state required environmental reviews were completed by the City for the project prior to final design of the project, and review included the proposed easement.

The \$12,500 value of the permanent easement on this 6,255 sq. ft. vacant lot was established by an independent appraisal performed by Robert G. Pogel. An additional \$3,500 will be allocated for closing costs and other associated legal fees. The total cost of \$16,000 will be financed from 2003-04 DES Cash Capital.

Pavement Changes

Pavement width changes will promote and enhance the visual and public realm, pedestrian and neighborhood connections, walkable initiatives, and a major downtown gateway. They are the result of public meetings and support the Center City Master Plan, Center City design guidelines, the 2007 Downtown Design Charette and the 2007

Susan B. Anthony Neighborhood Design Charette. The changes were approved by the Traffic Control Board at the June 24, 2008 meeting. Public meetings were held on June 4, 2004 and May 5, 2005 to present preliminary design plans. A Public Hearing was held on May 29, 2008. Meeting minutes are attached.

The preliminary cost estimate for the project is \$15,838,000, including preliminary and final design, right-of-way acquisition, construction and contingency. The cost will be financed as follows:

| Phase | Total | |
|--------------------|------------------|-------------------|
| | Federal | Local |
| Design Phase | | \$ 1,558,000 |
| \$ 1,246,400 | \$ 233,700 | \$ 77,900 |
| Construction Phase | | <u>14,280,000</u> |
| <u>11,411,000</u> | <u>2,139,600</u> | <u>729,400</u> |
| Total | | \$15,838,000 |
| \$12,657,400 | \$2,373,300 | \$807,300 |

It is anticipated that the construction will begin in Fall 2008 and be completed in 2010. A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-88

Ordinance No. 2008-265
(Int. No. 286)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The Broad Street Tunnel Project And Appropriating Funds

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

Section 1. The sum of \$215,000, 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 for engineering design services for the Broad Street Tunnel Project. Of said amount, \$172,000 shall be funded from the appropriation made in Section 2, \$32,250 shall be funded from the appropriation made in Section 3 and \$10,750 shall be funded from the 2003-04 Cash Capital allocation.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$226,400, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$42,450, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-266
(Int. No. 287)

Authorizing The Acquisition Of A Permanent Easement For The Broad Street Tunnel 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 approximately 6,255 square feet of the parcel at 60 Trowbridge Street, SBL #121.29-1-54, from the current owner, William B. Morse Lumber Company, for the sum of \$12,500 for street purposes as a part of the Broad Street Tunnel Project. Said amount, and necessary closing costs and legal fees, shall be funded from the 2003-04 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-267
(Int. No. 288)

Approving Changes In The Pavement Width Of Broad, Brown, Campbell, Allen, Canal And Main Streets As A Part Of The Broad Street Tunnel Project

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

Section 1. The Council hereby approves the following changes in the pavement width of the following streets as part of the Broad Street Tunnel Project:

On Broad Street:

- a. A reduction of 25.25 feet along the eastern side, starting at the north curb line of Brown Street and tapering 192 feet north of Brown Street, to match the existing pavement width.
- b. A reduction of 26 feet along the eastern side, starting 10 feet from the south curb line of Brown Street and tapering 344 feet south of Brown Street to match the new pavement width.
- c. A new pavement width of 52 feet, beginning 345 feet south to Brown Street, to the Allen Street intersection.
- d. A reduction of varied width, to a new pavement width of 52 feet, from the Allen Street intersection to the Industrial Street intersection.

- e. A reduction in width from 52 feet to 51 feet across the Industrial Street intersection.
- f. A reduction in pavement width from 55 feet to 51 feet extending east 596 feet from Industrial Street.
- g. A taper from 51 feet to 61 feet, 171 feet in length, beginning 596 feet east of Industrial Street.
- h. A taper from 61 feet to 63 feet, 47 feet in length, beginning 767 feet east – southeast of Industrial Street.
- i. A taper from 63 feet to 66 feet, 116 feet in length, beginning 814 feet east-southeast of Industrial Street.
- j. A reduction in overall width at the West Main Street intersection from 82 feet to 66 feet.
- k. A reduction in overall width from 63 feet to 51 feet at the Main Street-Cascade Drive-Broad Street intersection.
- l. A reduction in width, from 60 to 58 feet, 73 feet in length, beginning at the southeast end of the curb radius at the Main Street-Cascade Drive-Broad Street intersection, then matching the existing pavement width.

On Brown Street:

- a. A reduction in width from 29 feet to 26 feet, beginning 42 feet southwest of Broad Street.
- b. A taper from 26 to 20 feet, 32 feet in length, beginning 42 feet from the southwest curb of Broad Street.
- c. A taper from 20 to 26 feet, 48 feet in length, beginning 74 feet from the southwest curb of Broad Street.

On Campbell Street:

- a. An increase in width from 24 feet to 30 feet, at the northeast Brown Street-Campbell Street split.

On Allen Street:

- a. A reduction in width, from 60 feet to 39 feet at the Broad Street-Canal Street intersection, and continuing 61 feet from Canal Street.
- b. A taper from 39 feet to 60 feet, 79 feet in length, beginning 61 feet from the east curb line of Canal Street, to match the existing pavement width.

On Canal Street:

- a. A reduction in width, from 36 to 24 feet, beginning at the Broad Street intersection and continuing south 121 feet from the existing Allen street curb line where the east curb

will taper east to 36 feet in width, matching the existing width.

On Main Street:

- a. A reduction in width, from 76 feet to 65 feet, at the west side of the Broad Street-Main Street intersection.
- b. A reduction in width, from 96 feet to 85 feet, at the east side of the Broad Street-Main Street intersection.
- c. A taper from the new width of 85 feet to 76 feet, beginning at the Broad Street-Main Street intersection and continuing east 219 feet from the intersection.
- d. A reduction in width, from 60 feet to 44 feet, at the east side of the Cascade Drive-Main Street intersection, matching the existing pavement width 68 feet from the intersection.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-268
Re: Authorize Finch Street Southbound
One-way

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Finch Street between Driving Park Avenue and Lexington Avenue from two-way traffic to one-way southbound.

The change in traffic flow is requested by residents on the street as a crime prevention and quality of life measure. Additionally, feedback from neighbors of the new Price Rite grocery store at 375 Driving Parking Avenue has resulted in the proposed change as a way of reducing congestion near the new business. A map of the street is attached.

In addition to a majority of residents, Price Rite management endorses the southbound Finch Street one-way, as does the Cathedral School at Holy Rosary, located on Finch Street.

The changes identified were endorsed by the City's Traffic Control Board at the June 24, 2008 meeting.

A public hearing on the traffic flow change is required.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AH-89

Ordinance No. 2008-268
(Int. No. 289)

**Changing The Traffic Flow Of Finch Street
Between Driving Park Avenue And Lexington
Avenue From Two-Way To One-Way South-
bound**

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

Section 1. The Council hereby approves a
change in the traffic flow of Finch Street between
Driving Park Avenue and Lexington Avenue from
two-way to one-way southbound.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

By Councilmember Miller
July 15, 2008

To the Council:

The Economic Development & The Environment
Committee recommends for adoption the follow-
ing entitled legislation:

Int. No. 290 - Authorizing Applications And
Agreements For Grant Funds

Int. No. 291 - Establishing Maximum Compensa-
tion For An Amendatory Professional Services
Agreement For Legal Services For The Vacuum
Oil Site Remediation

Int. No. 308 - Amending Ordinance No. 2008-
61, Relating To The Compensation For The Ac-
quisition Of Midtown Plaza Properties

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

Int. No. 309 - Resolution Approving Relocation
To The Wayne County Empire Zone

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVI-
RONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-269
Re: Grant Application - NYS Department
of State, 2008-09 Environmental
Protection Fund

Transmitted herewith for your approval is legisla-
tion authorizing an application to the New York
State Department of State's Environmental Protec-
tion Fund (EPF) grant program. The Division of
Coastal Resources provides funding for planning,
design, feasibility studies and construction projects
that advance implementation of a Local Water-
front Revitalization Program. The LWRP grant
program provides up to 50% of the total cost of a
project.

The Department of Environmental Services Bu-
reau of Architecture and Engineering is pursuing
funding for five priority projects, summarized as
follows:

| <u>Project</u> | <u>Total Cost</u> | <u>State Request</u> | <u>Local Match</u> |
|--|-------------------|----------------------|--------------------|
| Erie Harbor Enhancements | \$800,000 | \$400,000 | \$400,000 |
| Harbor Management Plan | \$300,000 | \$150,000 | \$150,000 |
| Lake Avenue to Lighthouse Trail & Overlook | \$300,000 | \$150,000 | \$150,000 |
| Genesee Valley Park Master Plan | \$140,000 | \$70,000 | \$70,000 |
| Durand Eastman Beach Bath House Site Improvements | \$620,000 | \$310,000 | \$310,000 |

Erie Harbor Enhancements

Administered by the Department of Economic
Development, this project is scheduled to begin in
2009 and to be completed by 2010. It will provide
public art installations visible from the Genesee
River and Mount Hope Avenue, as well as en-
hanced public access to the waterfront through the
Erie Harbor development. The project will also
provide contextually-sensitive screening of the
development's surface parking lots from Mount
Hope Avenue, and traffic calming enhancements
in the form of bump-outs and crosswalks along
Mount Hope Avenue. The application requests
\$400,000 in State funding; the local matching
share is being provided through a combination of
public easement value, Community Development
Block Grant funds, and environmental remediation
funds.

Port of Rochester Harbor Management Plan

Administered by the Department of Environmental
Services, this project is scheduled to begin in 2009
and to be completed by 2010. It will develop a
comprehensive plan at the waterside that compli-
ments existing landside plans at the Port of Roch-
ester. The application requests \$150,000 in State
funding; the local matching share is being pro-
vided through a combination of Port Cash Capital
included in the 2009-2013 Capital Improvement
Program and the value of in-kind services.

Lake Avenue to Lighthouse Trail & Overlook

Administered by the Department of Environmental Services, this project is scheduled to begin in 2009 and to be completed by 2010. It involves the design and construction of a multi-use trail promenade between Lake Avenue and the historic Charlotte-Genesee Lighthouse as well as a scenic overlook of the Genesee River and Lake Ontario. The application requests \$150,000 in State funding; the local matching share is included as General Debt in the 2009-2013 Capital Improvement Program.

Genesee Valley Park West Master Plan

Administered by the Department of Environmental Services, this project will procure consultant services to plan for and design an expansion of the Genesee Waterways Center to include a community fitness center, placement of athletic fields, recommendations for improved parking and circulation, and maximizing efficient use of the park within its historic context. The application requests \$60,000 in State funding; the local matching share will be funded with \$45,000 from the City's Cash Capital Fund and \$15,000 from the Genesee Waterways Center.

Durand Eastman Beach Bath House Site Preparation & Improvements

Administered by the Department of Environmental Services, this project is scheduled to begin in 2009 and to be completed by 2011. The project involves the design and construction of utilities related to the planned construction of a Bath House at Durand Eastman Beach. The application requests \$310,000 in State funding; the local matching share was included as General Debt in the 2008-2012 Capital Improvement Program.

State funding would provide an important catalyst for increasing the priority of these projects, and would maximize the effectiveness of the City's Capital Improvement Plan project funding. The City was a successful recipient of \$680,000 in State funding during the 2006-07 grant cycle and \$905,000 in State funding for 2007-08.

It is anticipated that funding for the project will be allocated through the City's Capital Improvement Planning process.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-90

Ordinance No. 2008-269
(Int. No. 290)

Authorizing Applications And Agreements For Grant Funds

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

Section 1. The Mayor is hereby authorized to

submit applications to and enter into agreements with the New York State Department of State under the Local Waterfront Revitalization Program for funding for Erie Harbor Enhancements, the Port of Rochester Harbor Management Plan, Lake Avenue to Lighthouse Trail and Overlook Project, the Genesee Valley Park West Master Plan and the Durand Eastman Beach Bath House Site Preparation and Improvements Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-270
Re: Agreement - Legal Services,
Vacuum Oil Site Remediation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Harter Secrest & Emery LLP (HSE), 1600 Bausch & Lomb Place, for Paul Sylvestri to act as principal attorney for the City to provide legal services relating to the investigation and remediation of City brownfield properties. This amendatory agreement will increase maximum compensation by \$55,000 for a total of \$65,000. This amount will be funded from the 2005-06 Cash Capital allocation.

HSE will provide legal services to assist with the environmental investigation and environmental remediation of brownfield sites, including the former Vacuum Oil Site. A brownfield is any real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

The Vacuum Oil Site includes more than twenty acres adjacent to the western bank of the Genesee River near Exchange and Flint Streets. Most of the portion located south of Flint Street is either owned by the City, or is vacant or underutilized land. Vacuum Oil operated an oil refinery, oil storage, and oil distribution facility from 1866 to 1936. Past environmental investigations have indicated environmental concerns, but the site has not been fully investigated.

ExxonMobil, a successor company of Vacuum Oil, has recently been identified as a responsible party for the environmental remediation of a portion of the site. The City is working with them to coordinate future environmental work. In February 2008, ExxonMobil and the NYSDEC executed a Stipulation Agreement which requires ExxonMobil to investigate and clean up discharges of petroleum. ExxonMobil's initial investigation on land owned or controlled by the City was initiated June 16, 2008 and will take several months to

complete.

The HSE scope of services will include direct negotiations with ExxonMobil to facilitate a timely investigation and remediation of the contamination at the Vacuum Oil Site, including negotiating site access agreements that ExxonMobil will need from the City. These services may also include negotiations related to financial contributions or cost recovery from Exxon Mobil for environmental investigation and cleanup. HSE will also monitor the NYSDEC requirements and ExxonMobil's efforts to assure that they protect the interests of the City and other stakeholders. In the event negotiations with ExxonMobil are unsuccessful, HSE will provide legal assistance and support to the City as it considers and pursues other legal options. HSE will also work to fill data gaps that may remain after ExxonMobil completes environmental investigations or cleanup projects.

HSE will also assist the City in the proposed acquisition of properties in the southern portion of the Vacuum Oil Site that are not already owned by the City. HSE will advise the City on the scope of appropriate environmental due diligence assessments and investigations, potential liability concerns associated with the proposed acquisitions, the need for acquisitions, and the timing of such acquisitions.

If requested by the City, HSE will also assist the City with the preparation of leases, sale and purchase agreements, SEQRA documentation, environmental engineering and institutional controls, and resolutions for any zoning changes the City may deem necessary to allow for the proper redevelopment of the Vacuum Oil Site.

Outside counsel is requested in this matter because Mr. Sylvestri can provide expertise in environmental law beyond that of members of the Law Department. HSE was selected because of Mr. Sylvestri's specialized legal expertise in brown-field investigations and cleanup projects.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-270
(Int. No. 291)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Legal Services For The Vacuum Oil Site Remediation

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

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Harter Secrest & Emery LLP for legal representation of the City with respect to the investigation and remediation of the Vacuum Oil site and the surrounding area, and advice on related legal

issues. The agreement may extend for the duration of the remediation and any legal proceedings. 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. 2008-271
Re: Amending Ord. No. 2008-61, Midtown
Condemnation Payment

Transmitted herewith for your approval is legislation amending Ordinance No. 2008-61, which established the price for the condemnation of Midtown Plaza at \$5,900,000, to affirm that said ordinance does not limit the liability of the City for additional claims arising from the acquisition of the Midtown properties pursuant to the Eminent Domain Procedure Law.

This amendment is being requested because the ordinance is the focus of an appeal of the condemnation that has been filed by Carrols Corporation, d/b/a Burger King. As set forth in the transmittal letter, the amount of \$5,900,000 was the highest of two appraisals and therefore the amount which was required to be offered pursuant to the Eminent Domain Procedure Law. In accordance with constitutional requirements and the Eminent Domain Procedure Law, additional claims may be made and the amount established in the ordinance does not limit the payments that may be required in future judicial proceedings.

At the time this ordinance was passed, the potential for additional claims was understood and discussed with Council. At this time, Midtown Rochester Properties LLC has reserved its right to make an additional claim for compensation. In addition, benefits under the Uniform Relocation Act have been offered to all tenants.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-271
(Int. No. 308)

Amending Ordinance No. 2008-61, Relating To The Compensation For The Acquisition Of The Midtown Plaza Properties

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

Section 1. Ordinance No. 2008-61, establishing the compensation for the acquisition of the Midtown Plaza properties, is hereby amended by amending Section 1 thereof to read in its entirety as follows:

Section 1. The Council hereby establishes the

sum of \$5,900,000 as the amount of the offer for the acquisition of the Midtown Plaza properties, consisting of 285 East Main Street, SBL #121.24-1-8.1; 18-26 South Clinton Avenue, SBL #121.24-1-28; 32-58 South Clinton Avenue, SBL #121.24-1-29; and 100 South Clinton Avenue, SBL #121.24-1-24.1; as authorized in Ordinance No. 2007-485, to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for claims arising from the acquisition of the above properties pursuant to the Eminent Domain Procedure Law.

Section 2. This ordinance shall apply retroactively to the effective date of Ordinance No. 2008-61.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-24
Re: Empire Zone Relocation Request
for Van Hee Heating

Transmitted herewith for your approval is legislation approving the relocation request of Van Hee Heating to maintain their Empire Zone status as they relocate from 700 Hollenbeck Street in the City of Rochester to 6355 Dean Parkway in the Town of Ontario.

The current facility leased by Van Hee Heating has become too small for their operations and the building has fallen into a state of disrepair. The company considered several locations within the City, including 299 Norton Street, 622 Hollenbeck Street and 150 East Ridge Road; none of these sites were suitable for their needs.

The Ontario location provides space for the installation of a network of underground piping the company needs for their geothermal heating system products. In addition, the space allows for them to display the installation process of the special piping for customers and contractors. The new location in Ontario is located within the Wayne County Empire Zone.

Van Hee would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. Section 959 (a) (iii) of the NYS law allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ only if the shift of operations is approved by the municipality from which the company is relocating.

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. The

City has accepted such relocations in the past, as well as approving them.

A public hearing on the Empire Zone relocation/designation is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-91

Resolution No. 2008-24
(Int. No. 309)

Resolution Approving Relocation To The Wayne County Empire Zone

WHEREAS, Van Hee Heating (the "Company"), a HVAC contracting firm specializing in geothermal, solar and wind energy with offices at 700 Hollenbeck Street, Rochester, New York in the City of Rochester, will be relocating to 6355 Dean Parkway in the Town of Ontario, and

WHEREAS, the Company employs 10 people, including 1 resident of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when it outgrew its current facility at 700 Hollenbeck Street. Van Hee Heating considered several locations within the City of Rochester, but was unable to find a suitable location within the City that fit its business needs.

WHEREAS, Rochester City Council has heard public comments that extraordinary circumstances existed to warrant the relocation of the company to the Wayne County Empire Zone at a public hearing on July 15, 2008 at City Hall, 30 Church Street, Rochester, New York 14614,

NOW, THEREFORE, BE IT RESOLVED, that the Rochester City Council consents to the relocation of Van Hee Heating from the City of Rochester to the Wayne County Empire Zone in the Town of Ontario.

Adopted unanimously.

By Councilmember McFadden
July 15, 2008

To the Council:

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

Int. No. 292 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Hudson Avenue Firehouse Renovation And Expansion Project And Amending Ordinance No. 2008-64

Int. No. 293 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For Fire Prevention

Int. No. 294 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For The Bomb Squad

Int. No. 295 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For Homeland Security, As Amended

Int. No. 296 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For PAC-TAC

Int. No. 297 - Authorizing Agreements For Funding For The 2008 Justice Assistance Grant Program

Int. No. 298 - Amending The 2008-09 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

Int. No. 299 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 300 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

The following entitled legislation is being held in Committee:

Int. No. 301 - Authorizing Agreements For Youth Services Programs

Int. No. 310 - Establishing Maximum Compensation For A Professional Services Agreement For Parenting Workshops

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
William F. Pritchard (Did not vote on Int. Nos. 292 thru 298)

PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-272
Re: Amendatory Agreement - Hudson Avenue Fire House Renovation and Expansion Project

Transmitted herewith for your approval is legislation related to the Hudson Avenue Fire House expansion and renovations. This legislation will:

1. Authorize an amendatory agreement with Bergmann Associates, for additional design services in an amount not to exceed \$137,900, which will be financed from bonds authorized in Bond Ordinance 2008-126

(\$26,600), and from 2008-09 Cash Capital (\$111,300). This brings total maximum compensation to Bergmann for this project to \$529,900; and

2. Amend Ordinance 2008-64 to change the source of funding for \$142,000 from the 2007-08 Cash Capital allocation to Bond Ordinance No. 2008-126.

The additional design and architectural services are the result of current project demand in the Division of Architectural Services. The 2008-09 Capital Improvement Program identified rehabilitation and renovation needs at various City facilities that are most cost-effectively served by design and project oversight with in-house staff. Project cost and time efficiencies will be realized by continuing the next phase of design work by the consultant. The City will also benefit from the experience of the consultant in the area of LEED (Leadership in Energy and Environmental Design) project development.

Pre-design services for the Hudson Avenue Firehouse Renovation and Expansion Project were authorized by Council in February 2008. Design is currently underway; it is anticipated to be completed to provide for construction to commence in Summer 2009.

Ordinance No. 2008-64 authorized the original agreement with Bergmann Associates in the amount of \$392,000. Of this amount, \$250,000 was funded from Bond Ordinance No. 2008-65 and \$142,000 was funded from the 2007-08 Cash Capital allocation. This funding from the Cash Capital allocation was subsequently replaced by bonds in Bond Ordinance No. 2008-126, in order to free up the cash capital funds for the fast ferry repayment. This technical change to Ordinance No. 2006-64 is being made to correct the funding source.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-272
(Int. No. 292)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Hudson Avenue Firehouse Renovation And Expansion Project And Amending Ordinance No. 2008-64

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

Section 1. The sum of \$137,900, 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 pre-design and engineering services related to program development, condition survey and reporting, and schematic design for the Hudson Avenue Firehouse Renovation and Expansion Project. Of said amount,

\$111,300 shall be funded from the 2008-09 Cash Capital allocation and \$26,600 shall be funded from Bond Ordinance No. 2008-126.

Section 2. Ordinance No. 2008-64, relating to the original agreement with Bergmann Associates for pre-design and engineering services for the Hudson Avenue Firehouse Renovation and Expansion Project, is hereby amended by changing the partial source of funding for \$142,000 therein from the 2007-08 Cash Capital allocation to Bond Ordinance No. 2008-126.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-273
Re: Department of Homeland Security
Fire Prevention and Safety Grant

Transmitted herewith for your approval is legislation authorizing:

1. An agreement with the United States Department of Homeland Security for the receipt and use of grant funds, and;
2. An amendment to the Rochester Fire Department's 2008-09 operating budget.

The Department has received a grant from the Department of Homeland Security for \$73,325.

The funds will be used purchase 2500 dual sensor smoke detectors, longer life batteries, assist with training firefighters to deliver public educational outreach, and to purchase associated educational materials. This educational outreach program and smoke detector installation activity will focus on the 14621 neighborhood. The Department will provide \$18,332 in matching funds from its operating budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-273
(Int. No. 293)

Authorizing A Grant Agreement And Amending The 2008-09 Budget For Fire Prevention

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Homeland Security for a grant to the Rochester Fire Department to enhance fire prevention and safety.

Section 2. The agreement shall contain such

additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2008-198, the 2008-09 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 \$73,300, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund fire prevention and safety training and materials.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-274,
Ordinance No. 2008-275 and
Ordinance No. 2008-276
Re: Police Grants

Transmitted herewith for your approval is legislation authorizing agreements and amending the 2008-09 Budget to reflect several grant awards for Police programs. This legislation will:

1. Authorize an agreement with the New York State Office of Homeland Security for the receipt and use of a \$110,000 Law Enforcement Terrorism Protection Program grant, and amending the 2008-09 Cash Capital allocation of the Police Department by this amount;
2. Authorize an agreement with Monroe County for the receipt and use of \$85,000 of the County's award from the New York State Office of Homeland Security LETPP, and amending the 2008-09 Cash Capital allocation of the Police Department by this amount;
3. Authorize an agreement with the State of New York for the receipt and use of a \$50,000 Byrne Grant, and amending the 2008-09 Budget of the Police Department by this amount.

New York State Office of Homeland Security.

The City receives a direct award from the State under the Law Enforcement Terrorism Protection Program (LETTP) for training and equipment for the bomb squad to continue the process of increasing its capabilities and level of function. The term of the grant is July 1, 2008 to June 30, 2010. The previous LETTP grant was authorized by Council in November 2006. No matching funds are required.

Monroe County Homeland Security/LETTP.

The County receives funding under the State Homeland Security Program and Law Enforcement Terrorism Protection Program to share collaboratively with area agencies. The City's portion of

this funding will be used for ETF equipment, PAC-TAC expenses, and Bomb Squad equipment (not to exceed \$25,000). There is no match required; this is the first time the City has received a portion of the County's Homeland Security funds. The term of the agreement is July 1, 2008 through June 30, 2010. The grant will support acquisition of small equipment.

NYS Byrne Grant funds for PAC-TAC. This grant, made possible through the efforts of Assemblywoman Susan John, will be used to support the City's community-oriented policing program, PAC-TAC, for equipment, and for overtime for Police officers to work with PAC-TAC volunteers. This is the first time the City has received an award from this program for this purpose, and the limited term of the agreement is July 1, 2008 through September 30, 2008. The required 25% cash match is included in the 2008-09 Budget of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-274
(Int. No. 294)

Authorizing A Grant Agreement And Amending The 2008-09 Budget For The Bomb Squad

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for a Law Enforcement Terrorism Protection Program Grant to the Rochester Police Department to enhance the Bomb Squad.

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

Section 3. Ordinance No. 2008-198, the 2008-09 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 \$110,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund Bomb Squad training and equipment.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-275
(Int. No. 295, As Amended)

Authorizing A Grant Agreement And Amending The 2008-09 Budget For Homeland Security

BE IT 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 New York State Homeland Security Program and Law Enforcement Terrorism Protection Program Grants to the Rochester Police Department to enhance the Emergency Task Force, PAC-TAC and Bomb Squad.

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

Section 3. Ordinance No. 2008-198, the 2008-09 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 \$[85,000] 75,000 and to the Rochester Police Department by the sum of \$10,000, which amounts [is] are hereby appropriated from funds to be received under the grant agreement authorized herein to fund Emergency Task Force, PAC-TAC and Bomb Squad equipment and overtime for police officers.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2008-276
(Int. No. 296)

Authorizing A Grant Agreement And Amending The 2008-09 Budget For PAC-TAC

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

Section 1. The Mayor is hereby authorized to enter into an agreement with New York State for a Byrne Grant to the Rochester Police Department to enhance community policing.

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$50,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund equipment for the PAC-TAC Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-277
Re: 2008 Justice Assistance Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Justice, Bureau of Justice Assistance for the application for, and receipt and use of, a grant of \$82,530 through the 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) program. This legislation will also authorize an inter-municipal agreement to transfer half of the grant to the County of Monroe.

Congress has adopted legislation that blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs. Funds are awarded based on a direct formula allocation to units of local government. As in the past, the City and County must submit a joint grant application and agree upon an equitable sharing of funds. The City will retain a 10% portion of the total award, \$8,253, for administration of the grant. The remainder is to be split evenly between the City and the County, for \$37,138.50 each.

The Police Department intends to use JAG funds to underwrite the salary of a single position in the Police Department's Family and Victims Services Section. The amount of JAG funds received by the City has steadily decreased over the past few years. At one time, JAG funds covered two positions and a significant amount of equipment. The County intends to use its share to continue Probation Department staffing for Operation Night Watch.

The term of the new grant will be October 1, 2007 through September 30, 2011. There is no match requirement. The previous JAG award was authorized under City Council Ordinance No. 2007-236.

The drawdown of funds will be held in a Trust Fund established by the City for this purpose. No budget amendment is necessary, as the funding was anticipated in the 2008-09 Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-277
(Int. No. 297)

Authorizing Agreements For Funding For The 2008 Justice Assistance Grant Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Bureau of Justice Assistance, for funding under the 2008 Edward Byrne Memorial Justice Assistance Grant Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby half of the grant funds received

shall be provided to the County to fund County Grant Programs.

Section 3. The agreement shall obligate the City to pay to the County an amount not to exceed \$37,139, and said amount, or so much thereof as may be received under the Grant Agreement authorized in Section 1 and designated for use by the County, is hereby appropriated from 2008 Edward Byrne Memorial Justice Assistance Grant Program Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-278
Re: Appropriation of Forfeiture Funds
for Greater Rochester Area Narcotics
Enforcement Team (GRANET)

Transmitted herewith for your approval is legislation authorizing the appropriation of \$175,000 from Federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2008-09 Budget of the Police Department by its inclusion.

These funds will be used to support GRANET operations for the period July 1, 2008 through June 30, 2009. GRANET participates in joint investigations with the Greater Rochester Area Special Operations Group (GRASOG), which includes participants from Federal, State, and local law enforcement agencies. The mission of GRASOG is to achieve maximum coordination and cooperation, use the combined resources of member agencies to investigate mid- and upper-level narcotics related and illegal weapons offenses, and to aggressively investigate career criminals in the Greater Rochester/Monroe County area, utilizing both State and Federal laws.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice, the United States Department of the Treasury, and the Monroe County District Attorney's Office.

During its term of operation, GRANET will use asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (March 1994). Salaries and

overtime for participants will continue to be paid by each officer's respective agency.

The City of Rochester administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in GRANET's forfeiture fund as of May 31, 2008 is estimated at \$188,072. This will be the first appropriation of GRANET's forfeiture funds during 2008-09.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-92

Ordinance No. 2008-278
(Int. No. 298)

Amending The 2008-09 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. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$175,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-279
Re: Police Complaint Management
Services

Transmitted herewith for your approval is legislation establishing \$91,950 as maximum compensation for the renewal of an agreement with the Center for Dispute Settlement, Inc. (CDS), for services related to complaints involving members of the Rochester Police Department. The most recent agreement for this purpose was authorized by City Council in June 2007. The cost of this agreement will be funded from the 2008-09 Budget of the Police Department.

The term of the agreement will be from July 1, 2008 to June 30, 2009. The cost of the agreement remains the same as last year's.

The citizen complaint review process was established by City Council Resolution No. 92-40, and modified by Resolution No. 95-8. CDS will select and train panelists, conduct hearings, and maintain related records. CDS will continue to provide

complaint intake services at its own offices. CDS will also provide conciliation services for less serious complaints against RPD personnel, and will supply civilian panelists for internal hearings.

During calendar 2007, CDS administered 29 Citizen Review Board hearings, and there was one conciliation session.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2008-279
(Int. No. 299)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

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

Section 1. The sum of \$91,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of the Rochester Police Department. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-280
Re: Veterinary Services 2008-09

Transmitted for your approval is legislation establishing \$78,000 as maximum compensation for agreements for veterinary services for the City's Animal Services Unit during 2008-09. The cost of these agreements will be funded from the 2008-09 Budget of the Police Department.

Routine veterinary services to animals in custody at the City of Rochester's Verona Street animal shelter, including spay/neuter surgeries, are provided on-site through professional services agreements with several licensed veterinarians. Each of the consultant veterinarians provides services on a part-time or on-call basis. Weekend and evening emergency veterinary services are provided through an agreement with Animal Hospital of Pittsford/Animal Emergency Services clinic located at 825 White Spruce Boulevard.

The estimated veterinary services expenses for 2008-09 are as follows:

| | |
|-----------------------------|--------------|
| On-site veterinary services | \$72,000 |
| Animal emergency services | <u>6,000</u> |
| Total | \$78,000 |

The shelter also expects to spend approximately \$48,000 for veterinary and surgical supplies; this amount has been included in the 2008-09 Budget. Offsetting revenues for spay/neuter surgeries are realized from sterilization fees charged to clients adopting animals from Animal Services, from the Low Income Spay-Neuter (LISN) Program, and from pets sterilized at redemption. Estimated revenues from these sources for 2008-09 are approximately \$88,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-280
(Int. No. 300)

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 \$78,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for professional services agreements for the provision of veterinary services for the Animal Services Shelter for 2008-09. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 301 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-281
Re: Agreements and CDBG
Appropriations - Youth Services
Projects

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with three organizations for youth services projects and appropriating funds to fi-

nance the agreements from the General Community Needs allocation of the 2008-09 Community Development Block Grant, as follows:

| <u>Organization</u> <u>Program</u> | <u>Amount</u> |
|---|---------------|
| Boys & Girls Club of Rochester Sisters Together Achieving Results (STAR) | \$10,000 |
| Young Audiences Leader's Institute | \$18,000 |
| YWCA of Rochester & Monroe County Young Mother's Parenthood Project | \$36,000 |

The STAR and Young Mother's Parenthood Projects are considered projects with matching funds and are eligible for up to five years of funding. The Leader's Institute is considered a project without matching funds, and is eligible for three years of funding under the Youth Services funding guidelines approved by City Council in June 1981. The STAR Program and Leader's Institute are in their third year of funding, and the Young Mother's Parenthood Project will enter its fourth year of CDBG funding.

The STAR Program will provide young females in grades 10-12 with mentoring, employment and self-development workshops, tutoring and community service projects. The Leader's Institute is a youth development program providing leadership skills for students in grades 4-6, at School #44.

The Young Mother's Parenthood Project provides support services and case management for pregnant and parenting teen students enrolled in John Marshall High School.

These efforts have been effective in preventing youth from dropping out of school, and from having a repeat pregnancy. Project descriptions and budgets are attached.

The most recent agreements for these services were approved by Council in June 2007 in Ordinance No. 2007-205, and in July 2007 in Ordinance No. 2007-271.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-93

Ordinance No. 2008-281
(Int. No. 301)

Authorizing Agreements For Youth Services Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements for the following Youth Services Projects or the following amounts are

allocated for Youth Services Projects:

| <u>Organization Project</u> | <u>Amount</u> |
|--|---------------|
| Boys & Girls Club of Rochester Sisters Together Achieving Results (STAR) | \$10,000 |
| Young Audiences Leader's Institute | \$18,000 |
| YWCA of Rochester and Monroe County Young Mother's Parenthood Project | \$36,000 |

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$64,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2008-09 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.

Councilmember McFadden moved to discharge Int. No. 310 from Committee.

The motion was seconded by Councilmember Spaull.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaull, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-282
Re: Agreement - Parents as Teachers,
Literacy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with the Parents as Teachers program at Family Resource Centers of Crestwood Children's Center (Mary Jo Brach, Service Director), an affiliate of Hillside Family of Agencies, Rochester. The cost of this agreement will be funded from the 2007-08 Budget of the Communications Bureau.

The Parents as Teachers (PAT) program is a home-visiting program based on the concept of parents as children's first and most influential teachers; their evidence-based curriculum offers early literacy focus. The diverse home visitor staff, including a bilingual Spanish/English speaker,

are trained through the Early Literacy Project and are Family Development Credentialed through Cornell University. The local program has operated successfully for twelve years. Given the mission of the program and its excellent fit with the goals of the Literacy Initiative, they are uniquely qualified to provide the requested services.

As a pilot this summer, PAT will provide a five-week program (one-hour workshops once a week) at each of the Arnett, Maplewood, Lincoln and Sully branches of the Rochester Library. A certified special education teacher, with experience and training in pre-school education, will conduct the workshops with parents/caregivers and their young (two- to five-year old) children. It is anticipated that seven to ten families will participate at each library, with the potential of engaging over 100 participants over the summer with the four branch libraries. Participant attendance and intensity of participation beyond the summer will be monitored.

The pilot program will be evaluated using parent feedback, attendance records, and indicators of the children's participation. Pre- and post surveys will be conducted with the parents/caregivers to track reading behaviors, including frequency of reading to their children, library use, techniques used with their child to encourage literacy, and number of household members who hold library cards.

Evaluation information will be used to modify the program as necessary for implementation in several branch libraries throughout the period of September 2008 through June 2009. PAT will work to connect the families with their Born to Learn program which provides monthly home visits focused on parent-child interaction and pre-literacy skills. The September through June program schedules will be determined by each branch.

Overall, the program will focus on improving parents' awareness of effective practices to encourage their children to develop reading skills. The workshops will involve both the adult and the child, in interactive reading and other literacy-related activities. Written materials will also be distributed for use at home. Parents will be encouraged to register for library cards, and to borrow age-appropriate books.

Recruitment will be coordinated with the AmeriCorps VISTA members at each library. Recruitment efforts will be based in the neighborhoods of each library, and include outreach to existing PAT and Family Resource Centers participants, flyers, posters, community meetings, parent storytelling programs, and word of mouth.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-94

Ordinance No. 2008-282
(Int. No. 310)

Establishing Maximum Compensation For A Professional Services Agreement For Parenting Workshops

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Parents as Teachers for parenting workshops at branch libraries. Said amount shall be funded from the 2007-08 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Lightfoot - 1.

The meeting was adjourned at 9:30 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
AUGUST 12, 2008**

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

- Environmental Services
 - *Thomas A. Cambisi Jr.
 - *Sharon Salvione
 - *James A. Vincent
 - *Vincent Virgo
- Fire Department
 - *Gary A. Palozzi
- Police Department
 - *David R. Mundt
 - *Jerold C. Seldes
 - *Dave A. Zaidel

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Lightfoot

RESOLVED, that the minutes of the Regular Meeting of July 15, 2008 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

- Quarterly reports 3933-7
- Professional services agreements with costs of \$10,000 or less
- Delinquent receivables
- Claims reports

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 Law Amending The City Charter With Respect To The Adoption Of A Tax Exemption For Cold War Veterans Int. No. 314 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Flood Damage Prevention Int. No. 321 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, Relating To Standards For Planned Development District #6-Rochester General Hospital Int. No. 323 2 speakers: Jim Kroff, Judith Gordan.

Changing The Traffic Flow Of Roth Street Between Avenue A And Clifford Avenue From Two-Way To One-Way Southbound Int. No. 328 3 speakers: Nancy Sunn-Shelton, Lynasia Bowman, Andrew Holmes.

Approving The Sale Of Land In The Rochester Science Park To CAS Real Estate, Inc. And Repealing Ordinance No. 2008-62 Int. No. 334 No speakers.

Approving The Lease By The Rochester Urban Renewal Agency To Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175 Int. No. 335 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-283
Re: Agreement - Jay Advertising,
175th Anniversary

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Jay Advertising, 170 Linden Oaks, Rochester 14625, to provide special event management services related to the 2009 celebration of the City's 175th anniversary. This agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Several aspects of the year-long recognition of this major milestone in our City's history will be managed in-house by the Department of Recreation and Youth Services and the Communications Bureau. Details of those efforts will be provided as they are developed.

However, the significance and scope of events requires the additional services of an outside firm to provide the coordination, management, and oversight for the year-long celebration. A request for proposals was issued on July 18, 2008; the RFP was sent directly to several area firms specializing in special events planning, published in *City Newspaper*, and posted on the City's web site.

A total of 23 proposals were received before the deadline of August 5. The list of offerors is attached. An internal review committee unanimously recommended Jay Advertising. While proposals were received from firms located within the City, the committee determined that none had the capacity to offer the breadth and scope of services in the limited amount of time available.

Jay Advertising will provide the following services:

- Convene regular meetings of the internal 175th Anniversary Steering Committee (SC), to ensure consistency in planning and coordination with the Community Advisory Committee (CAC).
- Assist with developing the CAC; convene meetings, and assist the Chair to ensure necessary progress and coordination with the SC.
- Provide a detailed action plan by September 15, 2008, including a timeline and breakdown of roles and responsibilities of the consultant, the SC, and the CAC, for review and discussion with both committees.
- Prepare an itinerary of potential events with estimated costs by October 15, 2008 for review by the committees.
- During calendar year 2009, manage and deliver all events selected by the SC and the CAC, including a signature event in April.
- Work with City neighborhood groups to ensure coordination of events.

- Develop and execute an external communication plan for the celebration, in coordination with the City's Communications Bureau.
- Lead fundraising efforts to support the events, including identification and solicitation of sponsors.
- Coordinate volunteers as necessary.
- Serve as content managers for the 175th Anniversary page(s) on the City of Rochester website.

The term of the contract will be for the period September 1, 2008 to December 31, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-95

Ordinance No. 2008-283
(Int. No. 349)

Establishing Maximum Compensation For A Professional Services Agreement For The City's 175th Anniversary Celebration

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

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Jay Advertising for management services related to the City's 175th Anniversary Celebration in 2009. The agreement may extend from September 1, 2008 through December 31, 2009. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
August 12, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 311 - Cancellation Of Taxes And Charges, As Amended

Int. No. 313 - Amending The Municipal Code With Respect To Taxicab Rates Of Fare

Int. No. 341 - Amending The 2007-08 Budget

Int. No. 342 - Amending Ordinance No. 2008-

233, Which Amended The 2007-08 Budget

Int. No. 343 - Amending Ordinance No. 2008-198, The 2008-09 Budget

Int. No. 344 - Establishing Maximum Compensation For A Professional Services Agreement With WXXI Public Broadcasting Council For Broadcast Of City Council Meetings

Int. No. 348 - Resolution Amending The Schedule For The Regular Council Meetings During 2008

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 314 - Local Law Amending The City Charter With Respect To The Adoption Of A Tax Exemption For Cold War Veterans

Int. No. 312 - Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services And Amending Ordinance No. 2008-250 Relating To Payment Of The Fast Ferry Loan, As Amended

Respectfully submitted,
Carolee A. Conklin
Carla Palumbo
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-284
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$107,463.63.

The property at 300 Science Parkway was purchased on August 10, 2007 by the University of Rochester for use as their information technology center and qualifies for tax exempt status. An exemption application was timely received and approved. Due to a clerical error, the 2008 final assessment roll did not reflect the exemption. The amount to be cancelled is \$61,263.63, 57.00% of the total.

Five properties had code violations in the amount of \$46,200.00 or 43.00% of the total. Background and explanatory information regarding each of these properties is attached. The violations resulted for various reasons. The violations for which these fines were assessed have been remedied. The code violations should be cancelled at this time.

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$107,463.63.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 158 | \$1,315,207.07 |
| Administrative | <u>0</u> | <u>0</u> |
| Total | 158 | \$1,315,207.07 |

These cancellations represent .046% of the taxes receivable as of July 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-96

Ordinance No. 2008-284
(Int. No. 311, As Amended)

Cancellation Of Taxes And Charges

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

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

| <u>S.B.L.#</u> | <u>Class</u> | <u>Address</u> |
|----------------|--------------|------------------|
| | Tax | Amount |
| | <u>Year</u> | <u>Cancelled</u> |

(A) The property owner applied for and was granted an exemption for the 2008 final assessment roll, but that exemption was left off the final roll in error.

| | | |
|----------------------|------|------------------|
| 136.630-0001-005.001 | NH | 300 Science Pkwy |
| | 2009 | \$ 61,263.63 |

(B) Five properties incurred code violations for various reasons. The properties have been reviewed on a case by case basis. The original violations have been remedied and the properties are now in compliance.

| | | |
|-----------------------|-------------|------------------|
| 106.310-0003-029 | NH | 570 Joseph Av |
| | 2008 | \$ 8,400.00 |
| | <u>2009</u> | <u>1,200.00</u> |
| [106.370-0003-031.001 | NH | 850 St. Paul St |
| | 2008 | 9,600.00] |
| 120.680-0002-079 | H | 171 Columbia Av |
| | 2008 | 16,200.00 |
| 135.270-0002-001 | H | 371 Cottage St |
| | 2009 | 3,000.00 |
| 135.410-0002-031 | H | 301 Terrace Pk |
| | 2008 | 9,000.00 |
| | | [46,200.00] |
| | | <u>37,800.00</u> |
| Grand Total | | \$[107,463.63] |
| | | <u>99,063.63</u> |

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

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-285
Re: Code Amendment -
Taxicab Fares

Transmitted herewith for your approval is legislation amending the City Code by increasing the maximum fares and charges for taxicabs. Taxicab rates were last increased in 2004, and in just the past year, the cost of gasoline has increased by more than \$1.00 per gallon. This recent spike has adversely impacted the viability of numerous local businesses, and the taxicab industry is certainly no exception. A rate increase at this time is important to maintain a viable number of taxicabs for residents and visitors alike.

As part of the City Clerk's Office annual license renewal process that occurs between mid-May and early July, a survey requesting opinions about a rate increase or a surcharge on each cab ride was included in the renewal package. Specific rate increase suggestions were strongly supported by many of the taxi drivers and hack plate owners. To supplement the survey results, in-person discussions with several persons involved in the business were conducted.

It is recommended that the City increase fares from \$0.35 to \$0.50 for each 1/6 mile after the first 1/6 mile, and increase the rate for each additional passenger from \$1.50 to \$2.00. Since taxicab meters are inspected twice annually, in April and October, it is recommended that this Code Amendment take effect in October in conjunction with the inspection that month.

Respectfully submitted,
Gladys Santiago Carolee A. Conklin
President Chair, Finance Committee

Ordinance No. 2008-285
(Int. No. 313)

Amending The Municipal Code With Respect To Taxicab Rates Of Fare

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

Section 1. Section 108-12 of the Municipal Code, Rates of fare, as amended, is hereby further amended by amending subsections A(2) and (3) to read in their entirety as follows:

- (2) For each 1/6 mile or fraction thereof thereafter: \$0.50.
- (3) For each additional passenger: \$2.00 per

passenger.

Section 2. This ordinance shall take effect on October 20, 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-286,
Ordinance No. 2008-287 and
Ordinance No. 2008-288
Re: Budget Amendments

Transmitted herewith for your approval is legislation amending the 2007-08 Budget by:

- 1. Increasing sales tax revenue estimates by \$6 million and decreasing the operating budgets of several departments by a total of \$3,338,000 to reflect savings from the hiring freeze and health care cost savings;
- 2. Transferring \$9,338,000 to the Cash Capital allocation to fund one-time capital expenditures;
- 3. Transferring \$200,000 from Contingency to the Cash Capital allocation to fund the unanticipated electrical repairs at the 911 Center;
- 4. Transferring \$180,000 from Contingency to the Department of Recreation and Youth Services to fund activities in celebration of the City's 175th anniversary in 2009;
- 5. Amending Ordinance No. 2008-233 to round the amendment to the nearest one hundred dollars, from \$90,080 to \$90,100; and
- 6. Amending Ordinance No. 2008-198 to account for an additional \$228,600 in revenue identified.

The appropriation transfers are authorized by section 6-13 of the City Charter.

The City Council has previously authorized 49 other amendments to the 2007-08 Budget. These amendments reflected 15 appropriation transfers, 33 appropriation increases based upon the receipt of additional revenues and one decrease in appropriation. There were no technical corrections.

Actual receipts and expenditures for 2007-08 will be audited by the City's external auditors, Freed, Maxick and Battaglia. The proposed amendments are required to complete the audit and ensure adherence to section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

Three factors will enable the acceleration of several capital projects and will provide some budget flexibility going forward:

- 1. The 2007-08 Budget assumed a 2% sales tax growth; however, the actual growth rate was

5.3%, and the City received higher than usual one-time adjustments, resulting in an anticipated additional \$6 million in revenue. The unusual growth is anticipated to generate an additional \$6 million in revenue to the City.

2. A hiring freeze was in place during the entire fiscal year. The Office of Management and Budget estimates the savings from the freeze to be \$2,338,000.
3. During 2007-08, the Bureau of Human Resource Management was able to identify and implement health care containment costs that saved over \$1 million.

The proposed increase to the Cash Capital allocation is to accelerate several capital projects included in the City's Capital Improvement Program and items discussed during the Council review of the proposed 2008-09 Budget. This proposal also provides future flexibility. These projects and their amounts are:

| | |
|---|--------------------|
| Land acquisition and site preparation | \$2,000,000 |
| Hudson Avenue Firehouse replacement | 1,854,000 |
| Green Initiatives (including hybrid vehicles & HVAC improvements) | 1,404,000 |
| Focused investment infrastructure improvements | 1,000,000 |
| Information technology enhancements | 1,000,000 |
| Quadrant Neighborhood Service Center (NSC) Capital Fund | 1,000,000 |
| Improvements: PAETEC Park & Jones Park Neighborhoods | 500,000 |
| Jefferson Avenue improvements | 500,000 |
| Library books | <u>80,000</u> |
| Total | <u>\$9,338,000</u> |

The \$200,000 transfer from contingency will support the conversion of the 911 Center's Uninterruptable Power Supply (UPS) system from a stand alone system to a parallel redundant system. The UPS system is responsible for providing a seamless transition from energy grid to the generator in the event of power failure, or from one power grid to another. Recent repairs and system failures have indicated the current stand-alone system is reaching the end of its useful life.

The \$180,000 transfer from contingency to fund activities to celebrate the City's 175th anniversary reflects discussions with Council during the review of the 2008-09 Budget and Council's desire for an appropriate celebration.

It is important to note that for 2007-08, all City departments demonstrated excellent fiscal management by staying within Budget allocations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-286
(Int. No. 341)

Amending The 2007-08 Budget

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

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$180,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund the celebration of the City's 175th Anniversary.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$200,000 from the Contingency allocation to the Cash Capital allocation to fund Emergency Communications Center electrical repairs.

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by decreasing the following appropriations by the sum of \$3,338,000 and transferring said amount to the Cash Capital allocation:

| | |
|------------------------|--------------------|
| City Council & Clerk | \$ 19,700 |
| Information Technology | 50,000 |
| Environmental Services | 690,000 |
| Administration | 500,000 |
| Finance | 125,000 |
| Police | 200,000 |
| Fire | 28,000 |
| Economic Development | 13,000 |
| Community Development | 198,000 |
| Undistributed Expenses | <u>1,514,300</u> |
| Total | <u>\$3,338,000</u> |

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$6,000,000, which amount is hereby appropriated from sales tax revenues.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-287
(Int. No. 342)

Amending Ordinance No. 2008-233, Which Amended The 2007-08 Budget

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

Section 1. Ordinance No. 2008-233, which amended the 2007-08 Budget of the City of Rochester for a Mt. Hope Cemetery Study, is hereby amended by changing the amount of the budget amendment contained in Section 2 thereof from

\$90,080 to \$90,100.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-288
(Int. No. 343)

Amending Ordinance No. 2008-198, The 2008-09 Budget

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates contained in Section 3 thereof by the sum of \$228,600, to \$436,741,710, to reflect the revenue added in Ordinance No. 2008-242 and already appropriated to the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-289
Re: Agreement with WXXI to Broadcast
City Council Meetings

Transmitted herewith for your approval is legislation establishing maximum compensation for a three-year professional services agreement with WXXI Public Broadcasting Council to continue to provide technical staff for the live broadcasts of City Council Meetings.

During 2007, WXXI staff worked with the Council/Clerk staff to design and install the broadcast system in the Council Chambers. They have been operating the equipment since the inception of live broadcasts in January 2008. These contract services have enabled a seamless feed from the Chambers to the cable channel 12, which is operated by WXXI.

As part of this contract, WXXI staff will set up the City's broadcast equipment prior to each Council session, test the audio/video signal being transmitted to WXXI's State Street studio, and provide technical direction, video recording, master control, and closed captioning services. The agreement will provide funding for the broadcast of regular monthly City Council meetings, City Council committee meetings beginning in September 2008, two full-day budget hearings, plus an allocation for unanticipated miscellaneous events.

The fees for each service for 2008-09 are as follows:

| <u>Service</u> | <u>Item Cost</u> | <u>Total Cost</u> |
|--------------------|------------------|-------------------|
| Council Meetings | \$ 600 | \$ 7,200 |
| Committee Meetings | 600 | 6,000 |
| Budget hearings | 1,350 | 2,700 |
| Maintenance | 0 | 0 |
| Miscellaneous | | <u>1,200</u> |
| Total | | \$17,100 |

Broadcasting costs for the second and third year will be increased by \$1200 each, representing the cost of broadcasting Committee meetings for all twelve months. An allocation of \$2,000 per year will be added for maintenance costs of the equipment. In addition, the item costs of the agreement will be adjusted annually by an amount equal to any increases in the CPI-Urban.

The basic fees for each of the second and third years of the agreement are as follows:

| <u>Service</u> | <u>Item Cost</u> | <u>Total Cost</u> |
|--------------------|------------------|-------------------|
| Council Meetings | \$ 600 | \$ 7,200 |
| Committee Meetings | 600 | 7,200 |
| Budget hearings | 1,350 | 2,700 |
| Maintenance | 2,000 | 2,000 |
| Miscellaneous | | <u>1,200</u> |
| Total | | \$20,300 |

As noted above, second and third year costs will be increased by any required CPI adjustment.

Respectfully submitted,
Gladys Santiago Carolee A. Conklin
President Chair, Finance Committee

Ordinance No. 2008-289
(Int. No. 344)

Establishing Maximum Compensation For A Professional Services Agreement With WXXI Public Broadcasting Council For Broadcast Of City Council Meetings

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

Section 1. The sum of \$17,100, from the 2008-09 Budget of the City Council/City Clerk, is hereby established as the maximum compensation to be paid for a professional services agreement with WXXI Public Broadcasting Council to broadcast City Council Meetings during 2008-09.

Section 2. The sum of \$20,300, from the 2009-10 and 2010-11 Budgets of the City Council/City Clerk, is hereby established as the maximum annual compensation to be paid for said services for 2009-10 and 2010-11, with an additional adjustment representing any increase in the Consumer Price Index-Urban for the twelve-month period preceding the second and third years of this agreement, subject to the approval of those budgets.

Section 3. This ordinance shall take effect

immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-25
Re: Amending The Schedule For
The Regular Council Meetings
During 2008

Transmitted herewith for your approval is a resolution that amends the 2008 City Council meeting schedule by changing the date of the October Council Meeting from October 21 to October 14.

During the week of October 19-26, Mayor Duffy and Councilmember Conklin will be part of the official City delegation to our first Sister City, Rennes, France, to celebrate the 50th Anniversary of that relationship. The schedule for this visit involves coordinating many different variables on both sides of the relationship and this week was the only feasible alternative. In addition, Deputy Mayor Maglieri is scheduled to be out of town as well.

Moving the Council Meeting ahead one week will also require a change to the Committee Meeting schedule. The normal date for Committees for a Council Meeting on October 14 would be Thursday, October 9; however, that is the date of Yom Kippur, a major religious holiday in the Jewish religion. In order to avoid that conflict, Committee Meetings will be moved to Wednesday, October 8. Further, since Yom Kippur begins at sundown October 8 (approximately 6:15 p.m.), the Committee Meetings will be scheduled to begin at 1:30 that day.

As a result of these changes, the legislative submission date will also be moved up by one week to September 25 and the Agenda Review to October 2.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2008-25
(Int. No. 348)

Resolution Amending The Schedule For The Regular Council Meetings During 2008

WHEREAS, City Council adopted the current Rules of Council on January 2, 2008, by Resolution No. 2008-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2008, and

WHEREAS, scheduling conflicts have arisen that require that the October Council Meeting be changed,

NOW, THEREFORE, BE IT RESOLVED, by

the Council of the City of Rochester as follows:

Section 1. The regular meeting of the Council for October 2008 shall be held on Tuesday, October 14 in the Council Chambers, City Hall, at 8:00 P.M.

Section 2. The regular Committee Meetings for October shall be held on Wednesday, October 8 in the Council Chambers, City Hall, at 1:30 P.M.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 7
Re: Veterans Property Tax Exemption

Transmitted herewith for your approval is legislation amending the City Charter to provide for the addition of a property tax exemption for certain military veterans recently adopted by New York State, to ensure that all appropriate classes of military veterans are afforded similar tax relief. Known as the "Cold War Veterans" exemption, the law offers an exemption to anyone who served on active duty in the United States armed forces between September 2, 1945 and December 26, 1991, and was discharged or released under honorable conditions.

The exemption applies only to taxes levied for general municipal purposes; it does not apply to taxes levied for school purposes. A qualifying veteran can benefit from only one of the available laws. The term of this exemption is limited to ten years pursuant to State Law.

Chapter 655 of the New York State Laws of 2007 stipulates that local governments can establish the exemption rate at either 10% or 15% of the assessed value of the residential property owned by the veteran. If the 10% exemption is adopted, the maximum exemption must be set at \$4,000, \$6,000 or \$8,000. The exemption cannot exceed \$8,000, or the product of \$8,000 multiplied by the latest state equalization rate of the assessing unit, which for Rochester is currently 100%. If the 15% exemption is adopted, the maximum exemption must be set at \$6,000, \$9,000, or \$12,000, but cannot exceed \$12,000 or the product of \$12,000 multiplied by the state equalization rate.

If a Cold War veteran is receiving compensation because of a service-related disability, then, in addition to the exemption amount provided above, the qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value, multiplied by 50% of the disability rating. This additional exemption can be set by the local government at \$20,000, \$30,000 or \$40,000, but cannot exceed \$40,000, or the product of \$40,000 multiplied by the state equalization rate.

The Monroe County Legislature has adopted the 10% option with the maximum of \$8,000, and has limited the disability amount to \$40,000. Adopting the same limits for the City will provide consistency for the taxpayer in calculating their local taxes, and efficiency in administration of the exemption.

Applying the limits adopted by the County, assuming an average exemption of \$6,500 for the estimated 1,800 veterans living in the City, an average additional exemption of \$20,000 for the 140 disabled veterans, and using the 2008-09 City tax rate of \$5.594, the loss in revenue would be \$81,000.

| | | | |
|------------------------------|---|---------------------|------------------|
| 1,800 | X | \$6,500 exemption: | \$11,700,000 |
| 140 | X | \$20,000 exemption: | \$2,800,000 |
| Total assessed value exempt: | | | \$14,500,000 |
| | | | <u>X \$5.594</u> |
| | | | \$81,000 |

A public hearing on the exemption is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 7
(Int. No. 314)

Local Law Amending The City Charter With Respect To The Adoption Of A Tax Exemption For Cold War Veterans

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding thereto the following new section:

§ 6-71.8. Tax Exemption for Cold War Veterans.

The Council hereby approves the exemption of qualifying real property from taxation as authorized in subsections 2(a)(i) and (b) of § 458-b of the Real Property Tax Law, Exemption for Cold War Veterans.

Section 2. This local law shall take effect for the 2009 and subsequent assessment rolls.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-290
Re: Agreements for Appraisal Services

Transmitted herewith for your approval is legislation authorizing agreements for appraisal services routinely required by departments.

Department of Community Development

Maximum compensation of \$7,500 each is hereby established for agreements with the firms of Pogel, Schubmehl & Ferrara, LLC; Bruckner, Tillett, Rossi, Cahill & Associates; and Midland Appraisal Associates, Inc. Appraisal services are used by DCD for commercial, industrial and residential properties during the course of the fiscal year. The cost of the agreements (\$22,500) will be funded from the 2008-09 Budget of the Department of Community Development.

Law Department

Maximum compensation of \$10,000 each is hereby established for agreements with Midland Appraisal Associates, Inc. and Bruckner, Tillett, Rossi, Cahill & Associates. The Law Department requires appraisal services for assessment proceedings throughout the fiscal year. The cost of the agreements (\$20,000) will be funded from the 2008-09 Budget of the Law Department.

Economic Development Department

Maximum compensation of \$4,000 is hereby established for an agreement with Pogel, Schubmehl & Ferrara, LLC for appraisal services needed for Economic Development Department projects. The agreement will be funded from the 2008-09 Budget of the Economic Development Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-290
(Int. No. 312, As Amended)

Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services And Amending Ordinance No. 2008-250 Relating To Payment Of The Fast Ferry Loan

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

Section 1. The sum of \$4,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Pogel, Schubmehl & Ferrara, LLC, for appraisal services for Economic Development Department projects. Said amount shall be funded from the 2008-09 Budget of the Economic Development Department.

Section 2. The sum of \$10,000 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Midland Appraisal Associates, Inc. and Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services for the Law Department for assessment proceedings. Said amounts shall be funded from the 2008-09 Budget of the Law Department.

Section 3. The sum of \$7,500 each, or so much thereof as may be necessary, is hereby established

as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC, Bruckner, Tillett, Rossi, Cahill & Associates and Midland Appraisal Associates, Inc. for appraisal services as needed by the Department of Community Development for commercial, industrial and residential properties. Said amounts shall be funded from the 2008-09 Budget of the Department of Community Development.

Section 4. Ordinance No. 2008-250, relating to payment of the Fast Ferry Loan, is hereby amended by amending Section 1 thereof to read in its entirety as follows:

Section 1. The Council hereby approves the payment of the sum of \$21,431,126 to the Export Finance and Insurance Corporation (EFIC) on the EFIC loan for the vessel Spirit of Ontario I. Of said amount, \$15,923,010 shall be funded from the Fast Ferry Debt Service Fund and \$5,508,116 shall be funded from the 2008-09 Debt Service Allocation.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Palumbo, Spaul, Warren - 8.

Nays - Councilmember McFadden - 1.

By Councilmember Warren
August 12, 2008

To the Council:

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

Int. No. 315 - Authorizing The Sale Of Real Estate And Amending Ordinances No. 2007-445 And 2008-208. As Amended

Int. No. 316 - Authorizing Acceptance Of An Easement For Public Access At 431 West Main Street

Int. No. 318 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$535,000 Bonds Of Said City To Finance The Cost Of Demolition Of Two City-Owned Apartments At The Valley Court Apartments In The City

Int. No. 319 - Authorizing An Agreement For The Neighbors Building Neighborhoods Program

Int. No. 320 - Approving A Library Grant And Amending The 2008-09 Budget

The Neighborhood & Community Development Committee recommends for consideration the

following entitled legislation:

Int. No. 321 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Flood Damage Prevention

Int. No. 322 - Amending The Municipal Code By Adoption Of A New Chapter 56, Flood Damage Prevention

The following entitled legislation is being held in Committee:

Int. No. 317 - Authorizing The Sale Of Real Estate Through The Reinvest In Rochester Program

Int. No. 323 - Amending Chapter 120 Of The Municipal Code, Zoning Code, Relating To Standards For Planned Development District #6 - Rochester General Hospital

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
William F. Pritchard (Did not vote on Int. Nos. 315, 316, 317 & 318)
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-291
Re: Sale of Real Estate

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

The first property is being sold to the Rochester Housing Development Fund Corporation for its appraised value. The property will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester, NY Metropolitan Statistical Area.

The next property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The purchaser, Carla Johnson, is an employee of the City. The purchaser will combine the parcel with her adjoining property.

The last property was sold at a Request for Proposal sale. The property will be rehabilitated as a three-family home.

The first year projected tax revenue for these two

properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,133.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-97

Ordinance No. 2008-291
(Int. No. 315, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinances No. 2007-445 And 2008-208

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: 128 Fulton Ave
S.B.L.#: 105.43-2-39
Lot size: 40x120
Price: \$1,000
Purchaser: *Rochester Housing Development Fund Corp.

*Officers: Jean A. Lowe, President; R. Scott Schmid, Vice President

Section 2. The Council hereby approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address: 552 Upper Falls Blvd
S.B.L.#: 106.40-3-47
Lot size: 33x100
Square feet: 3,300
Purchaser: Carla Johnson

Section 3. The Council hereby approves the sale of the following improved property by request for proposal:

Address: 23-31 Anderson Ave
S.B.L.#: 106.83-1-41.2
Lot size: 73x102
Price: \$60,000
Purchaser: Jeffrey Neely

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 in-

cluded in the purchase price.

Section 5. Ordinance No. 2007-445, relating to an easement at 320.5 Denise Road, is hereby amended by changing the name of the grantee from Patricia Parkhurst to the current owner, Maria Rugg.

Section 6. Ordinance No. 2008-208, relating to a tax exemption for the Hamilton Apartments Project, is hereby amended by changing the reference of the New York State Private Housing Finance Law in Section 1 from Section 577 to Section 33(1)(c) and by approving ownership by and the in-lieu-of-tax payment agreement with Genesee Gateway Houses, Inc., instead of a housing development fund company.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-292
Re: Easement - 431 West Main Street

Transmitted herewith for your approval is legislation authorizing the acceptance of the donation of an easement of a portion of 431 West Main Street from Hahn Automotive Warehouse, Inc.

The easement is a parcel 60 feet in length along the West Main Street frontage, 50 feet deep parallel to the West Main Street right-of-way, and 40 feet wide along the length of the western property line. A map of the easement area is attached.

The easement will be used for public access between West Main Street and the Troup Street Park and Playground, and as an additional connection for the Susan B. Anthony neighborhood and the West Main Street Business District.

Any and all improvements to, and the maintenance of, the easement area will be the responsibility of the City. The City will install a plaque recognizing the donation of the easement once improvements to the parcel have been completed.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-98

Ordinance No. 2008-292
(Int. No. 316)

Authorizing Acceptance Of An Easement For Public Access At 431 West Main Street

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

Section 1. The Council hereby approves the acceptance of an easement from Hahn Automotive Warehouse, Inc. for public access through the parcel at 431 West Main Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-293
Re: Valley Court Apartments,
Redevelopment

Transmitted herewith for your approval is legislation authorizing the issuance of \$535,000 in bonds and appropriating the proceeds thereof to fund the demolition of two of the buildings at Valley Court Apartments, 1170 Genesee Street.

The Valley Court Apartments consist of five apartment buildings located on 4.5 acres of land. The two newer buildings on the west end of the parcel will be demolished following asbestos abatement. The remaining three older buildings, to the rear of the parcel, along with four adjacent vacant City-owned lots at 50, 53, 63, and 67 Oak Hill View, are being offered for development as owner-occupied, market-rate housing. Developers are being sought through a Request for Proposals process.

The asbestos abatement and demolition of the two apartments will be conducted by Environmental Remediation Services Inc. at a contract price of \$484,200; \$50,800 is reserved for contingency funding. The contract contains Minority/Women Utilization Goals of 19.2% of the contract price. The contractor will have 75 calendar days to complete the work.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-293
(Int. No. 318)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$535,000 Bonds Of Said City To Finance The Cost Of Demolition Of Two City-Owned Apartments At The Valley Court Apartments 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 demolition of two City-owned apartment buildings at the Valley Court Apartments at 1170 Genesee Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental

thereto and the financing thereof, is \$535,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$535,000 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 \$535,000 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 \$535,000. 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 of the Local Finance Law, is ten (10) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the

sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-294
Re: Neighbors Building Neighborhoods Program

Transmitted herewith for your approval is legislation appropriating a total of \$51,500 from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Block Grant for the Neighbors Building Neighborhoods Program, and authorizing an agreement with the Rochester Area Community Foundation to act as the fiduciary agent for the distribution of these funds to the NBN Sector Committees.

The Neighbors Building Neighborhoods Program was designed to assist neighborhood associations in the preparation of strategic plans and the identification of short- and long-term goals for their sector areas. To date, each NBN sector has completed three rounds of action plans, the subsequent implementation of their community strategies, and action steps. Each sector is expected to complete a new round of action plans in 2008-09.

To ensure continuous planning and technical sup-

port to the Sector committees, this appropriation will provide \$5,000 for each of the sectors during 2008-09 for the purpose of continuing ongoing planning initiatives and to assist in the financing of NBN activities during the year.

In response to community input the Bureau of Planning will continue to revise the format for providing funds to the sector groups. The Rochester Area Community Foundation (RACF) has agreed to perform this function for the City. The City will pay an administrative fee of \$1,500 to RACF for this service.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-294
(Int. No. 319)

Authorizing An Agreement For The Neighbors Building Neighborhoods 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 Area Community Foundation to administer the disbursement of funds for planning and technical support to NBN Sector Committees to implement the Neighbors Building Neighborhoods Program. The Rochester Area Community Foundation shall be paid a fee of \$1,500 for this service.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$51,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 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. 2008-295
Re: Gates Foundation Grant - Branch Library Computer Equipment

Transmitted herewith for your approval is legislation accepting a Gates Foundation Grant of \$31,200 and amending the Library Cash Capital allocation of the 2008-09 Budget to reflect the receipt and use of the grant.

These funds will be used to purchase computer hardware, software and peripherals for six Branch Libraries - Arnett, Lincoln, Lyell, Maplewood,

Sully, and Wheatley. A total of 15 library patron computers will be added.

It is anticipated that installation will be complete by the end of 2008. It is anticipated that an additional grant for 2009-10 will support an additional 12 computers.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2008-295
(Int. No. 320)

Approving A Library Grant And Amending The 2008-09 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 Gates Foundation for receipt of funding for computer equipment and software for the Arnett, Lincoln, Lyell, Maplewood, Sully and Wheatley Branch Libraries.

Section 2. Ordinance No. 2008-198, the 2008-09 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 \$31,200, 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. 2008-296 and
Ordinance No. 2008-297
Re: Amending the Municipal Code -
Flood Damage Prevention

Transmitted herewith for your approval is legislation amending the City of Rochester Municipal Code to include a local law for flood damage prevention required by the Federal government. This legislation will modify the Zoning Code and will create a new Chapter 56 entitled "Flood Damage Prevention".

The Federal Emergency Management Agency (FEMA) recently completed a new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for the City of Rochester, which will become effective on August 28, 2008. As part of this process, FEMA requires that the City adopt the new flood insurance rate maps as well as legally enforceable floodplain management measures in accordance with Federal Regulations. Approval of this legislation by August 28, 2008 will allow the City to continue to participate in the FEMA national flood insurance program and maintain the ability of city property owners to

purchase flood insurance.

The proposed legislation will retain a reference in the Zoning Code to the new flood prevention measures and will establish new regulations in the Municipal Code to review construction within the floodplain, approve permits, administer the program and hear and decide appeals for waivers from the requirements of the local law. The City Planning Commission will conduct an informational meeting on the proposed legislation at its August 11, 2008 meeting. Their recommendation will be forwarded to Council.

A public hearing on the Zoning Code amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-99

Ordinance No. 2008-296
(Int. No. 321)

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Flood Damage Prevention

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 repealing Section 120-168, Floodplain regulations.

Section 2. Section 120-192, Procedures approved by the Planning Commission, as amended, is hereby further amended by amending subsection B(3)(d) thereof to read in its entirety as follows:

(d) For special permit applications for any development within a floodplain requiring relief from Chapter 56, Flood Damage Prevention, the Planning Commission shall weigh the considerations set forth in Section 56-6, Variance Procedure.

Section 3. This ordinance shall take effect on August 28, 2008.

Passed unanimously.

Ordinance No. 2008-297
(Int. No. 322)

Amending The Municipal Code By Adoption Of A New Chapter 56, Flood Damage Prevention

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

Section 1. Chapter 56 of the Municipal Code, Flood Control, is hereby amended to read in its entirety as follows:

Chapter 56. Flood Damage Prevention.

Section 56-1. Statutory authorization and purpose.

A. Findings.

The City Council of the City of Rochester finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Rochester and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives herein-after set forth, this Chapter is adopted.

B. Statement of purpose.

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

C. Objectives.

The objectives of this Chapter are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) to minimize prolonged business interruptions;

(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

(6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) to provide that developers are notified that property is in an area of special flood hazard; and,

(8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 56-2. Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

APPEAL - for purposes of this Chapter, a request for a review of the Local Administrator's interpretation of any provision of this Chapter or a request for a special permit.

AREA OF SHALLOW FLOODING - a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Chapter, the term "SPECIAL FLOOD HAZARD AREA (SFHA)" is synonymous in meaning with the phrase "AREA OF SPECIAL FLOOD HAZARD".

BASE FLOOD - the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - that portion of a building having its floor sub grade (below ground level) on all sides.

BUILDING - see STRUCTURE.

CELLAR - has the same meaning as "BASEMENT".

CRAWL SPACE - an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT - any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY - the Federal agency that administers the National Flood Insurance Program.

FLOOD or FLOODING - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD or FLOODING also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unantici-

pated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) - an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY - an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - see **FLOOD ELEVATION STUDY**.

FLOODPLAIN or FLOOD-PRONE AREA - any land area susceptible to being inundated by water from any source (see definition of "Flooding").

FLOODPROOFING - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY has the same meaning as **REGULATORY FLOODWAY**.

FUNCTIONALLY DEPENDENT USE - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE - any structure that

is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) by an approved state program as determined by the Secretary of the Interior or
 - (b) directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR - the person appointed by the community to administer and implement this Chapter by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR - lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

MANUFACTURED HOME - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational Vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - for purposes of the National Flood Insurance Program, the National

Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME has the same meaning as **MANUFACTURED HOME**.

NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

ONE HUNDRED YEAR FLOOD or **100 YEAR FLOOD** has the same meaning as **BASE FLOOD**.

PRINCIPALLY ABOVE GROUND - that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE - a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 56-4D(2) of this Chapter.

START OF CONSTRUCTION - the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of

temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual START OF CONSTRUCTION means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the START OF CONSTRUCTION of the improvement. The term includes structures which have incurred SUBSTANTIAL DAMAGE, regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a HISTORIC STRUCTURE provided that the alteration will not preclude the structure's continued designation as a HISTORIC STRUCTURE.

VARIANCE - for purposes of this chapter only, means a grant of relief from the requirements of this Chapter by issuance of a special permit by the City Planning Commission which authorizes construction or use in a manner that would otherwise be prohibited by this Chapter.

Section 56-3. General provisions.

A. Lands to which this Chapter applies.

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Rochester, Monroe County.

B. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard for the City of Rochester, Community Number 360431, are identified and defined on the following documents prepared by the Fed-

eral Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

36055C0088G, 36055C0179G, 36055C0182G, 36055C0183G, 36055C0184G, 36055C0191G, 36055C0192G, 36055C0193G, 36055C0194G, 36055C0201G, 36055C0202G, 36055C0203G, 36055C0204G, 36055C0206G, 36055C0208G, 36055C0211G, 36055C0212G, 36055C0213G, 36055C0214G, 36055C0216G, 36055C0218G, 36055C0331G, 36055C0332G, 36055C0351G

whose effective date is August 28, 2008, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York. All Jurisdictions" dated August 28, 2008.

The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and/or maps are on file at:

City Clerk's Office, Room 300-A, City Hall, 30 Church Street, Rochester, New York, 14614.

C. Interpretation and conflict with other ordinances.

This Chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

D. Severability.

The invalidity of any section or provision of this Chapter shall not invalidate any other section or provision thereof.

E. Penalties for non-compliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Chapter and any other applicable regulations. Any infraction of the provisions of this Chapter by failure to comply with any

of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Rochester from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Chapter for which the developer and/or owner has not applied for and received an approved special permit under Section 56-6 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

F. Warning and disclaimer of liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Rochester any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 56-4. Administration.

A. Designation of the Local Administrator.

The Commissioner of Community Development or his/her designee is hereby appointed Local Administrator to administer and implement this Chapter by granting or denying floodplain development permits in accordance with its provisions.

B. The floodplain development permit.

(1) Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 56-3B, without a valid

floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

(2) Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$ 250. In addition, the applicant shall be responsible for reimbursing the City of Rochester for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500 to cover these additional costs.

C. Application for a permit. The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

(1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

(2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

(3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 56-5B(3), Utilities.

(4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 56-5D, Non-residential structures.

(5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submit-

ted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 56-3B, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
 - (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.
- D. Duties and responsibilities of the Local Administrator. Duties of the Local Administrator shall include, but not be limited to the following:
- (1) Permit application review. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (a) Review all applications for completeness, particularly with the requirements of subsection 56-4C, Application for a permit, and for compliance with the provisions and standards of this ordinance.
 - (b) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 56-5, Construction standards, and, in particular, sub-section 56-5A(1), Subdivision proposals.
 - (c) Determine whether any proposed

development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 56-5, Construction standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

- (d) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.
- (2) Use of other flood data.
- (a) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 56-4C(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this ordinance.
 - (b) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this ordinance.
- (3) Alteration of watercourses.
- (a) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emer-

gency Management Agency.

- (b) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (4) Construction stage.
- (a) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
 - (b) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.
- (5) Inspections. The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- (6) Stop work orders.
- (a) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 56-3E of this Chapter.
 - (b) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this Chapter and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 56-3E of this Chapter.
- (7) Certificate of compliance.
- (a) In areas of special flood hazard, as determined by documents enumerated in Section 56-3B, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Chapter.
 - (b) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (c) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 56-4D(5), inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- (8) Information to be retained. The Local Administrator shall retain and make available for inspection, copies of the following:
- (a) Floodplain development permits and certificates of compliance;
 - (b) Certifications of as-built lowest floor elevations of structures, required pursuant to Sections 56-4D(4)(a) and 56-4D(4)(b), and whether or not the structures contain a basement;
 - (c) Floodproofing certificates required pursuant to Section 56-4D(4)(a), and whether or not the structures contain a basement;
 - (d) Special permits issued pursuant to Section 56-6, Variance procedure; and,
 - (e) Notices required under Section 56-

4D(3), Alteration of watercourses.

Section 56-5. Construction standards.

A. General standards. The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 56-3B.

(1) Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (a) Proposals shall be consistent with the need to minimize flood damage;
- (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (c) Adequate drainage shall be provided to reduce exposure to flood damage.

(2) Encroachments.

(a) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

- (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
- (ii) the City of Rochester agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Rochester for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Rochester for all costs related to the final map revision.

(b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 56-3B, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
- (ii) the City of Rochester agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Rochester for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Rochester for all costs related to the final map revisions.

B. Standards for all structures.

(1) Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) Construction materials and methods.

- (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (c) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely

for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

(3) Utilities.

- (a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic

backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

- (d) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Residential structures.

- (1) Elevation. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in subsections 56-5A(1), Subdivision proposals, and 56-5A(2), Encroachments, and Section 56-5B, Standards for all structures.

- (a) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

- (b) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

- (c) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 56-3B (at least two feet if no depth number is specified).

- (d) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

D. Non-residential structures. The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in subsections 56-5A(1), Subdivision proposals, and 56-5A(2), Encroachments, and Section 56-5B, Standards for all structures.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation

data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

- (a) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (b) be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
- (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (b) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Section 56-5D(1)(b).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 56-5D(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
- E. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in Section 56-5A, General standards, and Section 56-5B, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (a) be on site fewer than 180 consecutive days,
 - (b) be fully licensed and ready for highway use, or
 - (c) meet the requirements for manufactured homes in Sections 56-5E(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 56-3B (at least two feet if no depth number is specified).

Section 56-6. Variance procedure.

A. Appeals board.

- (1) The City Planning Commission as established by the City of Rochester shall hear and decide appeals and requests for variances from the require-

ments of this Chapter.

- (2) The City Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Chapter.
- (3) Those aggrieved by the decision of the City Planning Commission may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the City Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (k) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if appli-

cable, expected at the site; and

- (l) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 56-6A(4) and the purposes of this Chapter, the City Planning Commission may attach such conditions to the granting of special permits as it deems necessary to further the purposes of this Chapter.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any issuance of special permits to the Federal Emergency Management Agency upon request.

B. Conditions for variances.

- (1) Generally, special permits may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-1) in Section 56-6A(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the special permit increases.
- (2) Special Permits may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (a) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (b) the special permit is the minimum necessary to preserve the historic character and design of the structure.
- (3) Special permits may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (a) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (b) the structure or other development is protected by methods that minimize flood damages during the

base flood and create no additional threat to public safety.

- (4) Special permits shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Special permits shall only be issued upon a determination that the special permit is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Special permits shall only be issued upon receiving written justification of:
 - (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the special permit would result in exceptional hardship to the applicant; and
 - (c) a determination that the granting of a special permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a special permit is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (a) the issuance of a special permit to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all special permit actions as required in Section 56-4D(8) of this Chapter.

Section 2. This ordinance shall take effect on August 28, 2008.

Passed unanimously.

Councilmember Warren moved to discharge Int. No. 317 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-298
Re: Reinvest In Rochester

Transmitted herewith for your approval is legislation relating to the Reinvest In Rochester Sale, authorized by Ord. No. 2008-209 in June 2008. This legislation will:

1. Authorize the participation of the following developers in the program:

| <u>Name of Investor</u> | <u>City, State</u> | <u>Maximum Number of Units</u> |
|---------------------------|--------------------|--------------------------------|
| Galina & Yefim Basovsky | Rochester, NY | 5 |
| Andrew & Jan Cardot | Rochester, NY | 6 |
| J. Paul Dhillon | Rochester, NY | 10 |
| David Mankowski | Rochester, NY | 5 |
| Napier Enterprises, LLC | Rochester, NY | 5 |
| NCS Community Development | Rochester, NY | 4 |
| Neil Scheier | Rochester, NY | 4 |
| Sirrell Properties, LLC | Aliso Viejo, CA | 13 |

These investors have been pre-qualified through a Request for Qualifications process and have met all the necessary requirements.

2. Add the following four properties to the list authorized for sale by Ord. No. 2008-209: 79 Ackerman Street, 260 Breck Street, 487 Central Park, 51 Clifton Street.

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

The applicant may not own other properties that are currently in the process of being rehabilitated without the approval of the NSC Director indicating that progress toward repairs and the quality of workmanship is satisfactory. Two applicants, Napier Enterprises, LLC and Sirrell Properties, LLC, required and have obtained approval from the NSC Director.

Individual notifications have been sent to neigh-

borhood groups and resulting comments will be forwarded to City Council prior to the August 12, 2008 meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-100

Ordinance No. 2008-298
(Int. No. 317)

Authorizing The Sale Of Real Estate Through The Reinvest In Rochester Program

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

Section 1. The Council hereby approves the participation of the following developers in the Reinvest in Rochester Program:

| <u>Name of Investor</u> | <u>City, State</u> | <u>Maximum # of Units</u> |
|---------------------------|--------------------|---------------------------|
| Galina & Yefim Basovsky | Rochester, NY | 5 |
| Andrew & Jan Cardot | Rochester, NY | 6 |
| J. Paul Dhillon | Rochester, NY | 10 |
| David Mankowski | Rochester, NY | 5 |
| Napier Enterprises, LLC | Rochester, NY | 5 |
| NCS Community Development | Rochester, NY | 4 |
| Neil Scheier | Rochester, NY | 4 |
| Sirrell Properties, LLC | Aliso Viejo, CA | 13 |

Section 2. The Council hereby further approves the sale of any of the residential structures listed on the attachment to the transmittal letter for Ordinance No. 2008-209 and the properties set forth below to any of the developers listed in Section 1 for their bid amount, with a minimum bid to be established by the Director of Real Estate, under the Reinvest in Rochester Program, subject to the limitations regarding the maximum number of units for which each investor has been approved. Properties not sold at the Reinvest in Rochester Program Sale shall be sold at a future auction:

| <u>Address</u> | <u>SBL #</u> |
|--------------------|--------------|
| 79 Ackerman Street | 107.45-5-9 |
| 260 Breck Street | 107.78-1-15 |
| 487 Central Park | 106.60-2-9 |
| 51 Clifton Street | 120.44-1-56 |

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other

charges.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Palumbo, Pritchard, Spaul, Warren - 7.

Nays - Councilmembers Lightfoot, Miller - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 323
Re: Zoning Text Amendment -
Planned Development #6,
Rochester General Hospital

Transmitted herewith for your approval is legislation authorizing a Zoning Text Amendment to increase the floor area ratio (FAR) from 1.20 to 1.35 for Parcel A of Planned Development (PD) #6, Rochester General Hospital (RGH). PD#6 is comprised of three subareas: Parcel A includes the hospital, doctor's office building, medical office building and parking garage; Parcel B includes surface parking lots and the Carter Street Parking Garage; and Parcel C is developed with apartments and a day care center. The attached map illustrates the area.

RGH is proposing the construction of a 6-story, 211,200 square foot addition at the southeast corner of the hospital on the Portland Avenue frontage. This will increase the number of medical-surgical beds, modernize patient rooms, increase the number of private rooms, and create a centralized ambulatory facility. Also, a tower is planned that can accommodate two additional floors to allow for future replacement of all semi-private rooms.

The development proposal is considered incremental development in the PD#6 and will require Site Plan Review approval by the Director of Zoning.

As a previous condition for construction of the Carter Street garage, RGH has commissioned a traffic study, which will be submitted to Monroe County Department of Transportation for final review and approval. The County has been working in conjunction with FRA Engineering on the traffic study to determine the best traffic management methods. The study is taking into account the proposed 6-story addition.

The Planning Commission held an informational hearing on July 14, 2008. There were 4 speakers in support of this proposal and no speakers in opposition. By a vote of 4-0-0, the Commission recommended approval to City Council.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the zoning text

amendment is an unlisted action.

A public hearing on the zoning text amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 323

AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, ZONING CODE, RELATING TO STANDARDS FOR PLANNED DEVELOPMENT DISTRICT #6 - ROCHESTER GENERAL HOSPITAL

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 requirements and standards for Planned Development District #6 - Rochester General Hospital by changing the maximum floor area ratio (FAR) for Parcel A found in Subsection C(1)(a) thereof from 1.20 to 1.35.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Lightfoot
August 12, 2008

To the Council:

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

Int. No. 324 - Authorizing A Grant Agreement For Graffiti Removal And Amending The 2008-09 Budget

Int. No. 325 - Authorizing A Municipal Cooperation Agreement For The Highland Park/Canalway Trail Improvements Project, As Amended

Int. No. 326 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Crossroads Garage Structural Repairs Project

Int. No. 327 - Establishing Maximum Compensation For A Professional Services Agreement For Route Optimization Software

Int. No. 340 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,300,000 Bonds Of Said City To Finance The Cost Of Implementing Repairs To City Hall "A" Building

Int. No. 345 - Establishing Maximum Compensation For A Professional Services Agreement For Professional Surveying Services, As Amended

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

Int. No. 328 - Changing The Traffic Flow Of Roth Street Between Avenue A And Clifford Avenue From Two-Way To One-Way Southbound

Respectfully submitted,
John F. Lightfoot
Carla M. Palumbo
William F. Pritchard (Did not vote on Int. Nos. 324 & 325)
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-299
Re: New York State Grant -
Community Projects

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of State for the receipt and use of an award of \$80,000 from 2008 Community Projects Program funds, and amending the 2008-09 Budget of the Department of Environmental Services to reflect the grant.

These funds will be used to support the City's Graffiti Removal Project. The State will reimburse the City for a portion of expenses and materials related to graffiti removal, in order to deter criminal activity and reduce neighborhood blight.

No City funding match is required. All related work and administrative requirements must be completed by July 31, 2009.

These funds were secured through the efforts of Assemblywoman Susan John.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-299
(Int. No. 324)

Authorizing A Grant Agreement For Graffiti Removal And Amending The 2008-09 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 Graffiti Removal Project.

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

Section 3. Ordinance No. 2008-198, the 2008-

09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$80,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the Graffiti Removal Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-300
Re: Highland Park/Canalway
Trail Improvements

Transmitted herewith for your approval is legislation related to the Highland Park/Canalway Trail Improvements Project. This legislation will:

1. Authorize an agreement with the Town of Brighton for administration of the project; and
2. Establish \$31,680 as maximum compensation to the Town of Brighton as the City's portion of the cost of design services, and appropriating this amount from anticipated reimbursements from the Federal Highway Administration.

The project will implement the recommendations of the Highland Park/Canalway Trail Planning and Concept Design Study completed in 2004. The purpose of that study was to establish a multi-use neighborhood connector trail between the Canalway Trail in the south to the east bank of the Genesee Riverway Trail, north of the University of Rochester. The trail would provide connections from neighborhoods in both the Town of Brighton and the City of Rochester to both the Canalway Trail and Genesee Riverway Trail, and would also provide statewide trail users access to several important parks and open space resources in the Town and City.

In July 2003, Council authorized an agreement for the Planning and Concept Design Study. With the study completed, the City and the Town of Brighton jointly applied for and received a Transportation Improvement Grant from the Federal Highway Administration and the New York State Department of Transportation. The \$1,020,000 project budget is funded from an 80% Federal/State share (\$816,000) and 20% Local share (\$204,000), \$67,320 of which is the City's portion.

With the majority of the project funding needed for the Brighton section of the trail, Brighton has agreed to administer the grant as well as the design and construction phases of the project. The proposed Federal appropriation will finance the City's share of the project design.

It is anticipated that design of the improvements

will begin in September 2008 with construction completed in 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-101

Ordinance No. 2008-300
(Int. No. 325, As Amended)

Authorizing A Municipal Cooperation Agreement For The Highland Park/Canalway Trail Improvements Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton to administer the Highland Park/Canalway Trail Improvements Project.

Section 2. The agreement shall currently obligate the City to pay an amount not to exceed \$[31,680] 7,920 for administration and design services, and said amount, or so much thereof as may be necessary, [is hereby appropriated from anticipated reimbursements from the Federal Highway Administration] shall be funded from the 2004-05 Cash Capital allocation. The costs of any necessary additional services and construction shall be provided from the annual budgets or through additional appropriations.

Section 3. The 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. 2008-301
Re: Crossroads Garage Structural
Repairs Project

Transmitted herewith for your approval is legislation establishing \$205,824 as maximum compensation for an agreement with Herrick-Saylor Engineers, P.C., Pittsford, NY, for design and engineering services for the Crossroads Garage Structural Repairs Project. The cost of the agreement will be financed from 2005-06 Cash Capital.

The Genesee Crossroads Parking Garage, built in 1966 as part of the urban renewal project, is located under Crossroads Park adjacent to the Genesee River. The 611-space garage provides parking for area businesses and for the Crown Plaza Hotel. Deteriorating concrete decks, columns and beams

have delaminated from the reinforcing steel and have fallen off in several areas. While corrective actions to remove loose concrete have resolved potential hazards, the consultant's design and project proposal will address needed permanent repairs.

The consultant will use the Comprehensive Rehabilitation and Maintenance Plan done in 2002 by Bergman Associates, and the results of the concrete sounding and repair work performed by Ravi Engineering & Land Surveying, P.C. in 2007 to provide an evaluation of the entire structure, associated costs, and establishing a prioritized work plan and schedule of repairs.

Qualifications and proposals were solicited from ten area firms; six responded - Clark Patterson Associates, FRA Engineering, Herrick-Saylor Engineers, LaBella Associates, Ravi Engineering & Land Surveying, and Torchia Structural Engineering & Design. The qualifications and proposals were rated by staff and, based on these ratings, Herrick-Saylor was selected for this phase of the project.

Approximately \$1.1 million has been identified through existing Cash Capital and proposed Debt to finance the construction costs of the project. It is anticipated that the consultant report and project plan will be completed in Winter 2008, with construction beginning in Summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-301
(Int. No. 326)

Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Crossroads Garage Structural Repairs Project

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

Section 1. The sum of \$205,824, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Herrick-Saylor Engineers, P.C. for design and engineering services for the Genesee Crossroads Garage Structural Repairs Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2005-06 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-302
Re: Agreement - RouteSmart Technologies, Inc., Software for Optimizing Truck Routes

Transmitted herewith for your approval is legislation establishing \$85,000 as maximum compensation for an agreement with RouteSmart Technologies, Inc., located in Mineola, New York, for the acquisition and implementation of route optimization software. The cost of this agreement will be funded from the Undistributed Allocation (Efficiency & Effectiveness) of the 2007-08 Budget.

RouteSmart Technologies provides software used by many corporations and governmental organizations to manage and optimize delivery/pickup service routes. This software will be used by the Department of Environmental Services for various service routes to reduce fuel costs and enhance overall effectiveness. The initial focus of this project will be on waste/recycling routes, and is projected to reduce annual costs by \$400,000. These savings are reflected in the 2008-09 Budget.

RouteSmart Technologies will install, configure, provide initial waste/recycling route optimizations for DES and provide training to DES staff on the use of the software.

After a review of the limited delivery/pickup route optimization software marketplace, RouteSmart was selected due to their integration with the GIS environment used by the City, the scope of their proposal, and their ability to meet the City's budget and timeframe. The term of this agreement will be for one year, with an option for annual software maintenance and support renewals by the City thereafter.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-302
(Int. No. 327)

Establishing Maximum Compensation For A Professional Services Agreement For Route Optimization Software

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

Section 1. The sum of \$85,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with RouteSmart Technologies, Inc. for the acquisition and implementation of public works route optimization software. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-303
Re: City Hall Brownstone Restoration
and Repair Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$7.3 million and appropriating the proceeds thereof to finance the City Hall Brownstone Restoration and Repair Project. This debt has been planned for in the 2006-07 and 2008-09 Capital Improvement Programs.

The project is a comprehensive façade restoration of the historic City Hall building. It is in response to potential safety hazards posed from falling stone caused by the separation of deteriorating brownstone, as well as the result of assessment and investigation activities conducted over the past eight years. In June 2007, City Council authorized an agreement in the amount of \$805,000 with Mesick, Cohen, Wilson, Baker Architects for the related design work.

The project incorporates extensive repair/replacement of regionally-sourced brownstone masonry as well as environmentally sound exterior cleaning and repointing to arrest interior water damage attributed to the delamination of the exterior masonry. The current stonework will, without repair, continue to cause substantial damage, impacting the building's stability, safety and sustainability.

Bids for construction of the project were received on July 14, 2008. The contract has been awarded to the apparent low bidder, Lari Construction, Syracuse, NY. This historic restoration work is highly specialized; no local firms are available.

The cost of the improvements, \$6,671,000, will be financed from the proposed bond issue. An additional \$629,000 will be allocated for contingencies.

It is anticipated that the on-site construction will commence in October 2008, with completion anticipated in Fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-102

Ordinance No. 2008-303
(Int. No. 340)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,300,000 Bonds Of Said City To Finance The Cost Of Implementing 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 Medina sandstone exterior walls (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$7,300,000 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 \$7,300,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$7,300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-304
Re: Agreement - Foundation Design,
PC, Highland Reservoir

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Foundation Design, PC, 335 Colfax Street, Rochester, NY, for surveying services required for planning and design of improvements to Highland Reservoir. The cost of the agreement will be financed from the 2007-08 Cash Capital allocation.

Highland Reservoir, in operation since 1876, was drained in 1985 and in 2001 for inspections and repairs. Recent testing by the Department of Environmental Services indicated that the 27 million gallon reservoir was leaking approximately 50,000

gallons daily. Beginning on June 27, 2008, the reservoir was drained to prepare for investigations and repairs to address the leak; it will remain out of service during the summer months without disruption to customer water supply or quality.

Foundation Design, PC will provide geotechnical services to determine and define the cause of the leak and will recommend repairs to correct the leak. Foundation Design will develop an exploration program, coordinating the geophysical testing program of the reservoir and the immediate area. The testing will include test borings to collect information about the clay liner, an assessment of the embankment stability, and a determination of the subsurface profile. The consultant will also coordinate laboratory testing and review of soil samples, assessing the stability of the embankment near the crack in the liner to determine whether embankment settlement or creep may be contributing to the water loss.

All testing and eventual repair work must be performed while the reservoir is empty. It is expected that the repairs of the Reservoir leak will be completed by October 2008, with the reservoir to be refilled shortly thereafter.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-304
(Int. No. 345, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Professional [Surveying] Geotechnical Services

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Foundation Design, PC for professional [surveying] geotechnical services required for planning and design of improvements to Highland Reservoir. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-305
Re: Authorize Roth Street
Southbound One-way

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Roth Street between Avenue A and Clif-

ford Avenue from two-way traffic to one-way southbound traffic.

The Roth Street southbound one-way is requested by residents on the street as a crime prevention and quality of life measure. The southbound one-way was endorsed by the City's Traffic Control Board at the July 15, 2008 meeting.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-103

Ordinance No. 2008-305
(Int. No. 328)

Changing The Traffic Flow Of Roth Street Between Avenue A And Clifford Avenue 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 the traffic flow of Roth Street between Avenue A and Clifford Avenue from two-way to one-way southbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
August 12, 2008

To the Council:

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

Int. No. 329 - Approving Agreements For The Midtown Plaza Revitalization Project

Int. No. 330 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Clean-Up Of 425 And 435 Mt. Hope Avenue And 562 Ford Street

Int. No. 331 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$850,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At The City-Owned Parcels At 425 And 435 Mt. Hope Avenue And 562 Ford Street In The City

Int. No. 332 - Resolution Approving An Appointment To The Rochester Economic Development Corporation

Int. No. 333 - Authorizing Easements At The Rochester Science Park

The Economic Development & The Environment

Committee recommends for consideration the following entitled legislation:

Int. No. 334 - Approving The Sale Of Land In The Rochester Science Park To CAS Real Estate, Inc. And Repealing Ordinance No. 2008-62

Int. No. 335 - Approving The Lease By The Rochester Urban Renewal Agency To Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-306
Re: Midtown Plaza Revitalization Project

Transmitted herewith for your approval is legislation related to the Midtown Plaza Revitalization Project. This legislation will:

1. Authorize an amendatory agreement with the New York State Urban Development Corporation d/b/a Empire State Development Corporation for receipt of an additional \$50,000 grant for master planning for the Midtown project; and
2. Authorize an amendatory agreement with LaBella Associates, Inc., by increasing the maximum compensation by \$50,000 for additional master planning and SEQRA assistance related to the determination by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), that Midtown Plaza is eligible for listing on the State and National Registers of Historic Places. This will bring total maximum compensation for this agreement to \$970,000.

The agreement with LaBella Associates for Master Planning services for the Midtown Revitalization Project was approved per Ordinance No. 2008-25 and as amended per Ordinance No. 2008-152 for maximum compensation not to exceed \$920,000. On June 9, 2008, OPRHP determined that Midtown Plaza was eligible for listing on the State and National Registers of Historic Places. Under the proposed scope of work, LaBella Associates will undertake additional studies as required under Section 14.09 of the New York State Historic Preservation Act of 1980. The cost of the expanded services to be undertaken is \$50,000.

Under the expanded scope, LaBella Associates will develop a concise description of pertinent information to characterize existing conditions to

establish the context of the project and the Section 14.09 Review. LaBella will undertake an alternative development analysis and coordinate and lead consulting party/public information meetings relating to the Section 14.09 Review. A technical memorandum outlining the process employed to develop and evaluate avoidance/mitigation alternatives, the consulting party/public review process, and conclusions of the effort will be prepared. The intent of the memorandum will be to provide sufficient information for OPRHP to make findings on the project and as the basis of the approval of a draft "Letter of Resolution" between the participating agencies that would be included as an appendix in the draft Environmental Impact Statement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-306
(Int. No. 329)

Approving Agreements For The Midtown Plaza Revitalization Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Urban Development Corporation d/b/a Empire State Development Corporation for additional funding in the amount of \$50,000 for master planning for the Midtown Plaza Revitalization Project.

Section 2. 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 with LaBella Associates, P.C. for additional master planning and State Environmental Quality Review Act services for the Midtown Plaza Revitalization Project. Said amount is hereby appropriated from grant funds from the New York State Urban Development Corporation d/b/a Empire State Development Corporation to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-307 and
Ordinance No. 2008-308
Re: Agreement - O'Brien & Gere
Engineers, Inc., Mt. Hope Avenue,
Ford Street Brownfield Cleanup

Transmitted herewith for your approval is legislation establishing \$802,114 as maximum compensation for an agreement with O'Brien & Gere Engineers, Inc. (OBG), Rochester, for the environmental cleanup of portions of three contiguous parcels of City-owned land located at 425 and 435 Mt. Hope Avenue and 562 Ford Street; and authorizing the issuance of bonds in the amount of \$850,000 and the appropriation of the proceeds thereof to finance the agreement and other related cleanup services.

The site on the eastern bank of the Genesee River near the Ford Street Bridge is approximately 1.71 acres. It is zoned as Open Space and is unimproved parkland with trails. Former uses include gasoline service stations, auto sales, and a railroad tack house. Portions were also part of the Erie Canal feeder and Lehigh railroad yard.

Petroleum contamination in both soil and groundwater has been identified on the site. A contaminated groundwater plume has migrated westward toward the pedestrian trail and Genesee River. The New York State Department of Environmental Conservation (DEC) Petroleum Spills division has required that the City initiate a cleanup of the site.

In June 2008, a request for proposals was issued to seven pre-qualified local firms. Seven proposals were received and evaluated. OBG is recommended based on the quality and scope of its proposal, experience with DEC cleanup programs and City brownfield projects, the expertise of the proposed project team, and reasonableness of cost.

The consultant will complete remedial planning activities, develop a corrective action plan, implement a soil removal program, evaluate groundwater quality, install a groundwater remediation system, and complete an exposure assessment. Approximately 3,450 tons of contaminated soil will be removed to a permitted landfill. OBG will also develop a soil management plan, and specify environmental engineering and institutional controls to mitigate and manage residual contamination.

The total estimated cost of the project is \$668,428; an additional \$133,686 is reserved for contingency due to the complexity of the cleanup project and to address unanticipated conditions and final site restoration requirements.

This agreement will have an initial term of one year with provisions for two one-year renewals. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval. Work on the project is anticipated to begin in September 2008 and be substantially complete by late 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-104

Ordinance No. 2008-307
(Int. No. 330)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of 425 And 435 Mt. Hope Avenue And 562 Ford Street

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

Section 1. The sum of \$802,114, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and O'Brien & Gere Engineers, Inc. for environmental cleanup of 425 and 435 Mt. Hope Avenue and 562 Ford Street. The agreement shall extend for a term of one year, with options to renew for two additional one-year terms. Unit prices may be adjusted during renewal terms with the approval of the City's designated agent. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-308
(Int. No. 331)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$850,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At The City-Owned Parcels At 425 And 435 Mt. Hope Avenue And 562 Ford Street In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up of hazardous substances at the City-owned parcels at 425 and 435 Mt. Hope Avenue and 562 Ford Street in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$850,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$850,000 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 \$850,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said 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 \$850,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 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 pro-

ceeding 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.

Councilmember Miller moved to amend Int. No. 332.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-26
Re: Appointment - Rochester Economic Development Corporation

Transmitted herewith for your approval is legislation confirming the appointment of Dale K. Trott, President, DG&M Agency, 2290 East Avenue, 14610 as a Member of Rochester Economic Development Corporation. Mr. Trott is also the current president of the Rochester Black Business Association.

Mr. Trott's appointment will fill a vacancy created by the resignation earlier this year of Randolph B. Henderson, Jr.; his term will extend to June 30, 2009.

A list of current REDCO members is attached.

A copy of Mr. Trott's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-105

Resolution No. 2008-26
(Int. No. 332, As Amended)

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 Dale K. Trott, President of DG&M Agency, [to] as a member of the Rochester Economic Development Corporation (REDCO) for a term which shall expire on June 30, 2009. Mr. Trott shall replace Randolph B. Henderson, who has resigned.

Section 2. This resolution shall take effect immediately.

Bracketed material deleted; underlined material added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-309
Re: Rochester Science Park Easements

Transmitted herewith for your approval is legislation authorizing the granting of easements within Rochester Science Park to Rochester Gas & Electric Corporation (RG&E), Frontier Telephone of Rochester, Inc., and Fiber Technologies Networks, LLC. These easements will accommodate the installation of additional utility lines required for the businesses in the Science Park.

The first easement is 45 feet wide and extends over the first 80 feet of 235 Science Parkway narrowing to 15 feet. The second easement is a 15 foot wide parcel through 330 and 340 Science Park. Maps illustrating the location of these easements are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-106

Ordinance No. 2008-309
(Int. No. 333)

Authorizing Easements At The Rochester Science Park

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

Section 1. The Council hereby approves the granting of easements to the Rochester Gas & Electric Corporation (RG&E), Frontier Telephone of Rochester, Inc. and Fiber Technologies Networks, LLC for the construction and maintenance of utilities along the eastern boundary of 235 Science Parkway and along the northern side of the private drive through 330 and 340 Science Parkway.

Section 2. This ordinance shall take effect immediately.

Ordinance No. 2008-310
(Int. No. 334)

Passed unanimously.

Approving The Sale Of Land In The Rochester Science Park To CAS Real Estate, Inc. And Repealing Ordinance No. 2008-62

TO THE COUNCIL
Ladies and Gentlemen:

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

Ordinance No. 2008-310
Re: Sale of Science Park Land

Transmitted herewith for your approval is legislation authorizing the sale of two parcels of land approximately 3.74 acres in size in the Rochester Science Park to CAS Real Estate, Inc., d/b/a Columbia Analytical Services, Inc. (CAS); and repealing Ordinance No. 2008-62, which authorized the sale of these parcels to a different party who is no longer interested in the property.

Section 1. The Council hereby approves the sale of Parcels 8 and 9, 220 and 250 Science Parkway, in the Rochester Science Park, to CAS Real Estate, Inc., d/b/a Columbia Analytical Services, Inc. for the sum of \$224,400.

Columbia Analytical Services has an office at One Mustard Street, Rochester, and is headquartered in Kelso, Washington. CAS currently employs 52 individuals locally, and expects to grow to 75 employees within the next five years.

Section 2. Ordinance No. 2008-62, relating to the sale of Parcels 8 and 9, 220 and 250 Science Parkway, in the Rochester Science Park, is hereby repealed.

CAS will construct a building, approximately 20,400 square feet, on parcels 8 and 9 (220 and 250 Science Parkway respectively). Construction is expected to begin in Fall 2008. In the future, the building may be expanded to approximately 32,685 square feet to accommodate potential growth. Total project investment in the City of Rochester is anticipated to be approximately \$3,010,000.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Columbia Analytical Services, Inc. was established in 1986 as an employee-owned, full-service analytical laboratory company. Columbia Analytical has locations throughout the United States. The company offers a complete range of laboratory services including: environmental testing of air, water, wastewater, soil and pharmaceuticals. Industries served include: aerospace, mining, automotive, municipalities, chemical, electronics, microelectronic, semiconductor and environmental.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-311
Re: Lease Agreement - Benderson Development Company, Inc.,
Municipal Lot No. 2, 52 Broadway

Real estate appraisers Pogel, Schubmehl & Ferrara, LLC provided an appraised value of \$60,000 per acre on September 26, 2007. The total sale price for both parcels of land is approximately \$224,400.

Transmitted herewith for your approval is legislation authorizing an agreement with Benderson Development Company, Inc. of Buffalo for the continued lease of Municipal Lot No. 2 located at 52 Broadway. The 62 space lot is owned by the Rochester Urban Renewal Agency; a companion agency item is also being transmitted authorizing this lease. The spaces are currently used by tenants in the HSBC Building.

A negative declaration was issued on December 19, 2007 for the land sale and site plan of a previous project. Since the current plan is within the parameters referenced in this negative declaration, no further declaration needs to be issued.

Benderson Development has been leasing this property since 1998; this agreement will allow them to continue to lease the lot for three years with two one-year extension options upon mutual agreement of the Rochester Urban Renewal Agency and Benderson Development.

A public hearing is required for the sale of land in the Rochester Science Park.

The annual lease payment to RURA will be \$26,040, payable monthly at the rate of \$2,170. The lease amount was determined by an independent appraisal completed by Kevin L. Bruckner, MAI on June 17, 2008. In the event that the lot is needed for economic development purposes, the RURA will notify Benderson Development, in writing, ninety days in advance of terminating the lease agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Benderson will be responsible for all expenses associated with operating the lot, which includes utilities, snowplowing, and all maintenance and repairs to the lot.

Attachment No. AH-107

A public hearing is required on the lease of this Urban Renewal Agency property.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-311
(Int. No. 335)

Approving The Lease By The Rochester Urban Renewal Agency To Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Benderson Development Company, Inc. (hereinafter called "Redeveloper"), for the lease of 52 Broadway in the Southeast Loop Urban Renewal Project, NYR-175, for parking lot use for three years, with two one-year renewal options; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on August 12, 2008, to consider the proposed lease of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its Rules, criteria and procedures as a qualified and eligible sponsor.
2. That the use of said parcel by the Redeveloper and the terms of the lease of said parcel are satisfactory.
3. That lease of said land by negotiation is the appropriate method of making the land available for redevelopment.
4. That the Redeveloper possesses the qualifications and financial resources necessary to lease and redevelop the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory.
5. That the proposed annual rent of \$26,040 is a satisfactory rent for the lease of the parcel for use in accordance with the Urban Renewal Plan. The redeveloper shall be responsible for all costs associated with the operation and maintenance of the parking lot, including utilities, snowplowing and repairs. If the lot is needed for economic development purposes, the Agency may terminate the lease upon 90 days written notice.
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.
7. That the lease of said parcel and conditions established for redevelopment are satisfac-

tory.

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcel and approves said Redeveloper as a qualified and eligible sponsor to lease and redevelop the Parcel.

Section 2. The Council hereby approves the method and lease of said Parcel by the Agency to said Redeveloper.

Section 3. The Council hereby authorizes the lease of said Parcel by the Agency for the proposed price in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
August 12, 2008

To the Council:

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

Int. No. 336 - Authorizing Grant Agreements And Amending The 2008-09 Budget For Gang Suppression

Int. No. 337 - Authorizing Agreements With Respect To Project IMPACT V And Amending The 2008-09 Budget

Int. No. 338 - Authorizing An Agreement For Youth Voice One Vision And Amending The 2008-09 Budget

Int. No. 339 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2008-09 Budget

The following entitled legislation is being held in Committee:

Int. No. 346 - Extending The Effective Date Of Ordinance No. 2006-246 Establishing A Nighttime Curfew For Minors

Int. No. 347 - Authorizing Extension Of A Professional Services Agreement For The Curfew Center

Respectfully submitted,
Dana K. Miller
Elaine M. Spaul
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-312
Re: Agreements - Rochester Safe
and Sound Program

Transmitted herewith for your approval is legisla-
tion relating to the Rochester Safe and Sound
(RSAS) Program. This legislation will:

1. Authorize an agreement with Rochester Institute of Technology (RIT) for the receipt and use of a grant of \$572,536 to be used by the Police Department for RSAS;
2. Authorize an agreement with Monroe County for the receipt and use of up to \$87,986 to be used by Pathways to Peace activities for RSAS; and
3. Amend the 2008-09 Budget by a total of \$444,700 to reflect these grants, as detailed below. The remaining funds will be appropriated at a later date.

The US Department of Justice has awarded a \$2.5 million grant to the Rochester Institute of Technology to disburse in this community as part of a comprehensive program to prevent and suppress gang activities. The RSAS funding is targeted for prevention (\$1 million), enforcement (\$1 million), and reentry (\$500,000) programs. The award term is for three years - July 1, 2007 through June 30, 2010. No matching funds are required. RSAS projects are reviewed by a local steering committee to ensure that the program is responsive to the needs of program clients and the community.

Rochester Police Department Projects The grant will be used primarily to support overtime for programmatic details, some of which will be joint multi-jurisdictional task forces; purchase of surveillance cameras and other equipment to support enforcement; and for travel and training approved by the grant steering committee. The 2008-09 Budget will be amended as follows: Police Department will be amended by \$93,500 to cover overtime details (\$87,500), travel/training (\$5,000), and supplies (\$1,000); Undistributed will be amended by \$28,000 to cover fringe benefits; and Cash Capital will be amended by \$292,200 to purchase equipment.

Monroe County Probation/Pathways to Peace Project Pathways to Peace will work with Monroe County Probation Department's "Lead the Way" project, which is targeted at older youth involved in the criminal justice system who are at-risk for gang-related activities. Pathways staff will collaborate with Probation staff to develop problem-solving skills and coping skills in at-risk youth to help them avoid or resist inappropriate or dangerous people and high-risk situations. The program will be coordinated by a Senior Probation Officer specializing in gang intervention. The 2008-09 Department of Recreation and Youth Serv-

ices/Pathways to Peace Budget will be amended by \$31,000 to provide approximately 793 hours of support from Pathways staff for group implementation and follow-up services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-312
(Int. No. 336)

Authorizing Grant Agreements And Amending The 2008-09 Budget For Gang Suppression

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology for a Rochester Safe and Sound Grant to the Rochester Police Department to enhance gang suppression and prevention.

Section 2. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for a Rochester Safe and Sound Grant to Pathways to Peace to enhance gang suppression and prevention.

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

Section 4. Ordinance No. 2008-198, the 2008-09 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 \$93,500, to the Cash Capital Allocation by the sum of \$292,200, to the Department of Recreation and Youth Services by the sum of \$31,000, and to Undistributed Expense by the sum of \$28,000, which amounts are hereby appropriated from funds to be received under the grant agreements authorized herein to fund gang suppression and prevention activities, training and equipment.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-313
Re: Project IMPACT V

Transmitted herewith for your approval is legisla-
tion related to Project IMPACT V. This legisla-
tion will:

1. Authorize an agreement with the New York State Division of Criminal Justice Services (DCJS) for receipt and use of \$518,190 of Project IMPACT V funding;
2. Establish \$232,000 as maximum compensa-

tion for an agreement with Rochester Institute of Technology for crime data analysis services; and

- 3. Amending the 2008-09 Budget by \$518,200 reflecting funding from project IMPACT V. The Budget of the Police Department will be amended by \$471,800; the Budget of the Department of Recreation and Youth Services will be amended by \$46,400.

New York State DCJS has awarded a total of \$2,043,742 in IMPACT V funding in Monroe County to coordinate federal, state and local criminal justice agency initiatives to reduce violent crime in Rochester. The law enforcement efforts of IMPACT V are overseen by a county-wide taskforce using strategies to prevent gang violence, gun carrying, and open air drug markets, and to provide enhanced prosecution. Data on crime and crime responses is utilized to inform the taskforce in setting its priorities and direction.

Funds for the Police Department will be used for overtime details, crime analysis services, and equipment. Funds for DRY\$ will be used by Pathways to Peace for Youth Intervention Specialists, and for participant vocational training and support costs. No match is required for this grant.

This is the fifth round of funding received under this program. The agreement for IMPACT IV was authorized by Ordinance No. 2007-363. As of June 30, 2008, Impact IV had recorded over 50 overtime details resulting in over 353 violation arrests, 463 misdemeanor arrests, 149 felony arrests, and 28 arrests for illegal guns - with the seizure of 25 illegal guns.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-108

Ordinance No. 2008-313
(Int. No. 337)

Authorizing Agreements With Respect To Project IMPACT V And Amending The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for Project IMPACT V.

Section 2. The sum of \$232,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for crime data analysis services for Project IMPACT V. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2008-198 the 2008-09 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 \$471,800, to the Department of Recreation and Youth Services by the sum of \$46,400, which amounts are 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. 2008-314
Re: Rochester Area Community
Foundation Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Area Community Foundation for receipt and use of a grant for \$40,000; and amending the 2008-09 Budget of the Department of Recreation and Youth Services to reflect this grant.

The grant will be used to support the operation and activities for Youth Voice One Vision, a youth leadership and youth development program administered by DRY\$. Currently, the program has eight youth officers and an estimated 80 active youth members. The participants range in age from under 10 to 18, with the majority between 10 and 15. About 25% of the participants are 16, 17 or 18.

YVOV participants develop their own goals and strategies, conduct meetings, elect officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, conferences and special events, including the Steppin' Up To Solutions youth conference, the Youth Expo, the Salute to Youth Awards Ceremony, the Anti-Violence Lock-in, monthly service learning projects, and workshops.

YVOV members act as ambassadors at two national annual conferences - the Search Institutes Healthy Youth, Healthy Communities Conference, and the National Youth Crime Watch Conference. YVOV members often participate as "youth experts" on local panels and frequently participate in forums and events sponsored by partner agencies.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-314
(Int. No. 338)

Authorizing An Agreement For Youth Voice One Vision And Amending The 2008-09 Budget

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for Youth Voice One Vision.

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$40,000, which amount is hereby appropriated from funds to be received from the Rochester Area Community Foundation to fund Youth Voice One Vision.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-315
Re: Clarissa Street Reunion

Transmitted herewith for your approval is legislation relating to the production of the Clarissa St. Reunion. This legislation will:

1. Authorize agreements with the NYS Department of State, for the receipt of a \$5,000 grant, and the Clarissa Street Reunion committee for use of these funds; and
2. Amend the 2008-09 Budget of the Department of Recreation and Youth Services to reflect the receipt and use of the grant.

The Clarissa Street Reunion has taken place annually for the past thirteen years. This event brings thousands of current and former residents, families, and friends together for a full day of festivities, including parades, food, music and other activities.

This \$5,000 grant was included in the 2008-09 New York State Budget through the efforts of Assembly member David Gantt. These funds will be used to reimburse the Reunion for the 2008 event.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-315
(Int. No. 339)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2008-09 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 2008-09 Budget of the Department of Recreation and Youth Services.

Section 4. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$5,000, which amount is hereby appropriated from funds to be received from the State of New York for the Clarissa Street Reunion.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. Nos. 346 and 347 from Committee.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 346.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Lightfoot, McFadden, Palumbo, Pritchard, Warren - 6.

Nays - Councilmembers Conklin, Miller, Spaul - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-316 and
Ordinance No. 2008-317
Re: Nighttime Youth Curfew

Transmitted herewith for your approval is legislation authorizing the extension of the Nighttime Youth Curfew through September 4, 2009, and establishing \$207,000 as maximum compensation for an agreement with Hillside Children's Center for the operation of curfew services. This agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services. The term of this agreement will be for one year.

The youth curfew program was initiated as a pilot program in August 2006. Nearly one full year of service provided data which is the basis of the Curfew Pilot Project Report compiled by the Center for Public Safety Initiatives at the Rochester Institute of Technology. This report has been distributed to Council members; a copy is on file with the City Clerk.

The original vision for the curfew program, based on the system used in Minneapolis, was to ensure that it is a community-wide effort. In that light, it is important to note that both Monroe County and the Rochester City School District are collaborating with the City to fully implement the program. Staff from the County's Division of Human Services and the probation Department regularly attend and participate in meetings. The County of Monroe has also provided free training to all Hillside staff.

The program has demonstrated its value in several ways:

- It provides the opportunity for families to take advantage of appropriate support services. During the past year, 191 referrals were made. Increased communication between the curfew center and the school district has improved the ability to provide follow-up services;
- It has helped in identifying juvenile run-aways;
- The number of youth stopped during investigations of shots fired has been reduced;
- It has helped identify areas where services are most needed.

The curfew program is a resource for addressing the serious problems facing some of our youth. It should be viewed, not as a punitive mechanism, but as a safety net. The Administration will continue to work with the County, RCSD and other community agencies to improve the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-316
(Int. No. 346, As Amended)

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

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

WHEREAS, the curfew was extended by Ordinance No. 2006-370, Ordinance No. 2007-27 and Ordinance No. 2007-332 and is set to expire on September 4, 2008; and

WHEREAS, the Council finds that the original purposes of the curfew to prevent youth victimization and crime are still valid and that the curfew has allowed the Rochester Police Department to remove youth from dangerous situations and return them safely to their homes. This additional period will continue to protect youth from violence and from being involved in crime, provide a standard consistent with community expectations that can be adopted by youth and their families in order to protect our youth, and continue the provision of services to at-risk youth;

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

Section 1. The nighttime curfew for minors set forth in Chapter 45 of the Municipal Code, as adopted by Ordinance No. 2006-246 and extended by Ordinance No. 2006-370, Ordinance No. 2007-27 and Ordinance No. 2007-332, is hereby extended and shall remain in full force and effect until 5:00 a.m. on September [4] 30, [2009] 2008.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Lightfoot, McFadden, Palumbo, Pritchard, Warren - 6.

Nays - Councilmembers Conklin, Miller, Spaul - 3.

Councilmember McFadden moved to amend Int. No. 347.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Ordinance No. 2008-317
(Int. No. 347, As Amended)

Authorizing Extension Of A Professional Services Agreement For The Curfew Center

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

Section 1. The sum of \$[207,000] 15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the extension of a professional services agreement between the City and Hillside Children's Center for the operation of a curfew center through September [4] 30, [2009] 2008. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 9:09 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
SEPTEMBER 16, 2008**

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Spaul, Warren - 8.

Absent - Councilmember Palumbo - 1.

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

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

Recognition Ceremony:

- Retirement:
 - Environmental Services
 - *Fred H. Deming, Jr.
 - *John A. Giuliano
 - *Dominic J. Polino
 - Emergency Communications
 - Janet L. Jamison
 - Robert E. Moss
 - Finance
 - Gloria A. Ward
 - Police Department
 - *Karen M. McNamara
 - *Melvin A. Perez
 - *Eddie Sneed
- *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of August 12, 2008 be approved as pub-

lished 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 (2) 3934-7, 3935-7
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3936-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Authorizing Amendatory 2005-06 Community Development Program And City Development Fund Plans And Agreements For The Extension Of Loans For The HUD Asset Control Area Partnership Program Int. No. 358 No speakers.

Extending The Moratorium On Building Permits And Certificates Of Zoning Compliance For Mt. Hope Avenue Between Elmwood Avenue And Raleigh Street Int. No. 359 2 speakers: Melanie Warren, Helen Hogan

Amending The Official Map By Abandonment Of A Portion Of Murray Street Int. No. 365 No speakers.

Authorizing Amendatory 1997-98, 1999-2000 And 2000-01 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Slater's Raiders For Peace Initiative Int. No. 373 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-318
Re: Agreement - Friends & Families of Murdered Children

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Friends and Families of Murdered Children/Victims of Violence (Debbie Cummings-Brown, Director; Ron Reinstein, Board Chair), 244 So. Plymouth Avenue, for continued operation of support services to survivors and victims of violence, and amending the 2008-09 Budget by transferring \$50,000 from Contingency

to the Police Department to fund this agreement.

FFMC/VV was established in 1991 to address the impact of homicide and traumatic loss in the community, and since 1994 has received funding support from the City. The group provides comprehensive support to survivors of homicide victims, including: immediate crisis intervention; support through the entire court process; on-going support groups; and community education.

In recent years, Community Place of Rochester has acted as the administrative fiduciary agent for FFMC, with the understanding that FFMC would determine an ongoing funding stream and/or relationship with an established agency in order to operate independently of the City. FFMC has recently reorganized; the board of directors is chaired by Ron Reinstein; and Ms. Cummings-Brown has been appointed as executive director.

Through this agreement, FFMC/VV will continue to provide support services to victims of violence. A condition of this agreement is that the organization must ensure that, prior to July 1, 2009, its programs, services, and operations are brought into the structure of the District Attorney's Office Victims Assistance Program, or the Rochester Police Department. This will enable its ability to offer its valuable services on a stable, ongoing basis.

The term of this agreement will be from October 1, 2008 through June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-318
(Int. No. 380)

Establishing Maximum Compensation For A Professional Services Agreement For Support Services For Victims Of Violence And Amending The 2008-09 Budget

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Friends and Families of Murdered Children/Victims of Violence for support services for victims of violence. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Allocation to the Rochester Police Department to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
September 16, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 350 - Cancellation Of Taxes And Charges

Int. No. 351 - Resolution Establishing The Schedule For The Regular Council Meetings During 2009

Int. No. 352 - Establishing Maximum Compensation For A Professional Services Agreement For Web Development Services

Int. No. 353 - Establishing Maximum Compensation For An Agreement For The One City Connection And Amending The 2008-09 Budget

Int. No. 354 - Authorizing Extension Of The Agreement For The Management Of The Blue Cross Arena At The War Memorial

Int. No. 377 - Authorizing Acquisition Of The Culver Road Armory From The State Of New York, As Amended

Int. No. 378 - Establishing Maximum Compensation For An Agreement For Data Procurement Services

Int. No. 379 - Establishing Maximum Compensation For A Professional Services Agreement For The PAETEC Park Renovation Project

Respectfully submitted,
Carolee A. Conklin
Carla Palumbo
Lovely A. Warren
Gladys Santiago (Voted on Int. Nos. 378 and 379 only)

William F. Pritchard (Voted on Int. Nos. 378 and 379 only)

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-319
Re: Cancellation of Erroneous Taxes

Transmitted herewith for your approval is legislation approving the cancellation of taxes totaling \$490,781.59.

Several large housing projects, which include 25 properties, had ownership transferred to Housing Development Fund Corporations, which are ex-

empt from general taxation. Each of the corporations is bound by a PILOT agreement to pay an amount equal to 10% of sheltered rents received for a period of 40 years; this amount for 2008-09 will be \$190,600. The continuation of the PILOT agreement was overlooked when determinations regarding taxable status were made.

Council approved the continued tax exemption in Ordinance No. 2007-260. This exemption is consistent with the exemption for many other housing projects.

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$1,803,346.55.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 182 | \$1,797,588.66 |
| Administrative | 16 | 5,757.89 |
| Total | 198 | \$1,803,346.55 |

These cancellations represent .766% of the taxes receivable as of July 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-319
(Int. No. 350)

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 properties are owned by a Housing Development Fund Corporation that now makes a Payment-In-Lieu-Of-Tax based upon shelter rents.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Amount</u> |
|----------------------|---------------------------|------------------|
| <u>Address</u> | <u>Tax</u> <u>Year</u> | <u>Cancelled</u> |
| 107.230-0001-076.010 | NH | |
| 895-899 Fernwood Pk. | 2009 | \$ 4,881.24 |
| 092.620-0002-024 | NH | |
| 265 Blakeslee St. | 2009 | 268.46 |
| 092.620-0002-006 | NH | |
| 266 Blakeslee St. | 2009 | 219.65 |
| 092.620-0002-008 | H | |
| 267 Blakeslee St. | 2009 | 111.09 |
| 092.620-0002-025 | NH | |
| 269 Blakeslee St. | 2009 | 256.26 |
| 092.620-0002-007 | NH | |
| 270 Blakeslee St. | 2009 | 219.65 |
| 090.310-0001-014 | NH | |
| 78R Leopard St. | 2009 | 305.08 |
| 092.540-0002-036 | H | |
| 1975 Norton St. | 2009 | 111.09 |
| 092.540-0002-037 | NH | |
| 1969 Norton St. | 2009 | 219.65 |
| 092.550-0001-046 | H | |
| 2145 Norton St. | 2009 | 129.60 |

| | | |
|------------------------|------|---------------|
| 092.550-0001-045 | NH | |
| 2153 Norton St. | 2009 | 593.89 |
| 092.550-0001-044 | H | |
| 2157 Norton St. | 2009 | 129.60 |
| 092.620-0002-010 | NH | |
| 35 Norton Village Ln. | 2009 | 24,487.56 |
| 092.620-0002-009 | NH | |
| 50 Norton Village Ln. | 2009 | 75,211.78 |
| 092.630-0001-002 | NH | |
| 125 Norton Village Ln. | 2009 | 38,480.44 |
| 092.630-0001-001 | NH | |
| 130 Norton Village Ln. | 2009 | 61,218.89 |
| 092.630-0001-081 | NH | |
| 165 Norton Village Ln. | 2009 | 671.17 |
| 092.630-0001-004.001 | NH | |
| 251 Norton Village Ln. | 2009 | 3,254.16 |
| 090.310-0001-012 | NH | |
| 5 Ramona Pk. | 2009 | 57,110.51 |
| 090.320-0001-001.001 | NH | |
| 10 Ramona Pk. | 2009 | 12,691.23 |
| 090.310-0001-013 | NH | |
| 20-50 Ramona Pk. | 2009 | 38,073.67 |
| 092.790-0001-020 | NH | |
| 65 Waring Rd. | 2009 | 132,932.43 |
| 091.470-0001-036 | NH | |
| 3-97 Marburger St. | 2009 | 29,287.44 |
| 091.390-0001-052 | NH | |
| 99-121 Marburger St. | 2009 | 9,762.48 |
| 091.390-0001-051 | NH | |
| 127 Marburger St. | 2009 | <u>154.57</u> |

Grand Total \$490,781.59

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-27
Re: Resolution Establishing The
Schedule For The Regular Council
Meetings During 2009

Transmitted herewith for your approval is a resolution that establishes the 2009 City Council meeting schedule.

The proposed schedule has been reviewed by Council staff and the Mayor's office in order to eliminate any potential conflicts with either civic or religious holidays. The number of scheduled regular meetings is the same as the current year. There are two variances from the normal Tuesday Council meeting day: the March meeting will be held on Wednesday, March 18 to avoid a conflict with the NLC Congressional Conference, and the November meeting will be held on Monday, November 9 to avoid a conflict with the NLC Congress of Cities.

In addition, although it is not formally part of this legislation, it should be noted that there are two variances from the normal Thursday Committee Meeting day: the February Committee Meetings will be held on Wednesday, February 11 to avoid a conflict with the Lincoln's Birthday holiday, and the April Committee Meetings will be held on Wednesday, April 8 to avoid a conflict with Passover.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2008-27
(Int. No. 351)

Resolution Establishing The Schedule For The Regular Council Meetings During 2009

WHEREAS, City Council adopted the current Rules of Council on January 2, 2008, by Resolution No. 2008-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2008 and indicated that the schedule for 2009 would be established in a Resolution adopted during 2008,

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

Section 1. The following shall be the schedule of regular meetings of the Council for 2009 to be held in the Council Chambers, City Hall, at 8:00 P.M.

- January 20
- February 17
- March 18 (Wednesday)
- April 14
- May 12
- June 16
- July 14
- August 11
- September 8
- October 13
- November 9 (Monday)
- December 15

and also at such other times as the Council may by adjournment to a day certain appoint. When the date for the regular meeting falls on a legal holiday, the meeting shall be held on the following day.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-320
Re: Agreement - VanDamme Associates,
City Website Development

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with VanDamme Associates, Pittsford, NY, to provide web development services for the City's Website redesign and implementation project. The cost of this agreement will be funded from the 2008-09 ITD Cash Capital allocation.

VanDamme Associates is a local firm with in-depth expertise in the design and development of websites utilizing Ektron, the web content management system selected by the City and the Library. VanDamme Associates will serve as the City's Web site developer and will assist with defining the specifics of the City's Web site redesign, and will guide the project to implementation. Their services will include training City staff on the new website tools for maintenance of the website. The redesigned website is expected to be launched during the third quarter of the current fiscal year.

A request for proposals was issued in July 2008 for these services. Responses were received from Key Technology Group, New Orleans, LA, and VanDamme Associates. Based on the City's review of responses and subsequent reference checks, we have found that VanDamme Associates is uniquely qualified based on their expertise with the City's content management system, experience, and success in providing similar services to other clients.

The term of this agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-109

Ordinance No. 2008-320
(Int. No. 352)

Establishing Maximum Compensation For A Professional Services Agreement For Web Development Services

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 with VanDamme Associates for web development services for the City's Website Redesign and Implementation Project. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-321
Re: Agreement - United Way of Greater
Rochester, One City Connection

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with United Way of Greater Rochester to coordinate the One City Connection volunteer website and publicity for the program; and amending the 2008-09 Budget by transferring \$25,000 from Contingency to the Mayor's Office to fund the agreement.

City staff will work with the United Way to develop a website that will provide information on City initiatives, refer potential volunteers to City staff in each department, and gather contact and demographic information. In addition, One City Connection has been selected by the Ad Council of Rochester to develop a marketing campaign promoting volunteerism, particularly for organizations that assist City residents.

The City's \$25,000 will be matched by the United Way, either directly or through their fundraising efforts. The United Way, with their established volunteer recruitment and coordination processes, is best suited to provide this service for City initiatives. These funds, a one-time cost, will support the establishment of the web presence.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-321
(Int. No. 353)

**Establishing Maximum Compensation For
An Agreement For The One City Connection
And Amending The 2008-09 Budget**

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the United Way of Greater Rochester Inc. for the One City Connection volunteer website and program publicity. Said amount shall be funded from the 2008-09 Budget of the Mayor's Office.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency allocation to the Mayor's Office to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-322
Re: Amendatory Agreement - SMG, Blue
Cross Arena at the War Memorial

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with SMG, Philadelphia, PA, for continued management of the Blue Cross Arena at the War Memorial. The existing contract includes the option for two five-year extensions; this amendment will exercise the first of those extensions, and modify some of the terms as described below. SMG manages the Arena on behalf of the City and contracts with various parties for the use of the facility.

This extension is proposed as part of the negotiation of new agreements with the Amerks and Knighthawks teams that are the principal tenants of the Arena. Both teams have recently faced financial and management difficulties that led to a change in ownership and management. The agreements for the use of the Arena with the teams expired in 2007 and were extended for one year to allow for financial restructuring. The new owners have now financially stabilized the teams and negotiated new agreements with the City and SMG for the use of the Arena to begin in 2008.

In order to negotiate new agreements with the teams, it was necessary to also negotiate new terms for the extension of the SMG agreement which expired in 2008. The revenue sources and expenses for the operation of the Blue Cross Arena are common to SMG, the teams and the City. In order to avoid putting the City at risk for any commitment made to the teams, it was necessary for all three parties to agree to the division of revenues and expenses.

The SMG agreement shifts the annual risk of operating the Arena from the City to SMG. There is a fixed contribution from the Hotel/Motel Tax, and the City pays some expenses directly, but SMG takes the annual operating risk. SMG is responsible for booking events and for the cost of operating the Arena. SMG is allowed to deduct the cost of operation from the revenue received. If the Arena makes money, SMG is allowed to keep the profit up to an agreed amount, after which it is shared with the City. However, if the Arena loses money, SMG must absorb the loss. This protects the City from annual operating losses and provides motivation for SMG to maximize the financial performance of the Arena.

The agreement provides for the division of the revenues and expenses that occur before the final determination of profit and loss referred to above. Principal tenants, such as the teams, receive a portion of the revenues from sources like advertising and concessions. Other tenants, such as single concerts, pay rent and some expenses and depend on ticket sales alone for revenue. Depending on the nature of the event and the potential revenues and expenses, there are arrangements that vary between the two described above. In addition, the City receives some revenue directly from ticket surcharges and other sources.

The principal terms of the SMG agreement and the negotiated modifications are:

- Five-year term beginning August 1, 2008; the previous term was 10 years.
- Continued SMG risk of loss for operation.
- Revenue not distributed directly to teams or City, less the direct cost of operating the Arena not including SMG corporate overhead, is used to calculate net operating profit. SMG absorbs any loss and retains profit up to \$300,000 annually. Above \$300,000, net profit is split with 60% to the City. Previously, SMG retained up to \$420,000, and 40% of the excess went to the City.
- City to directly receive 11% of gross concession revenue less taxes and credit card fees for team events and 13% for other events. Previously, the City received approximately 9%.
- SMG has direct responsibility for administration and accounting for suites and for sales if the teams do not meet certain performance standards. Prior arrangements gave the exclusive right to sell and the accounting responsibility to the teams, which resulted in underutilization and accounting difficulties.
- SMG has direct responsibility for concessions, with an obligation to include local vendors. This was previously in control of a third-party vendor, which resulted in a lack of accountability and control, and added expense.
- Centralize accounting and accountability for entire operation with SMG. This was previously split with teams and the third-party concession vendor.
- Monthly centralized reporting by SMG to City on usage and financial results, with an annual third-party audit. Previously, there was less frequent fractionalized reporting, with no audit.
- The financial impact on SMG, assuming the same performance as last year, is a slight decrease in net profit with increased responsibility, and an increase in revenue sharing with the City and teams, but improved opportunity to earn an increased fee through increased attendance and better concession operation.
- The economic benefits are aligned with good operation and increased usage of the facility in a way that shares the benefits among SMG, the City and the teams.

The most important impact on the City of the changes is the retention of the teams and the financial stabilization of the Blue Cross Arena operation, both of which were at risk, while retaining protection against operating losses and requiring

no additional investment by the City.

As noted above, there are favorable changes in the concession revenue and net operating profit shared with the City. Assuming last year's performance, the revenue to the City would increase by approximately \$60,000 annually. In addition, and perhaps more importantly, there is a better alignment of the parties to benefit from the improved operation and usage of the facility that should provide motivation for more cooperative and improved performance. There is also improved accountability and accounting and an annual third-party audit. This should produce improved overall performance and, with the revenue sharing changes noted above, lessen the financial burden on the City and increase the benefit of the facility to the community.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-322
(Int. No. 354)

**Authorizing Extension Of The Agreement
For The Management Of The Blue Cross Arena
At The War Memorial**

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

Section 1. The Mayor is hereby authorized to exercise the first 5 year option for the extension of the agreement with SMG for the management of the Blue Cross Arena at the War Memorial. SMG shall continue to manage all aspects of the day-to-day operation of the building and shall assume responsibility for all operating expenses as provided in the current agreement to include one-half of the utility costs up to \$360,000 per year and capital expenses less than \$5,000 per project or item of equipment. Modifications to the existing agreement shall continue SMG's responsibility for all losses, but shall reduce its entitlement to retain annual net operating profits to \$300,000 and reduce to 40% its share of annual net operating profits above \$300,000, with 60% retained by the City. Further modifications shall increase the City's share of gross concession revenue less taxes and credit card fees and before calculation of operating profit to 11% for team events and 13% for other events. SMG shall have responsibility for concessions, with an obligation to include local vendors. SMG shall have responsibility for administration and accounting for suites and a non-exclusive right to sell them, with the City continuing to receive 50% of the revenue less expenses and commissions and before calculation of operating profit. SMG shall centralize accounting and accountability for the entire operation of the Blue Cross Arena at the War Memorial, shall report monthly to the City on usage and finances, and shall supply an annual third-party audit to the City.

Section 2. Except as set forth above, the agreement shall continue the existing terms with 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. 2008-323

Re: Acquisition of Real Estate - Culver Road Armory

Transmitted herewith for your approval is legislation authorizing the acquisition of the Culver Road Armory from New York State. The property consists of two parcels; 145 Culver Road, the front parcel, is a 4.8 acre site which contains the former armory building; 56 Hinsdale Street, the rear parcel, is a 6.4 acre site containing several storage and maintenance buildings. The acquisition cost of \$1,000,000, based upon appraised value, along with estimated closing costs of \$5,000, are to be funded from the 2007-08 Cash Capital allocation for land acquisition and site preparation.

This acquisition is made subject to the provisions of a Memorandum of Understanding between the City and the State of New York. The property is to be conveyed under the Urban Development Corporation Act of 1968 from the New York State Office of General Services to Empire State Development Corporation, which will in turn convey ownership to the City. It is the City's intent to sell the property to a private owner to be redeveloped for economic development purposes, thereby adding to the City's tax base. To accomplish this, the City will make a public offering of the property via a Request for Proposal sale.

City Council's authorization of this acquisition will allow the City to enter into a purchase and sale agreement with New York State that will provide a 90-day period for due diligence activities. During this interim period, the City will begin preparations for issuance of the Request for Proposals. The anticipated acquisition date is March 2009.

This is the City's second acquisition of land at the Culver Road Armory. In June 2008, pursuant to Ordinance 2008-216, Council authorized acquisition from New York State of a triangular shaped parcel of land measuring .75 acre, situated at the rear of the Culver Road Armory. The property is a fenced, gravel parking lot that is currently part of the I-490 right-of-way. The land is to be conveyed to the City of Rochester for \$1 under Section 34 of the New York State Consolidated Laws. The parcel will be utilized to accommodate parking needs for the Armory site redevelopment, and to alleviate parking shortages for surrounding neighborhood uses.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-110

Ordinance No. 2008-323
(Int. No. 377, As Amended)

Authorizing Acquisition Of The Culver Road Armory From The State Of New York

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

Section 1. The Council hereby approves the acquisition of the Culver Road Armory, 145 Culver Road, SBL #122.610-01-018, and 56 Hinsdale Street, SBL #121.680-03-001, from the State of New York pursuant to the Urban Development Corporation Act of 1968 for economic development purposes, for [a sum not to exceed] consideration of \$1,000,000. Said amount, and necessary closing costs, shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2008-324

Re: Agreement - Quinetix, Data Procurement Services

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Quinetix LLC (Rob DiCesare, President), Rochester, for data procurement services. The agreement will be funded from the 2007-08 Budget for Undistributed Expense.

Quinetix will provide the Communications Bureau with customer data collection and analysis to enhance its marketing and outreach efforts. The data will be used in a variety of ways, including the development of direct mail lists, customer segmentation based upon specific demographic criteria, designing targeted messages, analyzing program participants for program or service development and enhancement, and identifying opportunities for increasing customer satisfaction and engagement.

The application of this data presents the City with an opportunity to communicate targeted messages and deliver useful information about its programs and services to people who will benefit from them most. The data will also support the City's Customer Relationship Management System, which will link the demographic information to customer profiles to track outreach activities and gauge efficacy.

A Request for Proposal was published on the City's website and mailed directly to vendors. Proposals were received from: Quinetix, LLC,

Rochester, NY; Peachtree Data, Duluth, GA; USADATA, Inc., New York, NY; and Experian Marketing Information Services, Costa Mesa, CA. Proposals were evaluated for cost, data coverage, collection, ownership and delivery schedule of the data and the vendor's experience and references. Quinetix is recommended based on the quality and scope of its proposal. The city-located business offered unique qualifications, including the ability to provide data consultancy services. The cost was also a major factor, along with outstanding customer feedback, the firm's thorough response to RFP follow-up questions and, overall, how closely they match the City's needs.

The agreement is for a one-year contract with an option for 2 one-year renewals.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-324
(Int. No. 378)

Establishing Maximum Compensation For An Agreement For Data Procurement Services

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and Quinetix LLC for data procurement services for a term of one year, with two one-year renewal options. Said amounts shall be funded from the 2007-08, 2009-10 and 2010-11 Budgets for Undistributed Expense, contingent upon adoption of the latter budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-325
Re: Agreement - Phase Two, PAETEC
Park Renovation Project

Transmitted herewith for your approval is legislation establishing \$300,000 as maximum compensation for an agreement with HOK Sports Facilities Architects P.C., Kansas City, Missouri, for architectural design services for the second phase of the PAETEC Park (Rochester Rhinos Stadium) Project. The cost of the agreement will be financed from the 2007-08 Cash Capital allocation.

Phase Two of the Rochester Rhinos Stadium Project will include the addition of approximately 18 suites into the existing press level. Restrooms, storage, and an audio/visual equipment room will also be added to the press level. HOK, the firm responsible for the original Stadium design, will provide architectural services related to program

development, schematic design, design development and construction document preparation. The preliminary construction cost estimate is \$3,000,000, including contingencies.

Design and construction of Phase Two is anticipated to be funded by a \$4,000,000 grant from the Dormitory Authority of the State of New York (DASNY). It is expected that DASNY will make this grant directly to the City and the City will be responsible for overseeing the work. The funds expended by the City for the design services agreement herein are anticipated to be reimbursed from the grant as well. To ensure construction will conclude for utilization of the suites in the 2009 sports season, and to provide information for the scope of work used by DASNY for grant reimbursement, the City seeks to proceed with design services in advance of the DASNY award.

It is anticipated that the design will commence in the Fall of 2008, and will be completed to provide for construction to commence in Winter 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-325
(Int. No. 379)

Establishing Maximum Compensation For A Professional Services Agreement For The PAETEC Park Renovation 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 a professional services agreement between the City and HOK Sports Facilities Architects P.C. for architectural design services for Phase Two of the PAETEC Park Renovation Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
September 16, 2008

To the Council:

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

Int. No. 355 - Authorizing The Sale Of Real Estate

Int. No. 356 - Authorizing The Sale Of An Additional Parcel Of Real Estate Through The

Reinvest In Rochester Program

Int. No. 357 - Approving The Sale Of Real Estate In The Town Of Lima

Int. No. 323 - Amending Chapter 120 Of The Municipal Code, Zoning Code, Relating To Standards For Planned Development District #6-Rochester General Hospital

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

Int. No. 358 - Authorizing Amendatory 2005-06 Community Development Program And City Development Fund Plans And Agreements For The Extension Of Loans For The HUD Asset Control Area Partnership Program

Int. No. 359 - Extending The Moratorium On Building Permits And Certificates Of Zoning Compliance For Mt. Hope Avenue Between Elmwood Avenue And Raleigh Street

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-326 and
Ordinance No. 2008-327
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of six properties and adding a property to the Reinvest in Rochester program.

Sale of Real Estate. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property was sold at the April 2005 public auction, via a development proposal. The purchasers will be required to complete the terms of their development proposal within six months of conditional closing. The proposal calls for the demolition of the existing structure with the site to be cleared and leveled and combined with their adjoining land. Please note that Tymothi Davis-Howard, Trustee of Bethesda Church of God in Christ, is an employee of the City of Rochester.

The next three properties are being sold to the Rochester Housing Development Fund Corporation for their appraised value. The properties will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester, NY Metropolitan Statistical Area.

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

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,201.

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

Reinvest In Rochester. Ordinance No. 2008-298 authorized a list of properties for sale through the invest In Rochester program. The property at 104 Hobart Street will be added to the list.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-111

Ordinance No. 2008-326
(Int. No. 355)

Authorizing The Sale Of Real Estate

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

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

Address: 63 Morrill St
S.B.L.#: 106.22-2-18
Lot size: 40x96
Legal use: 1 Family
Price: \$1,600
Purchaser: Bethesda Church of God in Christ*

* Officers: Ronald Hoston, Pastor; Jennifer Hoston, Trustee; Tymothi Davis-Howard, Trustee; Ingrid Jeffries, Trustee; James Thomas, Trustee; Lenora Thomas, Secretary; Sandra Cunningham, Treasurer

Section 2. The Council hereby approves the negotiated sale of the following parcels of improved property:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Price</u> |
|-----------------------------------|--|--------------|
| 682 Frost Ave 120.66-1-11 | 38x120 Rochester Housing Development Fund Corp.* | \$3,000 |
| 49 Westgate Ter 120.63-1-19 | 40x140 Rochester Housing Development Fund Corp.* | 5,000 |
| 121 Burlington Ave 135.32-3-11 | 40x120 Rochester Housing Development Fund Corp.* | 7,000 |

* Officers: Jean A. Lowe, President; R. Scott Schmid, Vice President

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

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Sq. Ft.</u> |
|--|--|----------------|
| 83 Hempel St 106.43-4-8.3 | 32x45 Jose Oquendo | 1,440 |
| East ½ of 55 Weld St Pt. of 106.73-1-10 | 17x140 Flower City Habitat For Humanity* | 2,380 |

* Officers: Edward Lipsky, President; Musette Castle, Vice President; Donna Murano, Secretary; Jeffrey Lewis, Treasurer; Arthur Woodward, Executive Director

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. 2008-327
(Int. No. 356)

Authorizing The Sale Of An Additional Parcel Of Real Estate Through The Reinvest In Rochester Program

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

Section 1. The Council hereby adds the parcel at 104 Hobart Street, SBL #120.48-3-76, to the list of parcels approved in Section 2 of Ordinance No. 2008-298 for sale under the Reinvest in Rochester Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-328
Re: Sale of Real Estate - Gleason Road, Lima

Transmitted herewith for your approval is legislation authorizing the sale of City-owned property, located on Gleason Road, to L. Victor Myers and Catherine Myers, owners of the adjoining property. The subject vacant land comprises approximately two acres and is located at the northwest corner of Gleason Road and Pond Road in the town of Lima, Livingston County.

A portion of the nine-mile section of Conduit One is located under this parcel and has been out of service for 20 years; there are no plans to put this section back in service. However, the City will retain a 60-foot wide easement on the property for the water supply conduit which extends through the middle of the site.

The purchase amount of \$500 was established through an independent appraisal prepared by Midland Appraisal Associates. The City's Water Bureau has reviewed this transaction and concurs with the sale of this property.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-112

Ordinance No. 2008-328
(Int. No. 357)

Approving The Sale Of Real Estate In The Town Of Lima

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

Section 1. The Council hereby approves the sale of the City-owned vacant parcel, comprising approximately 2 acres, at the northwest corner of Gleason Road and Pond Road in the Town of Lima, Tax Map ID # 038.000-1-18.0, to L. Victor Myers and Catherine Myers, for the sum of \$500. The City shall retain a sixty foot wide easement over the parcel for a water supply conduit.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 323 was introduced August 12, 2008, and appears in its original form with its transmittal letter on page 288 of the current Council Proceedings.

Attachment No. AH-113

Ordinance No. 2008-329
(Int. No. 323)

Amending Chapter 120 Of The Municipal Code, Zoning Code, Relating To Standards For Planned Development District #6 - Rochester General Hospital

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-330
Re: Asset Control Area Program (ACA) -
Phase 3 Financing

Transmitted herewith for your approval is legislation related to the financing of Phase III of the City's participation in HUD's Asset Control Area Program (ACA). This legislation will:

1. Authorize amendatory agreements with the RHDfC and/or JPMorgan Chase Bank, N.A. to extend any float loans and loans related to property acquisition and rehabilitation from the current 30 months (expires October 20, 2008) to 42 months (expiring October 20, 2009);
2. Amend the 2005-06 Consolidated Community Development Plan to extend a previously-approved float loan of \$2,000,000 in Community Development Block Grant (CDBG) funds from the Improving the Housing Stock and General Property Conditions allocation through October 20, 2009 for the use of the RHDfC as acquisition/interim construction financing; and
3. Amend the 2005-06 City Development Fund (CDF), a component of the 2005-06 Consolidated Community Development Plan, to extend a loan of \$237,000 through October 20, 2009 for the use of the RHDfC as a loan loss reserve fund.

The RHDfC allows the City to fulfill its obligation to HUD, through the Asset Control Area Program (ACA) agreement, by acquiring properties from the City for rehabilitation and resale to income-eligible, owner-occupants. The twelve-month extension of these loans will allow for the rehabilitation and sale of the 44 properties remaining of the 124 acquired through the third loan agreement.

The CDBG and CDF funds will continue to be used for the following purposes:

| <u>Original Amount</u> | <u>Balance Due</u> | <u>Source</u> |
|---|--------------------|---------------|
| Acquisition and construction capital \$2,000,000 | \$2,000,000 | CDBG |
| Loan loss reserve <u>237,000</u> | <u>237,000</u> | CDF |
| Total \$2,237,000 | \$2,237,000 | |

City Council previously authorized the acquisition and construction capital float loan through Ordinance No. 2006-41 in March 2006, and the loan loss reserve through Ordinance No.2006-69 in the April 11, 2006 meeting.

A public hearing on amending the Consolidated Plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-330
(Int. No. 358)

Authorizing Amendatory 2005-06 Community Development Program And City Development Fund Plans And Agreements For The Extension Of Loans For The HUD Asset Control Area Partnership Program

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

Section 1. The Council hereby approves an amendment to the 2005-06 Community Development Program Plan whereby the float loan approved in Ordinance No. 2006-41 within the Improving the Housing Stock and General Property Conditions allocation in the amount of \$2,000,000 to fund a capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City for resale as a part of Phase III of the HUD Asset Control Area (ACA) Partnership Program shall be extended through October 30, 2009.

Section 2. The Council hereby approves amendments to the 2005-06 City Development Fund Plan, a component of the 2005-06 Community Development Program Plan, whereby the loan approved in Ordinance No. 2006-69 in the amount of \$237,000 to fund a loss reserve account for the capital loan pool for Phase III of the HUD Asset Control Area (ACA) Partnership Program shall be extended through October 30, 2009.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation and/or JPMorgan Chase Bank, N.A. to extend through October 30, 2009, without interest, the loans to fund a capital loan pool and a loss reserve account for the capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City for resale as a part of the HUD Asset Control Area (ACA) Partnership.

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. 2008-331
Re: Mt. Hope Avenue Development
Moratorium

Transmitted herewith for your approval is legislation extending the development moratorium for Mt. Hope Avenue between Elmwood Avenue and Raleigh Street. The moratorium imposed on building permits and Certificates of Zoning Compliance was adopted in March 2008 for a six-month period, as per Ordinance No. 2008-92. This legislation will extend the moratorium through December 3, 2008.

The six-month moratorium was adopted for the purpose of conducting a land use, transportation and planning study. One recommendation of the study is that a new zoning district, C-V Collegetown Village District, be created. The Mt. Hope Business Association has requested the extension to allow full consideration of the rezoning among businesses and residents.

The extension will also allow a full process for consideration of the proposed district, including: neighborhood and business association discussions with City staff throughout September; a Planning Commission informational hearing on October 6, 2008; and a public hearing before City Council on November 25, 2008.

The City Planning Commission will hold an informational hearing on the proposed extension of the moratorium on September 8, 2008. The minutes and decision of the Commission meeting will be forwarded to Council prior to the September 16 meeting.

A public hearing on the extension is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-331
(Int. No. 359)

Extending The Moratorium On Building Permits And Certificates Of Zoning Compliance For Mt. Hope Avenue Between Elmwood Avenue And Raleigh Street

WHEREAS, by Ordinance No. 2008-92, the Council approved a moratorium on building permits and certificates of zoning compliance for a six month period for the area of Mt. Hope Avenue between Elmwood Avenue and Raleigh Street to allow for the completion of a comprehensive land use, transportation and planning study; and

WHEREAS, additional time is necessary for consideration of the recommendations of the study, which include the proposed establishment of a new C-V Collegetown Village District for the

moratorium area, and for action to be taken on the recommendations;

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

Section 1. The moratorium on the acceptance of applications for, and on the approval of, building permits and certificates of zoning compliance for properties at 1286-1500 Mt. Hope Avenue (even), 1325-1481 Mt. Hope Avenue (odd), 30 E. Henrietta Road and 793-797 Elmwood Avenue, as approved in Ordinance No. 2008-92, is hereby extended through December 3, 2008.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
September 16, 2008

To the Council:

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

Int. No. 360 - Authorizing An Agreement With The County Of Monroe For The Disposal Of Solid Waste And The Processing Of Recyclable Materials

Int. No. 361 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Agreement Services

Int. No. 362 - Amending Chapter 23 Of The Municipal Code, Waterworks

Int. No. 363 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Holly Water Main Extension Public Improvement Project

Int. No. 364 - Establishing Maximum Compensation For A Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

Int. No. 374 - Amending The 2008-09 Budget For Expanded Parking At The Public Market

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

Int. No. 365 - Amending The Official Map By Abandonment Of A Portion Of Murray Street

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo (Did not vote on Int. No. 360)
Glady's Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-332
Re: Inter-Municipal Agreement - Monroe
County, Solid Waste Disposal and
Processing

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for the disposal of solid waste and processing of recyclable materials collected by the City.

The current agreement, authorized by City Council in May 2003, requires that all refuse collected by the City be delivered to the Monroe County Transfer Station, and that the County is required to accept all such refuse. Similarly, the City delivers all recyclables collected to the County's designated authorized recycling facility, and the County is authorized to accept all such recyclables.

The new agreement adds a provision for sharing of revenues generated through the sale of recyclables. The City's share will fluctuate based on the cost of processing and market prices of commodities. In addition, the County will provide value-added services such as wood chipping, loose leaf composting, tire recycling, and accepting of excavated materials and street sweepings.

The City currently delivers approximately 115,000 tons of Municipal Solid Wastes (MSW) to the County Transfer Station annually. There is no cost to the City for the disposal of recycled materials. The present landfill fees paid by the City are \$48.90 per ton; the new rate will be \$47.39 per ton for the first year.

The term of the proposed agreement will begin July 1, 2008 and extend through December 31, 2018. The proposed agreement will result in an estimated \$694,000 in savings over the next four years, compared to the current agreement. This agreement will allow the City to control its cost of disposal of MSW and recyclables for the next decade.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-332
(Int. No. 360)

Authorizing An Agreement With The County Of Monroe For The Disposal Of Solid Waste And The Processing Of 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 for the disposal of solid waste and the processing of recyclable materials. The agreement

shall replace the current solid waste agreement and shall extend from July 1, 2008 through December 31, 2018. Maximum fees shall be established for the disposal of solid waste throughout the term, beginning with a fee of \$47.39 per ton for the first year, with periodic increases culminating in a fee of \$53.49 per ton for 2018. If at any time lower fees are offered to other users, the City shall also be charged the lower fees. The agreement shall further require the County to share revenues with the City on the sale of recyclable materials. The County shall promote recycling, accept excavated materials, street sweepings, household hazardous waste and electronic waste, and provide services such as wood chipping, loose leaf composting and tire recycling. The cost of this agreement shall be funded from the annual budgets of the Department of Environmental 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. 2008-333
Re: Amendatory Agreement - Negotiator,
Water Sharing Agreement with
MCWA

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Paul Bringewatt, Canandaigua, for additional services related to the negotiation of the water sharing agreement between the City of Rochester and the Monroe County Water Authority (MCWA). This amendment will increase maximum compensation by \$10,000 to a total of \$40,000, and will be funded from the 2008-09 Budget of the Department of Environmental Services.

The original agreement, authorized by Council in October 2006, established maximum compensation of \$9,900, and was subsequently amended in March 2007 and in June 2008. The first amendment increased payment by \$10,100, and extended the term to June 1, 2008. The second amendment provided for an additional \$10,000. This third amendment will also extend the term of Mr. Bringewatt's agreement to March 31, 2009.

Mr. Bringewatt will continue his review of the various water exchange alternatives, participate in the negotiations, and offer expert advice to the City regarding the negotiations between the City and MCWA.

The most recent water sharing agreement with MCWA expired on April 27, 2008. However, in February 2008 Council authorized an amendment to extend the term of the water sharing agreement through December 31, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-333
(Int. No. 361)

**Establishing Maximum Compensation For
An Amendatory Professional Services Agree-
ment For Water Agreement Services**

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

Section 1. The sum of \$10,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for an amendatory
professional services agreement with Paul
Bringewatt for assistance in negotiating the
agreement with the Monroe County Water Author-
ity for water sharing. Said amount shall be funded
from the 2008-09 Budget of the Department of
Environmental Services (Water Fund).

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-334
Re: Amending the City Code -
Chapter 23, Waterworks

Transmitted herewith for your approval is legisla-
tion amending Chapter 23, the Waterworks section
of the City Code. The changes will update and
clarify passages and remove outdated language
and references.

This is the first major revision of the Waterworks
chapter in over 20 years. The revisions will incor-
porate changes in technology, including remote
meter reading, and will expand backflow preven-
tion requirements to protect against cross-
connection contamination of the public water
supply.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-334
(Int. No. 362)

**Amending Chapter 23 Of The Municipal
Code, Waterworks**

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

Section 1. Chapter 23 of the Municipal Code,
Waterworks, as amended, is hereby further
amended as follows:

- a. Section 23-1, Definitions, is hereby
amended by amending the definition of

MAIN, STREET MAIN or WATER MAIN
to read as follows:

MAIN, STREET MAIN or WATER
MAIN - A water main owned by the
City of Rochester and supplying or ca-
pable of supplying water to one or more
parcels.

- b. Section 23-2, Responsibilities of property
owners, is hereby amended by amending
the second full sentence of subsection D,
Water consumption, to read in its entirety
as follows:

An owner of any parcel of property
which is connected to the City's water
distribution system shall be deemed
knowingly to accept water service to the
parcel on the terms and conditions speci-
fied in the City Charter, the City Code,
state law and all duly promulgated rules
and regulations.

- c. Section 23-4, Water services, is hereby
amended to read in its entirety as follows:

§ 23-4. Water services.

Except as provided in § 23-26, every
separately owned parcel shall have at
least one separate water service. Two
separate parcels cannot share the same
service. All water services shall meet
the specifications set forth in waterworks
specifications promulgated by the Direc-
tor of Water pursuant to § 23-36. All in-
stallation and other work shall be done in
accordance with procedures set forth in
such waterworks specifications.

- d. Section 23-7, Turning on water, is hereby
amended by adding the following new sen-
tence as the last sentence thereof:

All remote read devices shall be installed
by the Waterworks.

- e. Section 23-8, Fire services, is hereby
amended by amending subsection A thereof
to read in its entirety as follows:

A. Requirements. Fire services shall be
designed and installed in accordance
with the Waterworks specifications
promulgated by the Director of Wa-
ter. All fire services shall be
equipped with a detector check
valve and bypass meter. Plans for
all fire services must be submitted
and approved by the Waterworks.
Fire services shall be used only for
fire protection. If the Director of
Water determines that it is possible
for water to be used for other than
fire protection, he or she may re-
quire the property owner to install a
mainline water meter in the service.

- f. Section 23-9, Meters, is hereby amended by amending subsections A, B and C thereof to read in their entirety as follows:

- A. Meter fee. A water meter, including the remote read provided by the Waterworks, shall be installed in every active water service. Water meters shall not be moved from one service to another. The property owner shall pay the required meter fee, pursuant to § 23-37B, for any new meter installed on the premises. When a meter is replaced in a service with a new meter of the same size and the old meter is returned to the Waterworks in satisfactory condition, there shall be no fee for the new meter. The meter fee shall be partially refunded if the service is permanently disconnected, or is enlarged, and the meter is returned to the Waterworks in satisfactory condition. Such refund shall be equal to the fee originally paid, less 10% for each year or fraction of a year since its installation. If a larger meter is installed because it is necessitated by an order of the Director of Water to install a backflow preventer pursuant to § 23-27, and if the old meter is returned to the Waterworks in satisfactory condition, then the property owner shall be credited with the full amount of the fee, at current prices, for the old meter. When the water supply through a service is discontinued but the service is not permanently disconnected from the main, the meter will be stored by the Waterworks until it is reinstalled in the service at the request of the owner. No refund of the meter fee shall be made when the meter is removed for storage, and no meter fee shall be charged when it is reinstalled.
- B. Property of the City. Water meters and remote read devices at all times remain the property of the City. No one other than the Waterworks or authorized representative shall install or remove a meter.
- C. Maintained by the City. Meters shall be maintained by the Waterworks. Meters and remote reads may be removed or replaced by the Waterworks in order to perform necessary maintenance. The Director may choose, however, to leave a meter in place until its accuracy has been tested.

- g. Section 23-11, Meter bypass, is hereby amended to read in its entirety as follows:

§ 23-11. Meter bypass.

All bypasses must have a bypass meter. The design of the bypass shall be submitted to the Director for his or her approval, prior to installation. The Director may require a meter to be installed in the bypass by and at the expense of the property owner. Every unmetred bypass line outside a vault shall have a lockable valve box which shall be sealed closed and opened only by the Waterworks. No connections shall be made to the bypass.

- h. Section 23-19, Short-term water shutoff, is hereby amended by deleting the words "for a period not to exceed 24 hours" where they are contained therein.
- i. Section 23-21, Water shutoff, is hereby amended by amending subsection A(6) thereof by adding the words "or remote read device" after the word "meter" where it is contained therein.
- j. Section 23-25, Permanent disconnection of service, is hereby amended by deleting the word "licensed" where it appears in the second to last sentence of subsection B, Replacement of existing service.
- k. Section 23-27, Cross-connection, is hereby amended by deleting the word "facility" in each place where it appears in subsection A, Backflow prevention device, and by inserting in its place the word "parcel".
- l. Section 23-27, Cross-connection, is hereby further amended by adding the following new subsections to subsection B, Cross-connection hazard:
- (22) Lawn sprinkler systems.
 - (23) Any service determined to be a cross connection hazard by the Director or his designee.
- m. Section 23-29, Fire hydrants, is hereby amended by amending subsections B and C thereof to read in their entirety as follows:
- B. Charges. A monthly fee shall be charged for each hydrant permit pursuant to § 23-37E(1), and a refundable deposit shall be required pursuant to § 23-37E(2), (3) and (6) for each nozzle, wrench, meter and reduced pressure zone backflow prevention device taken. In addition, the applicant shall pay either the minimum hydrant water consumption charge pursuant to § 23-37E(4) or a metered water consumption charge at the regular metered consumption rates set forth in § 23-37A(1), at the discretion of the Director. If the Director requires the payment of metered consumption charges, a meter will be supplied to

the applicant by the Waterworks, and the applicant shall make a refundable deposit for the meter at the rates set forth in § 23-37B. The applicant will also be charged the cost of any repairs or replacements necessitated by such use of the hydrant, nozzle, wrench, meter and reduced pressure zone backflow prevention device. Hydrant permits issued to contractors for demolition are permitted to use their own backflow device, without a meter. The Permit Office will charge the normal fees for hydrant use and minimum monthly consumption charge, as a part of the abandonment permit.

- C. Private fire hydrants. All private fire hydrants shall be painted red to clearly distinguish them from City hydrants. All private Holly hydrants shall have the barrel painted red and the bonnet painted white to prevent cross connection. All unmetered private fire hydrants must have locks supplied and installed by the Waterworks. Fees will be paid pursuant to § 23-37E (5) (a) and (5) (b). All unmetered private fire hydrants shall be billed a quarterly fire service charge pursuant to § 23-37C. The charge shall be based-upon the size of the service pipe in lieu of the check valve size. Private fire hydrants shall be used only for fire-fighting purposes.

- n. Section 23-31, Unauthorized actions, is hereby amended by amending subsection D thereof to read in its entirety as follows:
 - D. Reservoirs. No person shall swim in or otherwise enter any City reservoir, including Highland Reservoir, Cobbs Hill Reservoir and Rush Reservoir, without proper authorization. No person shall throw or deposit any substance or object into any City reservoirs. The areas surrounding Highland Reservoir, Cobbs Hill Reservoir and Rush Reservoir, inside the fence, shall not be open to the public at any time, and no person shall enter those areas without proper authorization.

- o. Section 23-37, Fees, is hereby amended by amending subsection F(5) thereof to read in its entirety as follows:
 - (5) Service disconnection charges, also known as an abandonment fee: contract cost + 10%.

Section 2. This ordinance shall take effect on October 6, 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-335
Re: Amendatory Agreement -
Dewberry-Goodkind

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Dewberry-Goodkind, Inc., Rochester, to extend the scope of services related to the construction of the South Avenue Holly Water Main Extension project. This amendment will increase maximum compensation by \$15,000 for a total of \$75,000. The additional amount will be funded from the contingency fund provided through Bond Ord. 2007-144 for the 2007 Water Main Extensions and Improvements Program of the Department of Environmental Services.

In August 2007, City Council authorized the original agreement with Dewberry-Goodkind, Inc. for design and resident project representation (RPR) for installation of 900 feet of 8" Holly water main on South Avenue. Extensive utility conflicts require modifications in the Holly water main design and construction. An increase of about 400 feet in total pipe footage will be installed on Woodbury Boulevard from South Avenue to St. Mary's Place.

The length of time needed to complete construction has been increased by 30 days. Of the total amount of maximum compensation increase (\$15,000), \$13,000 is attributable to construction-related RPR. The term of this contract will remain unchanged.

This project will be completed by fall 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-114

Ordinance No. 2008-335
(Int. No. 363)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Holly Water Main Extension Public Improvement Project

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Dewberry-Goodkind, Inc. for engineering design and resident project representation services for the South Avenue Holly Water Main Extension Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No.

2007-144.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-336
Re: Agreement - South Clinton Avenue
Conduit Modernization

Transmitted herewith for your approval is legislation establishing \$460,000 as maximum compensation for an agreement with Bergmann Associates for design services related to the water supply conduit modernization project along South Clinton Avenue, between I-590 and Suburban Court, in the Town of Brighton. The cost of the agreement will be financed from the 2003-04 Department of Environmental Services Cash Capital allocation.

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 90 to 134 years. In 2005, Bergmann Associates was retained by the City to perform a comprehensive evaluation of the conduit system north of Rush Reservoir and to develop a multi-phased plan for replacing or rehabilitating sections of this system. A final engineering planning report was issued in 2007.

The 92 year-old Conduit 3 along South Clinton Avenue was identified as the highest priority for modernization. The 114 year-old Conduit 2, located along the same section, will also be considered for modernization.

Bergmann Associations will provide engineering and surveying services to develop construction drawings and specifications for modernizing both conduits within the project area. Qualifications were requested from 20 local and regional engineering firms, with eight preliminary responses. Full proposals were solicited from three firms; O'Brien & Gere, Arcadis and Bergmann Associates. Bergmann is recommended given the design team qualifications and experience with large diameter water mains.

Approximately \$7 million dollars is allocated towards total project costs. Preliminary design will begin in Fall 2008. Final design is expected to be completed by January 2010 with construction beginning in Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-115

Ordinance No. 2008-336
(Int. No. 364)

Establishing Maximum Compensation For A Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

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

Section 1. The sum of \$460,000, 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 South Clinton Avenue 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 the 2003-04 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Lightfoot moved to amend Int. No. 374.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-337
Re: Budget Amendment, Public
Market - Trinidad Lot

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$203,000 from Contingency to the Capital Budget of the Public Market to fund expenses associated with the construction of a new parking lot to service the Public Market.

In September 2005 the City acquired the property at 3-9 Trinidad Street to enhance parking at the Rochester Public Market. In April 2007, City Council authorized, through Ordinance No. 2007-107, the issuance of bonds in the amount of \$850,000 to finance improvements to this property. The scope of the project included demolition of an existing structure and construction of a parking lot. The proposed lot will accommodate approximately 300 vehicles. Improvements include installation of curbs and pavement, drainage, landscaping and lighting.

Additional funds are needed due to unanticipated increases in the demolition cost for the existing structure on the site and increased construction costs. Project completion is expected in the Fall of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-116

Ordinance No. 2008-337
(Int. No. 374, As Amended)

Amending The 2008-09 Budget For Expanded Parking At The Public Market And Amending Ordinance No. 2008-16

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$203,000 from the Contingency Account to the Capital Budget of the Public Market to fund construction of a parking lot at 3-9 Trinidad Street to service the Public Market.

Section 2. Ordinance No. 2008-16, relating to the Trinidad Street and Hebard Street Improvement Project, is hereby amended by changing the source of funding in Section 4 thereof from Capital Project Multi-Modal Program Funds to SFY 2007-08 State Legislative Initiative Line Item Funds.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-338
Re: Official Map Amendment -
Murray Street

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a 12' by 140' (1,680 sq. ft.) portion of the Murray Street right-of-way between Texas and Brayer Streets to accommodate construction of a loading dock addition to the existing structure on the adjacent property.

The applicant, R. Michael Loewke, has submitted a site plan and agreed to all required improvements to the right-of-way and existing street infrastructure as necessary. The applicant is the sole property owner of all abutting parcels.

The City Planning Commission, in its August 11, 2008 meeting, recommended approval of this abandonment by a vote of 4-0. Minutes of that meeting, application and reference documentation are attached.

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

an Unlisted Action. Site Plan Review is ongoing.

A public hearing on the Official Map Amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-117

Ordinance No. 2008-338
(Int. No. 365)

Amending The Official Map By Abandonment Of A Portion Of Murray Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Murray Street:

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

Beginning at the intersection of the southerly ROW line of Texas Street (40' ROW) and the easterly ROW line of Murray Street (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said easterly ROW line of Murray Street, a distance of 139.8 feet, more or less, to the northerly line of lands of New York Central Lines, LLC; thence
- 2) Westerly, at right angles to said easterly ROW line of Murray Street, a distance of 12.0 feet to a point; thence
- 3) Northerly, on a line parallel with and 12.0 feet distant from said easterly ROW line of Murray Street, a distance of 140.0 feet, more or less, to the westerly extension of said southerly ROW line of Texas Street; thence
- 4) Easterly, along said extension of the southerly ROW line of Texas Street, a distance of 12.02 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
September 16, 2008

To the Council:

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

Int. No. 366 - Authorizing A Lease Agreement For Space In The Court Street Parking Garage

Int. No. 367 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Midtown Plaza Management

Int. No. 368 - Amending Ordinance No. 2008-228 Relating To The Increased Appropriation For The Mortimer Street Parking Garage Reopening

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul (Voted against Int. No. 367)
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-339
Re: Lease Agreement - OBUCK ENTERPRISE, INC., Court St. Garage

Transmitted herewith for your approval is legislation authorizing an agreement with OBUCK ENTERPRISE, INC. d/b/a/ DiPisa Old World Submarines (Principal, Michael O'Buck), for lease of commercial space located at 196 Court Street for continued operation of the DiPisa business.

Mr. O'Buck will purchase the existing business from Carlo DiPisa who has successfully run the shop since August 2005. The project will retain 3.5 full-time equivalent jobs.

OBUCK ENTERPRISE, INC. will lease 1,500 square feet of space at a rate of \$1,086 per month with a potential annual increase based on the CPI. The term of the lease will be for three years beginning September 17, 2008 and ending on September 16, 2011, with an option for one five-year renewal.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-339
(Int. No. 366)

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 OBUCK ENTERPRISE, INC., d/b/a Dipisa Old World Submarines, 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.

Section 2. The agreement shall obligate OBUCK ENTERPRISE, INC. to pay rent in the amount of \$1,086 per month during the initial term, with annual increases based upon the consumer price index. 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:

Ordinance No. 2008-340
Re: Amendatory Agreement - Broadstone Real Estate, LLC, Midtown Plaza Management

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Broadstone Real Estate, LLC, to increase maximum compensation by \$150,000 for continued property management of Midtown Plaza. The original agreement, authorized by Council in April 2008, was for \$300,000 for management through December 31, 2008. This amendment will bring total maximum compensation to \$450,000 and extend the term to February 2009. The additional payment will be funded from the Local Improvement Fund appropriated for Midtown per Ordinance No. 2008-152.

The \$300,000 compensation authorized for Broadstone in anticipation of the City's acquisition of Midtown Plaza, included the management fee and operating costs for the property. The increase of \$150,000 is necessary to cover unanticipated additional security and the continued tenancy of Clear Channel in the Euclid Building through February 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-340
(Int. No. 367)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Midtown Plaza Management

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

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Broadstone Real Estate, LLC for management of the Midtown Plaza properties. Said amount shall be funded from the appropriation made in Section 5 of Ordinance No. 2008-152.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-341
Re: Amending Ordinance 2008-228

Transmitted herewith for your approval is legislation amending Ordinance No. 2008-228 to increase the funds available for the re-opening of the Mortimer Street Garage and to relocate equipment from the Midtown Garage. Ordinance No. 2008-228 appropriated \$260,000 from the Local Improvement Fund for these purposes; this amendment will increase the appropriation by \$140,000.

Since the original appropriation in June 2008, the consulting engineer has determined that the specifications provided for the vehicle restraint system, originally expected to cost \$20,000-\$30,000, will not meet the standards required for the garage, and that an entirely new system is required. Other additional expenses in preparation for re-opening the garage have also been identified and include: fence modifications for the surface lot, new elevator batteries, electrical repairs, upgrades to the manager's office, HVAC expenses, and plumbing repairs.

The revised cost to reopen the Mortimer Street Garage, including contingencies, is expected to be \$210,000. The balance available in the amended appropriation includes \$120,000 for relocation of cameras from the Midtown Garage to the Washington Square Garage and \$70,000 for relocation of revenue equipment from the Midtown Garage to the High Falls Garage.

This increased appropriation is available from the remaining balance of the Midtown Project portion of the local improvement fund.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-341
(Int. No. 368)

Amending Ordinance No. 2008-228 Relating To The Increased Appropriation For The Mortimer Street Parking Garage Reopening

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

Section 1. Section 3 of Ordinance No. 2008-228, relating to the appropriation from the Local Improvement Fund of the sum of \$260,000, is hereby amended by appropriating an additional sum of \$140,000 for a total amount not to exceed \$400,000 to reflect the cost of additional work necessary to prepare the Mortimer Street Parking Garage for reopening.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
August 12, 2008

To the Council:

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

Int. No. 369 - Authorizing Agreements And Amending The 2008-09 Budget For The Rochester Re-Entry Program

Int. No. 370 - Authorizing Agreements For Youth Voice One Vision

Int. No. 376 - Amending The 2008-09 Budget For Expanded Hours At Recreation Sites

Int. No. 346A - Extending The Effective Date Of Ordinance No. 2006-246 Establishing A Night-time Curfew For Minors

Int. No. 347A - Authorizing Extension Of A Professional Services Agreement For The Curfew Center

The Public Safety & Recreation Committee recommends for consideration the following entitled legislation:

Int. No. 373 - Authorizing Amendatory 1997-98, 1999-2000 And 2000-01 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Slater's Raiders For Peace Initiative

The following entitled legislation is being held in Committee:

Int. No. 371 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Recreational Events

Int. No. 372 - Authorizing Agreements For Youth Services Programs

Int. No. 375 - Authorizing Agreements For The Hillside Work Scholarship Connection Program

Respectfully submitted,
Adam C. McFadden
Dana K. Miller

Elaine M. Spaul (Voted against Int. Nos. 346A and 347A)

Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Respectfully submitted,
Robert J. Duffy
Mayor

Received, filed and published.

Attachment No. AH-118

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-342
(Int. No. 369)

Ordinance No. 2008-342
Re: Rochester Re-entry Program

Authorizing Agreements And Amending The 2008-09 Budget For The Rochester Re-Entry Program

Transmitted herewith for your approval is legislation relating to the Rochester City School District Rochester Re-entry Program. This legislation will:

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

1. Authorize an agreement with the Rochester City School District for the receipt of a \$70,700 grant for Pathways to Peace to work collaboratively with the Re-entry program;
2. Amend the 2008-09 Budget of the Department of Recreation and Youth Services by \$70,700 to reflect the receipt and use of the grant; and
3. Establish \$42,000 as maximum compensation for an agreement with a counselor contracted through Pathways to Peace to conduct intensive case management for the Rochester Re-entry Program. The cost of the agreement will be funded from the 2008-09 Budget of DRYS.

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding for the Rochester Re-entry Program.

Section 2. The sum of \$42,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with a qualified person to provide case management services for the Rochester Re-entry Program. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

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

The RCS D Rochester Re-entry Program has been established to ease the transition of students who are returning to City high schools after involvement with either the New York State Office of Children and Family Services (OCFS) or the Monroe County Children Detention Center (MCCDC).

Section 4. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$70,700, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

A social worker from the RCS D will work with the Pathways consultant to integrate essential linkages and resources of service providers at each high school's Student Support Center to provide these high-risk youth with the best opportunity to become productive citizens. The project's objectives include:

Section 5. This ordinance shall take effect immediately.

1. Returning OCFS and MCCDC students to school as quickly as possible once they have been returned to the community;
2. Providing students with the skills and support systems to make reintegration back into the structured school system successful; and
3. Improving student attendance and academic performance, to ensure these students reenter school, stay in school, and succeed in school.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-343
Re: Youth Voice One Vision

The consultant Pathways counselor will work with 40 male students re-entering RCS D from OCFS State School at Industry and its voluntary placement sites, and the MCCDC Center. The remaining funds will pay for additional program expenses. A budget is attached.

Transmitted herewith for your approval is legislation related to the Youth Voice One Vision program. This legislation will:

1. Establish \$15,000 as maximum compensation for an agreement with Nazareth College to provide service learning project coordination for the program's youth council from October 1, 2008 to September 1, 2009.
2. Establish \$10,000 as maximum compensation for an agreement with Metro Council for Teen Potential, to provide counseling and training on healthy relationships to program participants from October 1, 2008 to Sep-

tember 1, 2009.

Both agreements will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services. The term for each agreement will be October 1, 2008 through September 1, 2009.

In August 2008, Council authorized the receipt and use of a \$40,000 grant from the Rochester Area Community Foundation to support the Youth Voice One Vision program, which focuses on youth leadership and development.

A program and budget description are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-119

Ordinance No. 2008-343
(Int. No. 370)

Authorizing Agreements For Youth Voice One Vision

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Nazareth College in an amount not to exceed \$15,000 for service learning project coordination for Youth Voice One Vision.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Metro Council for Teen Potential in an amount not to exceed \$10,000 for counseling and training for Youth Voice One Vision.

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-344
Re: Budget Amendment - After School Alliance

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$98,000 from Contingency; \$91,000 will be added to the 2008-09 Budget of the Department of Rec-

reation and Youth to fund after-school services at various sites; \$7,000 will be added to the 2008-09 Undistributed allocation to cover associated indirect expenses. The extension of operation will be from September 1 through December 31, 2008.

As you know, the 2008-09 Budget as presented by the Mayor included the reduction of hours of operation for the South Avenue Recreation Center and 11 recreation satellite sites. A budget amendment included funds to extend the existing services through September 1, 2008. At that time, there was a proposal that the City would collaborate with the Rochester City School District to develop a joint after-school program.

The After School Alliance is a group formed by the Mayor and the Superintendent charged with creating a model of service that could be assimilated in the 11 school/recreation sites with the goal of having other agencies independently fund and adopt the model.

The Alliance, coordinated by the Rochester Area Community Foundation, includes representatives from the City, Monroe County, RCSD, and United Way. It has met throughout the summer and prepared a proposal that is under consideration by the City and the District for implementation in January 2009.

The funds requested herein will provide support for the after-school programs from September through December 2008, enabling continuity of service and staffing of operations at the South Avenue Recreation Center and at Schools #2, #6, #17, #28, #41, #42, #43, #46, #52, East High, and James Madison.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-344
(Int. No. 376)

Amending The 2008-09 Budget For Expanded Hours At Recreation Sites

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$91,000 from the Contingency Account to the Department of Recreation and Youth Services and the sum of \$7,000 from the Contingency Account to Undistributed Expense to fund expanded hours at recreation sites.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-345 and
Ordinance No. 2008-346
Re: Curfew Legislation

As you know, at the August City Council Meeting, we extended the curfew through the end of September to allow further review and discussion by Councilmembers. I am attaching legislation that will continue the curfew and the agreement with Hillside to provide staff services and I will encourage Committee members to act positively on these items this afternoon.

I have proposed one change from the original item. The proposal planned to extend the curfew through September 4, 2009; as such, it would need to be voted upon again next August. I believe that City Council review and public comment opportunities during the summer is not the best way to ensure an adequate dialogue. My proposal is to extend the curfew and the Hillside agreement through the end of December 2009 to get it on a more regular annual cycle and to enable more community input during the Fall.

In addition, several Councilmembers have requested additional outcome indicators in the semi-annual reports. I am requesting that members of the Administration staff along with Hillside and RIT staff meet with representatives of the Public Safety & Recreation Committee to determine what outcome indicators are appropriate and available. Such a meeting should take place within the next several weeks so we can all agree upon the contents of the next report.

The monthly cost of the curfew, \$17,250, will require an additional \$69,000 beyond the original agreement; that additional funding will be provided in the 2009-10 Budget of DRYS.

If you have any questions, please let me know.

Respectfully submitted,
Adam C. McFadden
Chairperson
Public Safety & Recreation Committee

Ordinance No. 2008-345
(Int. No. 346A)

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

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

WHEREAS, the curfew was extended by Ordinance No. 2006-370, Ordinance No. 2007-27, Ordinance No. 2007-332 and Ordinance No. 2008-316, and is set to expire on September 30, 2008; and

WHEREAS, the Council finds that the original purposes of the curfew to prevent youth victimization and crime are still valid and that the curfew

has allowed the Rochester Police Department to remove youth from dangerous situations and return them safely to their homes. This additional period will continue to protect youth from violence and from being involved in crime, provide a standard consistent with community expectations that can be adopted by youth and their families in order to protect our youth, and continue the provision of services to at-risk youth.

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

Section 1. The nighttime curfew for minors set forth in Chapter 45 of the Municipal Code, as adopted by Ordinance No. 2006-246 and extended by Ordinance No. 2006-370, Ordinance No. 2007-27, Ordinance No. 2007-332 and Ordinance No. 2008-316, is hereby extended and shall remain in full force and effect until 5:00 a.m. on December 31, 2009.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Lightfoot, McFadden, Miller, Pritchard - 5.

Nays - Councilmembers Conklin, Spaul, Warren - 3.

Ordinance No. 2008-346
(Int. No. 347A)

Authorizing Extension Of A Professional Services Agreement For The Curfew Center

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

Section 1. The sum of \$261,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the extension of a professional services agreement between the City and Hillside Children's Center for the operation of a curfew center through December 31, 2009. Of said amount, \$192,000 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services and \$69,000 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Lightfoot, McFadden, Miller, Pritchard - 5.

Nays - Councilmembers Conklin, Spaul, Warren - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-347
 Re: Agreement - Slater's Raiders For
 Peace Initiative, Outreach Services

Transmitted herewith for your approval is legislation establishing \$15,162 as maximum compensation for an agreement with Slater's Raiders For Peace Initiative, Rochester, for services for at-risk youth and men. To fund the agreement, a new Slater's Raiders account will be established by amending past years' Consolidated Community Development plans as follows:

| <u>Year</u> | <u>Ord.#</u> | <u>Amount</u> |
|---------------------|-------------------------------------|-------------------|
| <u>From Account</u> | | <u>To Account</u> |
| 1997-98 | 97-306 | \$ 3,945 |
| | Sector Planning Support | Slater's Raiders |
| 1999-00 | 00-256 | 3,556 |
| | Neighbors Building Neighborhoods | Slater's Raiders |
| 2000-01 | 01-289 | <u>7,661</u> |
| | Neighbors Building Neighborhoods | Slater's Raiders |
| Total | | \$15,162 |

These funds will support outreach services and mentoring programs for at-risk youth and men, and neighborhood safety patrol programs. The Slater's Raiders For Peace Initiative was established in 2007 by Lenzy Blake and Solomon Taylor of Rochester in response to the death of community activist James Slater, and to support efforts of the Rochester Police Department to reduce violence and other negative behaviors in city neighborhoods.

The mission of Slater's Raiders For Peace is to create leadership opportunities for black at-risk youth and men to become more involved in community development and safety as modeled by James Slater. The Peace Initiative, in collaboration with Pathways To Peace, has functioned as a volunteer organization that conducts community outreach, mentoring programs, gang-intervention referrals, and job training and placement referrals for at-risk youth and men located within City of Rochester. This agreement will help the Slater's Raiders For Peace, in collaboration with Pathways To Peace, to more fully develop these services.

A public hearing is required to amend the Consolidated Community Development Plans.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2008-347
 (Int. No. 373)

Authorizing Amendatory 1997-98, 1999-2000 And 2000-01 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Slater's Raiders For Peace Initiative

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

Section 1. The Council hereby approves amendments to the 1997-98, 1999-2000 and 2000-01 Community Development Program Plans whereby within the Support Neighbors Building Neighborhoods allocations, the sum of \$3,945 shall be transferred from the Sector Planning Support Account (1997-98), the sum of \$3,556 shall be transferred from the Neighbors Building Neighborhoods Account (1999-2000), and the sum of \$7,661 shall be transferred from the Neighbors Building Neighborhoods Account (2000-01), to new Slater's Raiders Accounts.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Slater's Raiders For Peace Initiative for community outreach, mentoring programs, gang intervention referrals, and job training and placement referrals for at-risk youth and men.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$15,162 and, of said amount, or so much thereof as may be necessary, \$3,945 is hereby appropriated from the Support Neighbors Building Neighborhoods allocation of the 1997-98 Community Development Program, \$3,556 is hereby appropriated from the Support Neighbors Building Neighborhoods allocation of the 1999-2000 Community Development Program and \$7,661 is hereby appropriated from the Support Neighbors Building Neighborhoods allocation of the 2000-01 Community Development Program.

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

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

| <u>Ordinance No.</u> | <u>Amount</u> |
|----------------------|----------------------------------|
| <u>Purpose</u> | |
| 97-306 | \$3,945 |
| | Neighbors Building Neighborhoods |
| 2000-256 | \$3,556 |
| | Neighbors Building Neighborhoods |
| 2001-289 | \$7,661 |
| | Neighbors Building Neighborhoods |

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. Nos. 371, 372 and 375 from Committee.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-348
Re: Amendatory Agreement - Blue
Apple Productions, Inc.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Blue Apple Productions, Inc. (principal, Will Irwin), Pittsford, NY, for additional recreation services. The original agreement (#031802 dated July 14, 2008) was for \$6,795; this amendment will increase maximum compensation by \$10,590 for a total of \$17,385. The additional amount will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Blue Apple Productions will provide rides and games for various City and recreation events at Edgerton Community Center, East High School and Jefferson High School during 2008-09.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-348
(Int. No. 371)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Recreational Events

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

Section 1. The sum of \$10,590, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Blue Apple Productions, Inc. for rides and games for recreational events. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-349
Re: Agreements and Appropriations -
Youth Services Projects

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with two organizations for Youth Services projects as follows:

Crestwood Children's Center
Family Talk Program \$10,000

Society for the Protection & Care of Children
Teen Age Parent Support Services \$34,200
(TAPSS) Young Father's
Component

Both agreements will be funded from the General Community Needs allocation of the 2008-09 Community Development Block Grant.

The Family Talk Program provides training for adult program facilitators to train parents on how to communicate with their children on hard to discuss youth issues. As per the Youth Services funding guidelines approved by City Council in 1981, it is considered a project with matching funds, and is eligible for up to five years of funding; this will be its third year of funding.

The TAPSS Young Father's Component provides case management, educational advocacy and support, and workforce preparation to teenage fathers. It is considered a project without matching funds and eligible for three years of funding; this will be its second year of funding.

The most recent agreements for these services were approved by Council in September 2007.

Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-120

Ordinance No. 2008-349
(Int. No. 372)

Authorizing Agreements For Youth Services Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements for the following Youth Services Projects or the following amounts are allocated for Youth Services Projects:

| <u>Organization</u> <u>Project</u> | <u>Amount</u> |
|--|---------------|
| Crestwood Children's Center Family Talk Program | \$10,000 |

| | |
|--|--------|
| Society for the Protection & Care of Children Teen Age Parent Support Services Young Fathers Component | 34,200 |
|--|--------|

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$44,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2008-09 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. 2008-350
Re: Hillside Work Scholarship
Connection

Transmitted herewith for your approval is legislation relating to the Hillside Work Scholarship Connection program to support an expansion to serve additional students in the program. This legislation will:

1. Authorize an agreement with the Rochester City School District for the receipt of \$600,000 to support the Hillside Work Scholarship Connection program expansion. These funds were anticipated and included in the 2008-09 Budget.
2. Authorize an agreement with the Hillside Work Scholarship Connection program in the amount of \$1,000,000 to provide services to students in the program. This agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

The Hillside Work Scholarship Connection program, established in 1987, helps at risk urban students stay in school and achieve academic success. The program's mission is to increase the graduation rates of Rochester City School District students by providing long term advocacy, academic resources, life skills development, and job training. On average, 80% of Hillside Work Scholarship Connection students graduate from high school, at twice the rate of their peers, and 80% of these graduates attend college.

The Hillside Work Scholarship Connection program will provide services to 313 City students, the majority of whom were in the program last year, and who will continue to receive services. New students will be recruited from the 8th and 9th grades.

The most recent agreement for these services were approved by Council on September 19, 2007 in Ord. No. 2007-359.

Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-121

Ordinance No. 2008-350
(Int. No. 375)

Authorizing Agreements For The Hillside Work Scholarship Connection Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for reimbursement in the amount of \$600,000 for the Hillside Work Scholarship Connection Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Hillside Children's Center for the Hillside Work Scholarship Connection Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:45 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
OCTOBER 14, 2008**

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaull, Warren - 9.

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
DRYS
*Philemon B. Ndaba
Fire Department
*Richard A. Lombard
Police Department
*Lori J. Bishop
*Daniel P. Gleason
Betty Hatch

*David P. Poyer
Adrian N. Smalls

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of September 16, 2008 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFI-
CERS AND OTHERS.

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

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3937-7
 - Quarterly Report
 - Professional services agreements with costs of \$10,000 or less 3938-7

PRESENTATION AND REFERENCE OF PETI-
TIONS AND REMONSTRANCES.

Petition in favor of 24-hour diners, 1,028 signatures Petition No. 1635.

PUBLIC HEARINGS.

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

Authorizing Amendatory 2003-04, 2004-05, 2006-07, 2007-08 And 2008-09 HOME Program Plans, Amending Ordinances And Appropriating Funds For The Homebuyer Assistance Program Int. No. 386 No speakers.

Approving Assignment Of The Option For The Sale Of 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project Int. No. 394 No speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Conklin
October 14, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 382 - Establishing Maximum Compensation For A Professional Services Agreement For An Upstate Business Summit Meeting

The following entitled legislation is being held in Committee:

Int. No. 381 - Cancellation Of Taxes And

Charges

Int. No. 404 - Local Law Amending The Charter Of The City Of Rochester In Relation To The Sale Of Delinquent Tax Liens

Respectfully submitted,
Carolee A. Conklin
Carla Palumbo
Lovely A. Warren
Gladys Santiago
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-351
Re: Agreement - Center for Governmental Research Inc., Business Summit

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with the Center for Governmental Research Inc., Rochester, for planning and facilitation of an upstate business summit meeting. The cost of this agreement will be funded from the 2008-09 Budget of the Mayor's Office.

As you are well aware, the recent Wall Street crisis has the potential for serious detrimental consequences to the national, state, and local economies. Municipal, business and educational leaders from Albany, Buffalo, Syracuse and Rochester will be invited to meet in Rochester to discuss how the unique assets of Upstate/Western New York can be promoted as a response to the impending fallout of the economic situation.

CGR will be responsible for all aspects of planning and facilitation of the summit meeting, including the preparation of a suggested agenda/framework for the economic discussion. It is anticipated that the group will be no larger than 25-30 individuals, and will also include a representative of the Governor's Office, as well as Dennis Mullen, recently appointed as President, Empire State Development Corporation, Upstate.

The term of this agreement will extend from October 1, 2008 to April 1, 2009 to allow for possible follow-up meetings and the production of appropriate reports.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-351
(Int. No. 382)

Establishing Maximum Compensation For A Professional Services Agreement For An Upstate Business Summit Meeting

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Governmental Research, Inc. for planning and facilitation of an Upstate Business Summit Meeting. Said amount shall be funded from the 2008-09 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 381
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$219,461.18.

The property at 803 Maple Street had a charge cancelled in the amount of \$2,550, or 1% of the total. The property recently transferred and the code violation was attributed to the former owner. The former owner was ticketed five times for failure to secure a Certificate of Occupancy, and once for high grass and weeds. The new owner is occupying the property and therefore does not need a C of O. There are no outstanding violations on the property. The charges have been referred to the Municipal Code Violations Bureau for reinstatement as a judgment against the former owner.

The four properties on East Main Street and South Clinton Avenue comprise what was formerly known as Midtown Plaza. The transfer of ownership of the properties to the City of Rochester was completed on May 28, 2008, after all calculations of assessments for 2008-09 had been made. The amount to be cancelled is \$216,911.18 or 99% of the total.

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$2,031,011.25.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|------------------|
| City Council | 187 | \$2,017,049.84 |
| Administrative | <u>37</u> | <u>13,961.41</u> |
| Total | 224 | \$2,031,011.25 |

These cancellations represent .862% of the taxes receivable as of July 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 381

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 ownership of this property has transferred. The code violation charges associated with the property were issued against the former owner.

| <u>S.B.L. #</u> | <u>Class</u> | <u>Tax</u> | <u>Amount</u> |
|------------------|--------------|-------------|------------------|
| <u>Address</u> | | <u>Year</u> | <u>Cancelled</u> |
| 120.320-0002-027 | H | | |
| 803 Maple St. | | 2009 | \$ 2,550.00 |
| Subtotal | | | \$ 2,550.00 |

(B) The properties formerly known as Midtown Plaza are now owned by the City of Rochester and are exempt from taxation and charges.

| <u>S.B.L. #</u> | <u>Class</u> | <u>Tax</u> | <u>Amount</u> |
|-----------------------|--------------|-------------|---------------------|
| <u>Address</u> | | <u>Year</u> | <u>Cancelled</u> |
| 121.240-0001-008.001 | NH | | |
| 285 E. Main St. | | 2009 | \$ 17,319.72 |
| 121.240-0001-024.001 | NH | | |
| 100 S. Clinton Ave. | | 2009 | 53,676.26 |
| 121.240-0001-028 | NH | | |
| 18-26 S. Clinton Ave. | | 2009 | 137,056.85 |
| 121.240-0001-029 | NH | | |
| 32-58 S. Clinton Ave. | | 2009 | <u>8,858.35</u> |
| Subtotal | | | <u>\$216,911.18</u> |
| Grand Total | | | \$219,461.18 |

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.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 404
Re: Amending the City Charter - Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation amending the City Charter in order to enable the collection of delinquent taxes through the bulk sale of delinquent tax liens.

This legislation is proposed given the decline of current delinquent collection rates coupled with a declining tax base and population with commensurate negative cash flow impacts. Over the past fifteen years, Rochester's rate of collections of delinquent taxes has declined from 65.6% to 42.8%.

Experience in other cities shows there is a potential to improve collection rates through the sale of liens to private companies. The City is anticipating that collection rates will increase prior to disposition of any liens. An additional benefit is the sale will result in lump sum payments from the companies buying the liens, allowing for optimization of the time value of money.

The collection of real property taxes in the City of Rochester is enforced pursuant to the provisions of the City Charter. The City, under the provisions of subdivision 2(A) of Section 1104 of New York State Real Property Tax Law, has opted out of Article 11 of that same law, and is therefore not subject to it. For municipalities that have opted out, the Real Property Tax Law does not prohibit the sale of delinquent real property taxes.

This Charter amendment will generally authorize some, or all, delinquent tax liens to be sold to a private company. However, City Council approval of a specific company and the terms of payments to the City will be required before such an agreement can be finalized. Properties which are the subject of a tax payment agreement, are in bankruptcy, are government owned, are the subject of a pending tax certiorari proceeding, or are identified as having environmental contamination, will not be eligible for sale.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 404

LOCAL LAW AMENDING THE CHARTER OF THE CITY OF ROCHESTER IN RELATION TO THE SALE OF DELINQUENT TAX LIENS

WHEREAS, unpaid delinquent real property taxes create a significant cash flow problem for the City, which problem is made more complicated by a decline in population and tax base; and

WHEREAS, experience of other municipalities, including other upstate New York cities, has demonstrated that the sale of tax liens to private companies that acquire the tax liens can improve the collection of delinquent taxes, and can be a significant component in the improvement of municipal finance; and

WHEREAS, the collection of the real property taxes in the City of Rochester is enforced pursuant to the provisions of the City Charter, as the Charter may be amended from time to time, and is not governed by Article 11 of the Real Property Tax Law; and

WHEREAS, pursuant to subdivision 2(A) of the Section 1104 of the Real Property Tax Law, the City of Rochester, by Local Law duly adopted, opted out of Article 11 of the Real Property Tax Law; and

WHEREAS, Section 1190 of the Real Property

Tax Law does not prohibit the sale of delinquent real property taxes in municipalities that have opted out of Article 11 of the Real Property Tax Law;

NOW, THEREFORE, BE IT ENACTED, by the City 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 last amended is hereby further amended by adding a new § 6-123 to Article VI, Part G, "Tax and Assessment Collection" to read as follows:

§ 6-123. Sale of delinquent tax liens

- A. Notwithstanding the provisions of any general, special or local law to the contrary, the Mayor is authorized, subject to the provisions hereof and the approval of the City Council, to enter into an agreement to sell some or all of the delinquent tax liens held by the City of Rochester to a private entity and to accept payment for the tax liens sold of less than the full amount of such taxes, fees, interest and penalties. The agreement may also provide for the repurchase or exchange of such delinquent tax liens.
- B. The Director of Finance is authorized to review for potential sale all tax liens for delinquent City and School taxes, assessments and charges that are not (1) the subject of an agreement for the installment payment of delinquent taxes (commonly referred to as a tax payment agreement) which is not in default; (2) currently restricted in their enforcement by the provision of any bankruptcy law; (3) related to any real property owned or controlled by the federal, state, or City government, or any agency, department, or board thereof, against which enforcement of the tax lien is restricted or prohibited under applicable federal, state, or local law; (4) related to real property that is the subject of a pending tax certiorari proceeding for the tax year(s) involved; or (5) related to real property that has been identified by a local, state or federal government as having environmental contamination.
- C. Prior to the sale of eligible delinquent tax liens, the City Treasurer shall cause to be published once in each week for two (2) consecutive weeks in an official newspaper of the City a notice that delinquent tax liens may be offered for sale in bulk to a private entity on or after a specified date. The notice shall be in substantially the following form:

PLEASE TAKE NOTICE that the properties set forth in a list available for inspection in the City Treasurer's Office are subject to delinquent tax liens held by the City of Rochester for [-----] (identify fiscal year or years). On or after [-----]

(enter expected date of sale), the delinquent tax liens on the properties listed may be sold to [-----] (enter name of purchaser). Any person paying the delinquent taxes prior to the sale must contact the City Treasurer.

Following the sale, the purchaser of the delinquent tax liens will have the right to collect and enforce the delinquent taxes against the properties. Any person paying the delinquent taxes after the sale must contact [-----] (enter name of tax lien purchaser or its tax collection agent) directly.

- D. At least twenty (20) days prior to the date on which a sale of delinquent tax liens shall be effective, the City Treasurer shall cause a notice to be mailed to the last known address of the owner of each parcel of property on the list of delinquent tax liens to be sold, as it appears upon the records in the office of the City Treasurer. Failure to provide notice, or failure of the addressee to receive notice pursuant to this subdivision shall not in any way affect the validity of any sale of a tax lien or tax liens pursuant to this Section, or the validity of the taxes or interest prescribed by law with respect thereto. Such notice shall identify the affected parcel and be in substantially the following form:

To the Addressee:

The real property identified in this notice is subject to a delinquent tax lien or liens held by the City of Rochester for [-----] (identify fiscal year or years). According to our records, you own or have an interest in this property. You are hereby advised that on or after [-----] (enter expected date of sale), the delinquent tax lien or liens on this property may be sold to [-----] (enter name of purchaser). To pay the delinquent taxes prior to the sale, please contact the City Treasurer.

Following the sale, the purchaser of the delinquent tax lien or liens will have the right to collect and enforce the delinquent taxes against this property. To pay the delinquent taxes after the sale, please contact [-----] (enter name of tax lien purchaser or its tax collection agent) directly.

Dated:

City Treasurer

- E. Upon the sale of delinquent tax liens pursuant to this Section, the City Treasurer shall issue and deliver to the purchaser one or more certificates identifying each of the affected parcels and the total amount due on each affected parcel as of the date of the

sale, including interest, penalties, and charges. The City Treasurer shall retain a copy of each such certificate in the City Treasurer's office, and shall maintain records that will enable interested parties to determine which liens have been sold, to whom, and the total amount due on such liens when they were sold. The purchaser of such tax lien may record the certificate or certificates evidencing the purchase and sale of the liens in the Office of the Monroe County Clerk.

- F. The holder of a delinquent tax lien may, at the holder's discretion, accept partial payments and enter into installment agreements with the owner(s) on such terms and conditions as the holder of the delinquent tax lien shall deem advisable, without regard to any restrictions that might be applicable if the tax lien were held by the City, provided that the rate of interest for tax liens purchased or held by a private entity shall not exceed the rate of interest for tax liens held by the City.
- G. Notwithstanding any provision of the Charter to the contrary, the tax lien purchaser, or its successors or assigns, under the terms and conditions of the agreement entered into pursuant to this Section, shall be authorized to foreclose the tax lien acquired only by foreclosure in accordance with the provisions of Article IX, Part E, Title 3 of this Charter.

Section 2. Chapter 755 of the Laws of 1907 entitled "An Act Constituting the Charter of the City of Rochester" as last amended is hereby further amended by repealing Title 3 of Article IX, Part E entitled "Foreclosure of Tax Lien in an Action to Foreclose a Mortgage" in its entirety and adding thereto a new Title 3 to read as follows:

Title 3 - Foreclosure of Tax Lien in an Action to Foreclose a Mortgage

§ 9-101. When authorized.

Notwithstanding any general, special or local law to the contrary, when annual taxes upon real estate remain unpaid after the expiration of one year from the date upon which the taxes, including all items added thereto, local assessments, and water rates become a lien, the lien created by the levy of the tax by the Council, together with interest, fees and penalties thereon to the date of judgment, at the rates provided in this Charter, as amended, may be foreclosed in a court of record by the City, or by the purchaser of a delinquent tax lien pursuant to an agreement entered into under Section 6-123 of this Charter, or by the holder of such delinquent tax lien. The purchaser of a delinquent tax lien pursuant to an agreement entered into under Section 6-123 of this Charter, or the holder thereof, shall be authorized to foreclose such tax lien only by foreclosure in accordance with the provisions of this Title. At any time following the commencement of an action to foreclose a lien,

the amount required to redeem the lien, or the amount received upon sale of a property, shall include reasonable attorneys' fees, legal costs, allowances and disbursements.

§ 9-102. Parties to such action.

In an action to foreclose a tax lien, as provided for in this Article, any person shall be a proper party who has or may have, or any person that the plaintiff has reason to believe has or may have, an interest in or claim upon the real property affected by the tax lien. The County of Monroe, any other taxing body and the people of the State of New York may be made a party to such action to foreclose a tax lien in the same manner as a natural person.

§ 9-103. Procedure.

Except as otherwise provided herein, the procedure in any action pursuant to this Title shall be the procedure prescribed by Article 13 of the Real Property Actions and Proceedings Law for the foreclosure of mortgages. Any person may, on or before the date of sale of the property, redeem the parcel that is the subject of the action hereunder by paying the holder of the tax lien the amount of the lien, plus accrued interest, reasonable attorneys' fees, legal costs, allowances and disbursements.

§ 9-104. Option of the City to repurchase.

The purchaser of a delinquent tax lien pursuant to an agreement entered into under Section 6-123 of this Charter, or the holder of such delinquent tax lien, shall, prior to the commencement of a foreclosure action pursuant to this Title, provide the City Treasurer with a notice of intent to foreclose the delinquent tax lien or liens. Said notice shall set forth the record owner of the property, the SBL number, and the amount of the delinquent tax lien, with all accrued interest at the time of the notice. The City may, at its sole option and discretion, elect to repurchase the lien or liens on the property from the tax lien purchaser or holder. The repurchase price shall be the amount of the lien or liens plus all accrued interest. The tax lien purchaser or holder shall provide the notice of intent to foreclose to the City Treasurer by certified mail, return receipt requested, and the City shall have thirty (30) days from receipt of such notice to notify the tax lien purchaser or holder of the City's election to repurchase said lien or liens. If the City elects to repurchase said lien or liens, then the City shall provide payment to the holder thereof within thirty (30) days of the City's exercise of its option to repurchase said lien or liens. If the City shall fail to notify the tax lien purchaser or holder of the City's election to repurchase the lien or liens within said thirty (30) day period, the tax lien purchaser or holder shall immediately have the right to commence a foreclosure action pursuant to this Title. The plaintiff in any action to foreclose a delinquent tax lien pursuant to this Title shall affirmatively plead compliance with this Sec-

tion.

§ 9-105. Tax liens included in action.

Separate tax liens against the same lot or parcel of land may be foreclosed in one action, and where several lots or parcels of land are owned by the same person or persons, corporation or other entities, separate tax liens upon separate lots and parcels of land so owned may be, at the option of the purchaser of a delinquent tax lien, or the holder thereof, or the Corporation Counsel as the case may be, foreclosed in one action.

§ 9-106. Presumption of validity.

Whenever under this Title, a cause of action, defense, or counter claim for the foreclosure of such tax or tax lien exists, or is in any manner founded upon such tax or tax lien, it shall not be necessary for the plaintiff to plead or prove the various steps, procedures and notices for the assessment and levy of the taxes, including all items added thereto, local assessments or other lawful charges against the lands described in the complaint, and the liens thereof shall be presumed to be valid. A defendant alleging any jurisdictional defect or invalidity in the tax assessment, or other lawful charge or levy, must particularly plead in the answer such defect or invalidity and must affirmatively establish such defense.

§ 9-107. Inapplicability of § 317 of the Civil Practice Law and Rules.

So much of § 317 of the Civil Practice Law and Rules as requires the court to allow a defendant in an action to defend after final judgment shall not apply to an action to foreclose a tax lien as herein provided.

§ 9-108. Provisions apply to all persons.

The provisions of this Title shall apply to and be valid and effective with respect to all defendants even though one or more of them be infants, incompetents, absentees, unknowns or nonresidents of the State of New York.

§ 9-109. Costs, allowances and disbursements.

Any successful party to an action brought under this Title shall be entitled to recover the necessary disbursements made in such action and the same costs and allowances as are provided in the Civil Practice Law and Rules and the Real Property Actions and Proceedings Law in the case of foreclosure of a mortgage on real property by action.

§ 9-110. Judgment of foreclosure and sale.

The court shall have full power to determine and enforce in all respects the rights and equities of the several parties in an action brought under this Title, to direct the sale of the real estate involved therein, and the distribution or

other disposition of the proceeds of sale.

By Councilmember Warren
October 14, 2008

§ 9-111. Who may purchase on sale.

Any person, including any party to the action, may become a purchaser on a tax foreclosure sale brought under this Title; the Corporation Counsel may bid for and purchase in the name of the City upon such sale.

§ 9-113. Distribution of proceeds: no deficiency judgment.

After the payment of all reasonable attorneys' fees, legal costs, allowances and disbursements, the plaintiff, and the defendants in said action who are the owners or holders of any tax liens on or interest in the lands, shall be paid from the proceeds of the sale in several amounts of their respective liens and interest thereon to which they may be entitled, so far as the said proceeds shall suffice to pay the same, in the order of the lawful priority of such liens and interest, as the same may be determined in such action. No judgment for any deficiency may be granted in any action pursuant to this Title.

§ 9-114. Effect of deed.

The conveyance made pursuant to a judgment in any action brought under this Title shall vest in the purchaser all right, title, interest, claim, lien and equity of redemption in and against the real property sold of all parties to the action, and of all persons whose right, title, interest, claim, lien or equity of redemption has accrued subsequent in time to the filing of the notice of the pendency of the action by assignment of an interest existing prior thereto from one of the parties to the action or any or either of them, except all taxes or other legal charges of the City of Rochester that have accrued subsequent to the taxes or other legal charges that are the subject of the action, and except for all taxes or other legal charges of the County of Monroe that have accrued subsequent to the date of filing of the judgment in the action. All such parties and persons shall be barred and forever foreclosed by the judgment in such action of all right, title, interest, claim, lien and equity of redemption in and to the real property sold or any part thereof, except that the conveyance shall be subject to all taxes or other legal charges of the City of Rochester that have accrued subsequent to the taxes or other legal charges that are the subject of the action, and subject to all taxes or other legal charges of the County of Monroe that have accrued subsequent to the date of filing of the judgment in the action. Notwithstanding the provisions of subdivision 2 of Section 1354 of the Real Property Actions and Proceedings Law, this Section shall prevail.

Section 3. This local law shall take effect immediately.

Held in Committee.

To the Council:

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

Int. No. 383 - Authorizing The Acquisition Of 91 Maria Street As A Part Of The Challenged Streets Program

Int. No. 384 - Authorizing An Agreement With The Town Of Gates For Building Plan And Inspection Services

Int. No. 385 - Approving Consolidated Plan Housing Programs

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

Int. No. 386 - Authorizing Amendatory 2003-04, 2004-05, 2006-07, 2007-08 And 2008-09 HOME Program Plans, Amending Ordinances And Appropriating Funds For The Homebuyer Assistance Program

The following entitled legislation is being held in Committee:

Int. No. 401 - Authorizing The Sale Of Real Estate

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
Gladys Santiago
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-352
Re: Acquisition of Real Estate

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of 91 Maria Street, owned by Brian and Wendy Banker, as part of the Neighborhood Service Center's Challenged Streets Initiative.

The acquisition amount of \$3,500 was established through an independent appraisal prepared by Midland Appraisal Associates. The property is a vacant residential structure; therefore no relocation costs are required. A total cost of \$5,000 is required to cover the acquisition and closing costs for the property. The cost will be funded from 2003-04 Cash Capital (NET Acquisition allocation).

The Challenged Streets Program offered through

the Neighborhood Service Center (formerly known as the Neighborhood Empowerment Team). The goal of the program is to provide funding for the acquisition, rehabilitation or demolition of blighted properties in targeted neighborhoods that:

- Are of specific concern to residents,
- Have an abundance of vacant and blighted properties and associated public safety issues,
- Have current development plans in close proximity.

The property at 91 Maria Street will be resubdivided with two adjacent City-owned lots to create two lots suitable for future housing development.

City taxes and other charges against the vacant lot will be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-122

Ordinance No. 2008-352
(Int. No. 383)

Authorizing The Acquisition Of 91 Maria Street As A Part Of The Challenged Streets Program

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

Section 1. The Council hereby approves the acquisition of 91 Maria Street, SBL #106.23-3-52, from the current owners, Brian and Wendy Banker, for the sum of \$3,500, as a part of the Challenged Streets Program. Said amount, and necessary closing costs, shall be funded from the 2003-04 Cash Capital allocation.

Section 2. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-353
Re: Inter-municipal Agreement -Town
of Gates, Plan Review and Inspection
Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Town of Gates for the City to provide certain building plan review, zoning review, and inspection services. The most recent legislation authorizing this agreement was passed by City Council on October 17, 2006 by Ordinance No. 2006-315.

Annually, the Town of Gates issues approximately 150 permits for building and plumbing improvements. A City employee reviews the related plans and conducts building inspections; a City licensed plumbing inspector provides plumbing inspections on an as-needed hourly basis.

The City will perform the following services:

1. Review the plans submitted for building and zoning code compliance with all applications for building and plumbing permits.
2. Provide a written report on the results of all reviews to permit the Town to determine if a permit should be issued.
3. For all projects for which permits are issued, perform the related inspections to ensure compliance with the provisions of the applicable building and zoning codes and regulations and the terms and conditions of the permits.
4. Based on these inspections, recommend to the Town whether certificates of occupancy or letters of completion should be issued.
5. Attend and provide technical support to the monthly Zoning Board of Appeals meetings.

The plan review services will not include sign, fence and electrical permits. The inspection services will not include electrical work.

Charges to the Town of Gates will be assessed on an hourly basis of \$48.00 for plan review, building inspection, and zoning board support; and \$39.00 for plumbing inspections. The Town will be billed on a monthly basis. It is estimated that the Town will require an average of 20 hours of service per week.

The agreement will have a term of one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-353
(Int. No. 384)

Authorizing An Agreement With The Town Of Gates For Building Plan And 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 Gates to provide building plan and zoning review and inspection services for a term of one year. The agreement shall obligate the Town of Gates to pay the City at the hourly rate of \$48 for plan review, building inspection and zoning board support and \$39 for plumbing inspections.

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. 2008-354
Re: Consolidated Plan Housing Programs

Transmitted herewith for your approval is legislation appropriating a total of \$1,245,400 in Community Development Block Grant and HOME funds, and authorizing agreements for City Housing Programs consistent with the City's Housing Policy. This legislation will:

1. Appropriate funds from the Improving the Housing Stock and General Property Conditions allocations of the CDBG as follows:

| <u>Amount</u> | <u>Year</u> |
|---------------|-------------|
| \$300,000 | 2008-09 |
| \$150,000 | 2007-08 |

2. Appropriate \$695,400 from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 HOME Program;
3. Reappropriate \$100,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 HOME Program; and
4. Establish \$80,000 as maximum compensation for an agreement with Action for a Better Community, Inc. (ABC) for continuation of the Joint Energy Conservation program through 2008-09. This agreement will be funded from the 2007-08 CDBG funds appropriated herein.

Descriptions of these programs are attached.

Housing Development Fund (\$1,145,400)

The program provides financing for the development of owner and rental housing; rehabilitation grants and loans for owner occupants for minor and moderate repairs; lead hazard reduction for

owner occupants and housing providers/landlords; and operating assistance for housing development support. The funds appropriated herein will provide a total of \$1,065,400 for the Lead Hazard Reduction & Rehab Rochester program, and \$80,000 for the Joint Energy Conservation Program.

Homeownership Assistance Fund (\$100,000)

The Homeownership Assistance Fund provides down-payment and closing cost assistance to first-time homebuyers; pre- and post-purchase education and training; write-down subsidies for the acquisition and rehabilitation and resale of vacant structures; foreclosure prevention services and mortgage default resolution. The funds appropriated herein will support the Employer Assisted Housing Initiative.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-123

Ordinance No. 2008-354
(Int. No. 385)

Approving Consolidated Plan Housing Programs

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$300,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program the sum of \$150,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2007 HOME Program the sum of \$695,400, and there is hereby reappropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004 HOME Program the sum of \$100,000, or so much thereof as may be necessary, to fund the following Consolidated Plan Housing Programs:

| | |
|-------------------------------|-------------|
| Housing Development Fund | \$1,145,400 |
| Lead Hazard Reduction | \$1,065,400 |
| Energy Conservation | 80,000 |
| Homeownership Assistance Fund | 100,000 |
| Employer Assisted Housing | 100,000 |

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-355
Re: Consolidated Plan Housing Programs,
Homebuyer Assistance

Transmitted herewith for your approval is legislation appropriating a total of \$510,000 and authorizing agreements for Homebuyer Assistance consistent with the City's Housing Policy. This legislation will:

1. Amend Consolidated Plan Housing Programs, reappropriate, appropriate and transfer a total of \$335,000 from HOME Program allocations as identified below:

| <u>Plan Year</u> | <u>Amount</u> | <u>Action</u> |
|---|---------------|---------------|
| <u>Transfer from</u> | | |
| <u>Transfer to</u> | | |
| 2003-04 New Housing Construction (Ord. 2003-301) Buyer Assistance | \$ 32 | Reappropriate |
| 2004-05 Home Store (Ord. 2004-182) Buyer Assistance | \$ 69,968 | Reappropriate |
| 2006-07 Homebuyer Services Buyer Assistance | \$115,000 | Appropriate |
| 2007-08 Homebuyer Training Buyer Assistance | \$ 75,000 | Appropriate |
| 2008-09 Homeownership Fund/ Homebuyer Training Homeownership Fund/ Buyer Assistance | \$ 75,000 | Appropriate |

2. Appropriate \$175,000 from the 2008-09 HOME Program, Homeownership Fund/Buyer Assistance account.

A program description is attached.

Homeownership Assistance Fund: Buyer Assistance

This fund provides down-payment and closing cost assistance to first-time homebuyers; pre- and post-purchase education and training; write-down subsidies for the acquisition and rehabilitation and resale of vacant structures; foreclosure prevention services and mortgage default resolution.

A public hearing on amending the 2003-04, 2004-05, 2006-07, 2007-08, and 2008-09 Consolidated Community Development Plans is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-124

Ordinance No. 2008-355
(Int. No. 386)

Authorizing Amendatory 2003-04, 2004-05, 2006-07, 2007-08 And 2008-09 HOME Program Plans, Amending Ordinances And Appropriating Funds For The Homebuyer Assistance Program

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

Section 1. The Council hereby approves an amendment to the 2003-04 HOME Program Plan whereby \$32 will be transferred from the New Housing Construction Account to the Buyer Assistance Account.

Section 2. The Council hereby approves an amendment to the 2004-05 HOME Program Plan whereby \$69,968 will be transferred from the Home Store Account to the Buyer Assistance Account.

Section 3. The Council hereby approves an amendment to the 2006-07 HOME Program Plan whereby \$115,000 will be transferred from the Homebuyer Services Account to the Buyer Assistance Account.

Section 4. The Council hereby approves an amendment to the 2007-08 HOME Program Plan whereby \$75,000 will be transferred from the Homebuyer Training Account to the Buyer Assistance Account.

Section 5. The Council hereby approves an amendment to the 2008-09 HOME Program Plan whereby \$75,000 will be transferred from the Homeownership Fund Homebuyer Training Account to the Homeownership Fund Buyer Assistance Account.

Section 6. The sum of \$32 is hereby reappropriated from 2003-04 HOME Program Funds, \$69,968 is hereby reappropriated from 2004-05 HOME Program Funds, \$115,000 is hereby appropriated from 2006-07 HOME Program Funds, \$75,000 is hereby appropriated from 2007-08 HOME Program Funds, and \$250,000 is hereby appropriated from 2008-09 HOME Program Funds, or so much thereof as may be necessary, to fund the Homebuyer Assistance Program.

Section 7. The following ordinances are hereby amended by reducing the amounts authorized and appropriated therein as follows, which amounts are transferred and reappropriated herein:

| <u>Ordinance No.</u> | <u>Amount</u> | <u>Purpose</u> |
|----------------------|---------------|-----------------------------|
| 2003-301 | \$ 32 | Fulton Avenue Redevelopment |
| 2004-182 | \$69,968 | Home Store |

In Ordinance No. 2004-182, the appropriation was erroneously designated as coming from the 2004-05 Community Development Program, which is amended to 2004-05 HOME Program Funds.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Warren moved to discharge Int. No. 401 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Miller - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-356
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of six properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the 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 six parcels are being sold to Flower City Habitat for Humanity for owner-occupant, single-family housing in the JOSANA neighborhood.

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,456.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-125

Ordinance No. 2008-356
(Int. No. 401)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---|--------------|
| 356 Campbell St 120.26-1-29 | 48x104 Flower City Habitat for Humanity*** | \$425 |
| 366 Campbell St 120.26-1-27 | 40x165 Flower City Habitat for Humanity*** | 475 |
| 566-568 Jay St 105.82-2-25 | 52x165 Flower City Habitat for Humanity*** | 525 |
| 588 Jay St 105.82-2-28 | 53x165 Flower City Habitat for Humanity*** | 525 |
| 119 Whitney St 105.82-3-78 | 43x159 Flower City Habitat for Humanity*** | 475 |
| 167 Whitney St 105.82-1-75.1 | 72x86 Flower City Habitat for Humanity*** | 475 |

*** Principals: Edward Lipsky, President; Musette Castle, Vice President; Donna Murano, Secretary; Jeffrey Lewis, Treasurer; Arthur Woodward, Executive Director

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 by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Miller - 1.

By Councilmember Lightfoot
October 14, 2008

To the Council:

The Parks & Public Works Committee recom-

mends for adoption the following entitled legislation:

Int. No. 387 - Authorizing An Application For Funding For The ARTWalk 2-Urban Art Trail Extension Project

Int. No. 388 - Authorizing An Application And Agreement And Amending The 2008-09 Budget For The 2008 Safe Routes To School Program

Int. No. 389 - Authorizing Agreements For Architectural Services For Building Renovation Projects

Int. No. 390 - Establishing Maximum Compensation For A Professional Services Agreement For The Capron Street And South Avenue Extension Improvement Project

Int. No. 403 - Authorizing An Agreement For The Ridgeway Avenue Transportation Improvement Project

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
Gladys Santiago
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-357
Re: Funding Application - New York
State Department of Transportation

Transmitted herewith for your approval is legislation authorizing an application to the New York State Department of Transportation (NYSDOT) for funding from the 2008 Transportation Enhancements Program (TEP) for the ARTWalk 2-Urban Art Trail Extension project.

TEP is a reimbursement program of the U.S. Department of Transportation's Federal Highway Administration and is administered in New York State by NYSDOT. The program enables funding for transportation projects of cultural, aesthetic, historic, and environmental significance; these value-added special transportation improvements enhance the total environment of the surface transportation system.

The City's application is for the construction of extensions to the existing ARTWalk to the north, south, and west along North Goodman Street and University Avenue. The project includes the construction of a pedestrian welcome plaza on what is Memorial Art Gallery property, a raised crosswalk, an artistic bus shelter at the intersection of North Goodman Street and College Avenue, and an artistic ribbon wall along North Goodman Street.

The City's proposal seeks \$2,359,000 in federal TEP funding matched with \$1,065,000 in private

funds, and \$415,000 of City funds (which are planned for in the current Capital Improvement Plan). TEP requires a minimum 20% match of project costs from public and/or private partners; the private match consists of a minimum \$1,000,000 from the Memorial Art Gallery and University of Rochester for the acquisition of landmark public outdoor sculpture as well as \$65,000 from Stern Properties, Inc. for the installation of an artistic bus shelter. Notification of the state funding award is expected in December 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-357
(Int. No. 387)

Authorizing An Application For Funding For The ARTWalk 2 - Urban Art Trail Extension 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 the New York State Department of Transportation for funding for the ARTWalk 2 - Urban Art Trail Extension Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Lightfoot moved to return Int. No. 388 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 388
Re: Agreement - New York State, Safe
Routes to School

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Transportation (NYSDOT) for the application, receipt and use of a \$532,000 grant through the 2008 Safe Routes to School Program (SRTS); and amending the 2008-09 Budget, Cash Capital, to reflect this grant. SRTS is a Federal-Aid program of the U.S. Department of Transport-

tation's Federal Highway Administration and is administered in New York by NYSDOT.

The program provides funding to substantially improve the ability of primary and middle school students, including those with disabilities, to walk and bicycle to school. Program benefits include safer and more appealing transportation alternatives as well as encouraging healthy and active lifestyles. The program also seeks to reduce traffic, fuel consumption, and air pollution in the vicinity of primary and middle schools.

The City's projects that will be funded through this program are street and traffic changes that will affect Rochester City School District Schools 4, 9, 20, 29, 30 and 45. Descriptions of the projects are attached.

A City match of \$57,000 is included in 2008-09 Cash Capital (Neighborhood Traffic Calming), and \$3,000 cash will be provided by Monroe County.

The City's application was ranked #1 in the region.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 388

AUTHORIZING AN APPLICATION AND AGREEMENT AND AMENDING THE 2008-09 BUDGET FOR THE 2008 SAFE ROUTES TO SCHOOL 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 Department of Transportation for funding for the 2008 Safe Routes to School Program.

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

Section 3. Ordinance No. 2008-198, the 2008-09 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 \$532,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-358
Re: Agreements - Architectural Services

Transmitted herewith for your approval is legisla-

tion authorizing agreements with the following companies for the provision of Architectural Services related to building renovation projects for the Department of Environmental Services, Division of Architectural Services:

| <u>Company</u> | <u>Address</u> |
|--------------------------------|--|
| Architectura P.C. | 247 North Goodman Street, Rochester 14607 |
| CMA Architecture P.C. | 72 Cascade Drive, Rochester 14614 |
| LaBella Associates P.C. | 300 State Street, Suite 201, Rochester 14614 |
| Richard A. Mauser Architects | 91 Pinnacle Road, Rochester 14620 |
| MRA Architecture P.C. | 500 South Avenue, Rochester 14620 |
| PLAN Architectural Studio P.C. | 4 Commercial Street, Rochester 14614 |

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

Similar agreements for these services have been in place since April 2005. These services include: condition assessments of existing facilities; architectural design services from program development through contract document preparation; and reviewing designs prepared by other consultants under contract to the City for specific construction or reconstruction projects.

In August 2008, proposals were solicited from twelve firms by mail; the prospectus was also posted on the City's web site. In addition to the six firms selected, responses were received from Lomonaco Associates, Pardi Partnership, SEI Design Group, and Stantec Consulting Services.

The six firms selected are recommended based on the variety and availability of services provided, cost, qualifications, and experience. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City. Unit prices for services will be specified in the agreements.

The agreements will be for a term of two years, with one additional one-year renewal option.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-358
(Int. No. 389)

Authorizing Agreements For Architectural Services For Building Renovation Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for architectural services required for building renovation projects as required by the City for a term of one year, with two additional one-year renewal options:

Organization
Address

- Architectura P.C.
247 North Goodman Street
- CMA Architecture P.C.
72 Cascade Drive
- LaBella Associates P.C.
300 State Street
- Richard A. Mauser Architects
91 Pinnacle Road
- MRA Architecture P.C.
500 South Avenue
- PLAN Architectural Studio P.C.
4 Commercial Street

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. 2008-359
Re: Capron Street and South Avenue
Extension Improvement Project

Transmitted herewith for your approval is legislation which will establish \$90,000 as maximum compensation for an agreement with Dewberry-Goodkind, Inc., Rochester, for engineering planning and design services for the Capron Street and South Avenue Extension Improvement Project. The project is identified in the 2008-09 through 2012-13 Capital Improvement Program, and will be financed from 2008-09 Cash Capital.

The project includes the reconstruction or rehabilitation of pavement; installation of new curbs, catch basins, trees and driveway aprons; replacement of sidewalks, signs and street lighting; and the analysis and abandonment or repair, if necessary, of existing areaways.

Proposals for engineering design services were solicited from four area firms: Passero Associates, Dewberry-Goodkind, Inc., Hunt Engineers, Architects & Land Surveyors, P.C. and Barton & Loguidice, P.C. Dewberry-Goodkind, Inc. is recommended based on the qualifications of the team,

and their understanding of the project.

Design of the project is anticipated to be completed in the fall of 2009, with construction scheduled to begin in spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-126

Ordinance No. 2008-359
(Int. No. 390)

Establishing Maximum Compensation For A Professional Services Agreement For The Capron Street And South Avenue Extension Improvement 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 Dewberry-Goodkind, Inc. for engineering planning and design services for the Capron Street and South Avenue Extension 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 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-360
Re: Ridgeway Avenue Transportation
Improvement Project (Ramona
Street - Minder Street)

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with CSX Transportation Inc., Jacksonville, Florida, for engineering design services for the Ridgeway Avenue Improvement Project; and appropriating \$20,000 from anticipated reimbursements from the Federal Highway Administration. The remaining cost of \$5,000 will be funded from the 2007-08 Department of Environmental Services Cash Capital.

City Council authorized a design agreement and appropriations from the Federal Highway Administration in April 2008, which will finance up to 80% of the eligible project costs. This Federal Aid project is administered by the City through the New York State Department of Transportation. The agreement with CSX is required at this time to provide for engineering design services for at-grade railroad crossings on Ridgeway Avenue for both CSX and Rochester & Southern Railroad, Inc.

companies.

Design of the project is currently underway with consultant Stantec Consulting Services, and is anticipated to be completed by Summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-360
(Int. No. 403)

Authorizing An Agreement For The Ridge-way Avenue Transportation Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with CSX Transportation Inc. for engineering design services for the Ridge-way Avenue Transportation Improvement Project (Ramona Street - Minder Street).

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$25,000, and of said amount, or so much thereof as may be necessary, \$20,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration and \$5,000 shall be funded from the 2007-08 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
October 14, 2008

To the Council:

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

Int. No. 391 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Centers

Int. No. 392 - Authorizing The Sale Of 244 South Avenue

Int. No. 393 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Municipal Parking Services

Int. No. 405 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$107,300 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcel At 1030 Jay Street In The City

Int. No. 406 - Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Clean-Up Of 1030 Jay Street

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

Int. No. 394 - Approving Assignment Of The Option For The Sale Of 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project

Respectfully submitted,
John F. Lightfoot (Voted against Int. No. 391)
Elaine M. Spaul
Gladys Santiago
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-361
Re: Agreement - S.E. Baker, Property Management, High Falls Centers Facilities

Transmitted herewith for your approval is legislation establishing maximum annual compensation for a three-year agreement with S.E. Baker & Company, 250 Mill Street, Rochester (Principal, Stuart Baker), for the operation, leasing, and property management of the High Falls Centers Facilities. The agreement will include a provision for a renewal period of an additional four years. The cost of this agreement - \$30,000 in year 1, \$36,000 in year 2, and \$42,000 in year 3 - will be financed from the 2008-09 and subsequent annual budgets of the Economic Development Department.

The High Falls Facilities include 74 Brown's Race, the location of the interpretive center, museum, gallery, and gift shop; and 60 Brown's Race, which includes the Triphammer Grill and Seneca Room, which are currently leased by Jennifer Powers; and the Centers, which is currently vacant.

The City has subsidized the Facilities since the properties were renovated in 1992, with the support of a grant received from the New York State Urban Cultural Parks Program. The properties were renovated as the interpretive center, museum, simulated raceway, gift shop/information center, meeting rooms, viewing space for the gorge and falls, a restaurant, retail space, event and banquet center. The grant stipulates that the interpretive center and museum operate a minimum of 23 years; those functions, along with the gift shop, are operated by Sally Wood-Winslow through an agreement with the City at a cost of \$41,600 per year.

When the facility opened in 1992, the City contracted with the Rochester Riverside Convention Center for management. In 1997, Flaum Management assumed management and converted 60

Brown's Race into a dance club, jazz club and sports bar, with the intention that these uses would decrease and eventually eliminate the need for an annual operating subsidy from the City. While the subsidy did decrease over the years, it was not eliminated.

In 2003, the City hired the Cordish Company (Baltimore, Md.) to bring in three national night-clubs. Cordish's performance was not satisfactory, and the City terminated the agreement in March 2007 and assumed management of the facility.

Annual operating costs are currently approximately \$300,000. S.E. Baker & Co. will manage the facility and aggressively seek tenants to generate revenue; it is expected that the year after the Center is fully occupied and operational, City expenses will be reduced to approximately \$70,000 (including the cost for Ms. Wood-Winslow's agreement and taxes).

S.E. Baker & Company proposes the following uses for currently vacant space: the bar space (previously Tiki Bob's) will be converted to an events center with operator Tony Gullace (Max of Eastman Place, and Canandaigua Inn on the Lake); an operator will be sought for the restaurant space (formerly McFadden's); remaining vacant space throughout the facility would be converted for office use. Pending clarification of the New York State grant conditions, part or all of the gallery space may be converted to a revenue generating use.

Following full occupancy, it is projected that S.E. Baker & Co. would generate an income of \$190,000 in year 1; \$200,000 in year 2; and \$214,000 in year 3. The City's goal is to have the building fully occupied, creating a vibrant atmosphere that generates revenue, reduces expenses and will potentially generate a profit after a few years.

Stuart Baker has worked in the property management and real estate industry in Rochester since 1991. In 2003, he and his partners, Roger Brandt and Tom Mancuso, acquired 250 Mill Street, adjacent to High Falls, and operate it as an executive office center. Mr. Baker's experience with the City includes management of the REDCO-owned Upper Falls Shopping Center, while he was an employee of Mayzon Corporation/Landsman.

The term of the agreement will commence on November 1, 2008 and expire on October 31, 2011. The agreement will include options for discontinuation as well as renewal for an additional four-year term.

Additional upfront costs to the City include approximately \$25,000 for refurbishing and cleaning existing kitchen equipment, removing unusable kitchen equipment, and décor and cosmetic improvements. This cost would be funded from the 2008-09 Budget of the Economic Development Department.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2008-361
(Int. No. 391)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Centers

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

Section 1. The sums of \$30,000 for the first year, \$36,000 for the second year, and \$42,000 for the third year, or so much thereof as may be necessary, are hereby established as the compensation to be paid for a professional services agreement between the City and S.E. Baker & Company for the operation, leasing and property management of the High Falls Centers Facilities for a term of three years. The agreement may contain an option for an additional four years, with payments not to exceed amounts set forth in the annual budgets for said purpose. Said amounts shall be funded from the 2008-09 and subsequent Budgets of the Economic Development Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-362
Re: Sale of 244 South Avenue

Transmitted herewith for your approval is legislation authorizing the sale of City-owned property located at 244 South Avenue to Riverview Lofts, LLC for the appraised price of \$40,300. The appraisal was provided on December 4, 2007 by Midland Appraisal Associates, Inc.

A Request for Proposal for development of the property was issued in January 2008 by mail to parties which had expressed interest in the property. The RFP was also advertised in the Daily Record and posted on the City's website. Two proposals were received and evaluated on the following criteria: proposed plan, compatibility with surrounding area, community benefit, developer's timetable, financing plan, dependency on public assistance and preservation of existing structures. Riverview Lofts, LLC, received the highest rating from the selection team.

Riverview Lofts, LLC proposes to develop 244 South Avenue as a parking lot with 22 spaces to serve an existing structure on a separate property at 228 South Avenue, which they are currently redeveloping as a five-story mixed-use building with 6,000 square feet of commercial space, and 19 condominium units.

The 244 South Avenue property provides an op-

portunity for dedicated parking for the condominium residents. The large City-owned parking lot located behind 228 South Avenue is under a 99-year lease with Excellus Blue Cross/Blue Shield, which requires all spaces for their own use.

A permanent easement for public access to 244 South Avenue was authorized by City Council through Ordinance No. 2005-343. The attached map illustrates the easement.

Phase I and Phase II Environmental Assessments were completed for the parcel by Lu Engineers September 2003 and February 2004, respectively. The site was found to have characteristics consistent with urban sites and no further investigation or remediation is warranted for the proposed parking use.

Riverview Lofts, LLC, estimates the project cost to be approximately \$257,500 and financed as follows:

Source

| | |
|----------------|---------------|
| Bank financing | \$212,500 |
| Equity | <u>45,000</u> |
| Total | \$257,500 |

Use

| | |
|-------------|----------------|
| Acquisition | \$40,300 |
| Soft costs | 18,800 |
| Hard costs | <u>198,400</u> |
| Total | \$257,500 |

The redevelopment of 244 South Avenue for parking will support the mixed-use redevelopment of 228 South Avenue, which is expected to create six full-time jobs and fourteen part-time jobs. Construction is anticipated to begin in October 2008, with completion expected in May 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-127

Ordinance No. 2008-362
(Int. No. 392)

Authorizing The Sale Of 244 South Avenue

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

Section 1. The Council hereby approves the sale of 244 South Avenue, SBL #121.400-1-17.1, to Riverview Lofts, LLC for the sum of \$40,300.

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. 2008-363
Re: Agreement - Shamrock Training
and Consulting, Municipal Parking
Planning

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Shamrock Training and Consulting, Canandaigua (Principal, David Keefe), for continuation of a municipal parking planning and operational consulting services.

Mr. Keefe has been under contract in the municipal parking office since July 28, 2008. The original contract was for maximum compensation of \$9,500, and the term was to expire November 1, 2008. This amendment will increase maximum compensation to \$25,000, and extend the term to January 31, 2009. Also, the hourly rate, after the completion of 200 hours of consulting, will be increased from \$45 to \$50; and the amount of authorized reimbursable expenses will increase from \$500 to \$1,000. Other terms and conditions will remain unchanged.

The cost of the additional \$15,500 will be funded from the 2008-09 Budget of the Economic Development Department.

Additional consulting services are required to complete organizational changes to be recommended for the municipal parking function to provide better customer service, improve operations, and increase the investment return on the City's parking assets.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-363
(Int. No. 393)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Municipal Parking Services

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

Section 1. The sum of \$15,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Shamrock Training and Consulting for municipal parking consulting services. Said amount shall be funded from the 2008-09 Budget of the Economic Development Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2008-364 and
Ordinance No. 2008-365

Re: Agreement - Passero Associates,
Brownfield Cleanup at 1030 Jay
Street

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$107,300 and appropriating the proceeds thereof to finance environmental cleanup of a City-owned parcel located at 1030 Jay Street; and establishing \$87,300 as maximum compensation for an agreement with Passero Associates to provide the cleanup services. The cost of the agreement will be financed from the bonds authorized herein.

The site is approximately 1.23 acres and was acquired by the City through tax foreclosure. A two-story structure on the property was demolished in 2002; the site is unimproved and zoned for manufacturing. Woerner Industries, Inc., through a lease/purchase agreement with the City, will develop a portion of the property with an asphalt paved parking lot and access drives to accommodate the expansion of their manufacturing building located at 485 Hague Street.

Previous studies conducted at the site identified the following concerns: fill material with lead paint contamination; and soil contaminated with petroleum and other volatile compounds from previous uses of the site. Attached is a site map indicating the contaminated areas.

A request for proposals was issued in September 2008 to three pre-qualified local firms. Due to the hazardous materials to be encountered throughout this project, specific firms were selected based on their ability to meet the requirements of hazardous materials recognition, handling, profiling and disposal. Two proposals were received and evaluated. Passero is recommended based on the quality and scope of its proposal, experience with hazardous materials and petroleum cleanup projects, City brownfield projects, the proposed project team, and reasonableness of cost.

Passero will implement the Environmental Management Plan developed by DAY Environmental in 2002 to remove, transport, and properly dispose of approximately 120 cubic yards of soil contaminated with lead-based paint. Also, approximately 650 cubic yards of unsuitable fill material will be removed from the eastern portion of the site and used to backfill and regrade the western portion of the site. Passero submitted a proposal for \$75,900. DEQ recommends a contingency in the amount of approximately \$13,000 (approximately 15 percent) for unanticipated conditions and site restoration requirements.

The \$20,000 balance of the bond authorization will be used, through a separate agreement, for preparation of the parking lot for Woerner Industries, in accordance with the lease purchase agreement.

The Passero agreement will have an initial term of one year with an option for a one-year renewal. Adjustment to the specific unit prices during the second year will be permitted subject to the City's approval. The cleanup fieldwork and site restoration is anticipated to be completed by the summer of 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-128

Ordinance No. 2008-364
(Int. No. 405)

**Bond Ordinance Of The City Of Rochester,
New York Authorizing The Issuance Of
\$107,300 Bonds Of Said City To Finance The
Cost Of Environmental Clean-Up Of The City-
Owned Parcel At 1030 Jay Street In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up of hazardous substances at the City-owned parcel at 1030 Jay Street in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$107,300, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$107,300 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 \$107,300 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$107,300. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

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

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

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

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

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

Passed unanimously.

Ordinance No. 2008-365
(Int. No. 406)

Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Clean-Up Of 1030 Jay Street

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

Section 1. The sum of \$87,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for the environmental clean-up of the City-owned parcel at 1030 Jay Street. The agreement shall extend for a term of one year, with an option to renew for an additional one-year term. Unit prices may be adjusted during renewal term with the approval of the City's designated agent. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-366
Re: Sale of Urban Renewal Property,
St. Joseph's Urban Renewal District

Transmitted herewith for your approval is legislation authorizing the assignment of the option for the sale of Rochester Urban Renewal Agency (RURA) property at 58-72 N. Clinton Avenue from Tower Rochester LLC to LCG Acquisitions LLC. Specifically, this legislation will:

1. Assign the 10 year Purchase Option Agreement (as authorized in Ordinance No. 2008-63), and all associated obligations therein, between RURA and Tower Rochester LLC, for the disposition by RURA of 1.70 acres to LCG Acquisitions LLC (LCG);
2. Extend the Payment In Lieu of Tax Agreement (PILOT) for an additional 10 year term;
3. Authorize agreements with LCG, or new LLC to be formed, and County of Monroe Industrial Development Agency (COMIDA) for 376 spaces in the garage for public use;
4. Authorize an agreement with LCG, or new LLC to be formed, for operation and management of the 376 public use parking spaces; and
5. Approve termination of the Ground Lease Agreement between RURA and COMIDA upon LCG Acquisitions LLC's exercise of the Purchase Option.

Ownership of the St. Joseph's Parking Garage at 58-72 N. Clinton Avenue was transferred to Tower Rochester LLC, the current owner, by Tower Investments, LLC, located in Woodland, CA earlier this year. Tower Investments was the owner of bonds secured by St. Joseph's Parking Garage by Community Initiatives Development Corporation (CIDC). CIDC was in default to the bond holders for non-payment of the principal and interest and Tower subsequently reached an agreement with CIDC to take ownership of the garage and assume all existing agreements with the City and COMIDA.

Tower Rochester entered into a 10 year Purchase Option Agreement with RURA in April 2008 regarding the land under the garage for a non-refundable payment of \$550,000; the option has not been exercised and will be assigned to LCG. Also, the PILOT agreement will be extended to June 30, 2033 to coincide with the agreements regarding the 376 spaces for public use.

The St. Joseph's Urban Renewal District was established in 1995 for construction of a privately owned parking garage; RURA retained ownership of the land and has leased the property to COMIDA for a period of 35 years. CIDC funded the construction of the garage with proceeds raised in tax exempt bonds issued by COMIDA, and the sale of 376 parking spaces to the City for public use. The garage opened in May 2000 with 1,000 parking spaces.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-129

Ordinance No. 2008-366
(Int. No. 394)

Approving Assignment Of The Option For The Sale Of 58-72 North Clinton Avenue In The St. Joseph's Area Urban Renewal Project

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from LCG Acquisitions LLC (hereinafter called "Redeveloper"), to approve the assignment from Tower Rochester LLC of the ten year option to purchase 58-72 North Clinton Avenue (hereinafter called "Disposition Parcel") in the St. Joseph's Area Urban Renewal Project to continue the use of the parking garage located thereon; and

WHEREAS, the Agency desires to authorize the assignment of the option for the sale of the Disposition Parcel to the Redeveloper for such purpose; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on October 14, 2008 to consider the proposed assignment of the option for the sale of the Disposition Parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said parcel by the Redeveloper and the terms of the assignment of the option for the sale of said Disposition Parcel are satisfactory;
3. That the assignment of the option for the sale of said Disposition Parcel by negotiation is the appropriate method making the land available for redevelopment;
4. That the Redeveloper possesses the qualifications and financial resources necessary to use the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory;
5. That the assignment of the option for the sale of said Disposition Parcel and conditions established for redevelopment are satisfactory.

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Disposition Parcel and approves said Redeveloper as a qualified and eligible sponsor to purchase and redevelop the parcel. The Council further finds that the notice provisions of Section 507(c)(1) of the General Municipal Law have been met.

Section 2. The Council hereby authorizes the assignment from Tower Rochester LLC to the Redeveloper of the ten year option for the sale of the Disposition Parcel by the Agency, in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 3. The Mayor is hereby authorized to enter into a Parking Space Agreement with the Redeveloper, or a new LLC to be formed by the Redeveloper, and the County of Monroe Industrial Development Agency (COMIDA) to maintain 376 spaces in the garage for public use through June 30, 2033. The Mayor is hereby further authorized to enter into an operation and management agreement with the Redeveloper, or a new LLC to be formed by the Redeveloper, for the 376 parking spaces to be maintained for public use.

Section 4. The Council further approves the extension of the payment in lieu of tax (PILOT) agreement relating to the Disposition Parcel through June 30, 2033.

Section 5. The Council further approves the cancellation of the ground lease between the Rochester Urban Renewal Agency and the County of Monroe Industrial Development Agency (CO-

MIDA) for the Disposition Parcel upon the Redeveloper's exercise of the purchase option.

Section 6. The Mayor is authorized to enter into such agreements and execute such documents as may be necessary to effectuate the project. Such agreements and documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
October 14, 2008

To the Council:

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

Int. No. 395 - Authorizing An Agreement With The County Of Monroe For The Tobacco Sales Enforcement Program

Int. No. 397 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 398 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Auto Pound Services

Int. No. 399 - Amending The 2008-09 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 402 - Establishing Maximum Compensation For A Professional Services Agreement For A Substance Abuse Program

The following entitled legislation is being held in Committee:

Int. No. 396 - Authorizing An Application And Agreements For The Do The Right Thing Program And Amending The 2008-09 Budget

Respectfully submitted,
Adam C. McFadden
Elaine M. Spaul
Gladys Santiago
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-367
Re: Tobacco Sales Enforcement Program

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funding in the

amount of \$36,000 for compliance checks under the Tobacco Sales Enforcement Program.

The Monroe County Department of Health will reimburse costs, not to exceed \$36,000, for up to 400 compliance checks during the period July 1, 2008 through June 30, 2009. This agreement will continue the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets, including cigarette vending machines, in the City of Rochester.

These inspections measure compliance with the age restrictions on tobacco sales, by using underage "agents" who attempt to buy tobacco. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

This enforcement program was most recently approved in October 2007. In 2007-2008, 447 compliance checks were carried out, with 54 follow-up actions.

Receipt and use of these funds was anticipated in the 2008-09 Budget. No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-367
(Int. No. 395)

Authorizing An Agreement With The County Of Monroe For The Tobacco Sales Enforcement Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the Tobacco Sales Enforcement Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-368
Re: Agreement - The Rochester Lesbian and Gay Film Festival, Inc., ImageOut

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with The Rochester Lesbian

and Gay Film Festival, Inc., d/b/a/ ImageOut, Rochester, for partial support of a ten-day film festival, October 10-19, 2008. The cost of the agreement will be financed from the 2008-09 Budget of the Department of Recreation and Youth Services.

A similar agreement was authorized by Ord. No. 2007-367 in September 2007. Now, in its sixteenth year, the film festival consists of over 120 films including full-length, shorts, and documentaries. With an average annual attendance of over 10,000, the festival now stands as the largest film festival of any kind in New York State outside of New York City.

This funding will increase awareness and accessibility to the festival screenings and events with strategic marketing plans throughout Upstate New York.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-368
(Int. No. 397)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Rochester Lesbian and Gay Film Festival, Inc., d/b/a ImageOut, for a film festival. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-369
Re: Amendatory Agreement - Vargas Associates, Auto Pound Project Management

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Vargas Associates, Webster, NY, for additional project management services for the Auto Pound. This will increase the original agreement by \$16,000 for total maximum compensation of \$25,900. The additional cost will be financed from the 2007-08 Budget of the Police Department.

The consultant has been overseeing the physical improvements and providing documentation for business process and work flow improvements for

the Auto Pound operation, including the new point-of-sale computer system being installed through the Information Technology Department. Changes in the project scope and delays in implementing the physical improvements and systems upgrades require a significant amount of additional time.

The term of the agreement will extend to December 31, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-369
(Int. No. 398)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Auto Pound Services

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

Section 1. The sum of \$16,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Vargas Associates for project management services for the Auto Pound. Said amount shall be funded from the 2007-08 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-370
Re: Appropriation of Forfeiture Funds for Law Enforcement Purposes

Transmitted herewith for your approval is legislation appropriating \$12,000 from Federal forfeited property revenues attributable to the Rochester Police Department, and amending the 2008-09 Budget of the Police Department by the same amount. The funds will be used to purchase and train two dogs for the City of Rochester Police Department's Canine Team.

During the past year, the Canine Team lost three dogs. One was a planned retirement, for which replacement funding was included in the 2008-09 Budget. Unfortunately, two were a result of the unexpected death of the dogs. This appropriation will fund the purchase of two specially bred dogs, and the training to be conducted with assigned Canine Team Police Officers/handlers. It is anticipated that one dog will be patrol/narcotics trained and another will be patrol/explosives trained.

The undesignated balance available in the forfeiture fund before this transaction was estimated at \$278,565.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-370
(Int. No. 399)

Amending The 2008-09 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$12,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to purchase and train two dogs for the City of Rochester Police Department's Canine Team.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-371
Re: Agreement - Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential, Substance Abuse Prevention

Transmitted herewith for your approval is legislation establishing \$47,980 as maximum compensation for an agreement with the Baden Street Settlement of Rochester, Inc. to act as fiduciary for Metro Council for Teen Potential (MCTP) to provide services to reduce substance abuse among youth. Funds for this program, received through the US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, were included in the 2008-09 Budget of the Department of Recreation and Youth Services.

MCTP is a resource center for inner-city youth and operates out of Baden Street Settlement. This is the fourth year of an anticipated five-year project. The overall goal of the project is to reduce substance abuse, especially alcohol and marijuana, among youth ages 11-18 through the efforts of a community-wide coalition.

MCTP will direct the project, coordinate the HEART coalition of agencies working on the program, and oversee needs assessment, analysis and evaluation. MCTP, in collaboration with City staff, will promote social marketing and work with parents and Rochester City School District teachers in substance abuse prevention.

The term of this agreement will be October 1, 2008 to September 29, 2009.

Program and budget descriptions are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-130

Ordinance No. 2008-371
(Int. No. 402)

Establishing Maximum Compensation For A Professional Services Agreement For A Substance Abuse Program

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

Section 1. The sum of \$47,980, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Baden Street Settlement of Rochester, Inc. for the Metro Council for Teen Potential Substance Abuse Program. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 396
Re: Agreement - New York State, Do the Right Thing Program and Amending the Budget

Transmitted herewith for your approval is legislation related to the Do the Right Thing Program. This legislation will:

1. Authorize an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a \$25,000 grant to fund the program;
2. Amend the 2008-09 Budget of the Police Department to reflect the receipt and use of the grant; and
3. Establish \$25,000 as maximum compensation for an agreement with Do the Right Thing, Inc. for operation of the program.

These funds will be used by the Police Department as partial funding for six recognition ceremonies between November 1, 2008 and October 31, 2009. During this period, approximately fifty youth will be identified, honored and awarded a prize package including trophy and certificate. No match is required for this grant.

Do the Right Thing is funded exclusively through this grant and private donations; the City provides staff support and space for the ceremonies.

Respectfully submitted,
Robert J. Duffy,
Mayor

Introductory No. 396

AUTHORIZING AN APPLICATION AND AGREEMENTS FOR THE DO THE RIGHT THING PROGRAM AND AMENDING THE 2008-09 BUDGET

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

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

Section 2. 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 Do the Right Thing, Inc. for the Do the Right Thing Program. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$25,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. 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.

Held in Committee.

By President Santiago
October 14, 2008

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 400 - Resolution Confirming The Appointment Of The Chief Information Officer

Respectfully submitted,
Gladys Santiago
Carolee A. Conklin
Adam C. McFadden
Carla M. Palumbo
Elaine M. Spaul
Lovely A. Warren
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-28
Re: Appointment - David Mayor, Chief Information Officer

Transmitted herewith for your approval is legislation confirming the appointment of David Mayor, currently residing in Fairport, NY, as Chief Information Officer and head of the Information Technology Department. Mr. Mayor will be required to maintain his primary residence in the City within one year of his appointment.

A copy of Mr. Mayor's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-28
(Int. No. 400)

Resolution Confirming The Appointment Of The Chief Information Officer

WHEREAS, the Mayor has appointed David Mayor to the position of Chief Information Officer, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of David Mayor as Chief Information Officer.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:26 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
NOVEMBER 25, 2008

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services
Ian Nadar

DRYS

*Margaret C. Lancer

Emergency Communications

*Charles J. Connors

Finance Department

*William P. Smith

NSC

*Mary A. Vasquez

Fire Department

*James A. Ciaccia

*Thomas A. Perkins

*Laurence N. Swan

Police Department

*Thomas J. Meehan

*Peter J. Rissi

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of October 14, 2008 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Notice Of Environmental Determination
3939-7

Administrative Cancellation or Refund of Erroneous Taxes and Charges (2)
3940-7, 3941-7

Public Disclosure - Community Development Block Grant and HOME Participation (2) 3942-7, 3943-7

Quarterly Reports 3944-7

Delinquent Receivables

Claims Reports

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Petition regarding Administrative Search Warrants, 827 signatures Petition No. 1636

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 1256-1510 And 1325-1521 Mt. Hope Avenue, 30 East Henrietta Road, 683 And 793-797 Elmwood Avenue From C-2 Community Center, And 35 Crittenden Boulevard And 22 And 25 Raleigh Street From R-1 Low Density Residential, To C-V Collegetown Village Int. No. 432 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Adoption Of The C-V Collegetown Village District Int. No. 433 No speakers.

Resolution Approving Relocation To The Monroe County Empire Zone Int. No. 421 No speakers.

Authorizing Amendatory 2004-05, 2005-06, 2006-07 And 2007-08 Community Development Program Plans, Amending Ordinances And Amending The 2008-09 Budget For The School #28 After School Program Int. No. 428 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 25, 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 407 - Authorizing An Agreement For The Lease Of Space In The Rundel Memorial Library Building, As Amended

Int. No. 408 - Approving A Property Tax Exemption and Authorizing An In Lieu Of Tax Agreement For The DePaul West Main Street Project

Int. No. 409 - Amending The Municipal Code Relating To Parking Meter Rates For Parking Station Meters

Int. No. 410 - Amending The Municipal Code Relating To The Use Of Parking Boots

Int. No. 429 - Establishing Maximum Compensation For A Professional Services Agreement For The Rundel Library Structural Repairs Project

Int. No. 430 - Amending The 2008-09 Budget, As Amended

Int. No. 431 - Establishing Maximum Compensation For A Professional Services Agreement For Surveillance Camera System Support

The following entitled legislation is being held in Committee:

Int. No. 411 - Local Law Amending The Charter Of The City Of Rochester In Relation To The Purchase Of Parcels At Tax Foreclosure Sales

Int. No. 412 - Authorizing An Agreement For The Bulk Sale Of Delinquent Tax Liens

Int. No. 404 - Local Law Amending The Charter Of The City Of Rochester In Relation To The Sale Of Delinquent Tax Liens, As Amended

Respectfully submitted,

Carolee A. Conklin
Carla Palumbo
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2008-372
Re: Lease Agreement - Rochester Historical
Society, Rundel Memorial Library
Building

Transmitted herewith for your approval is legisla-
tion authorizing a lease agreement with the Roch-
ester Historical Society (RHS) for space in the
Rundel Memorial Library Building, for use as
offices, exhibits, operations and storage. RHS will
lease approximately 5,344 square feet on the sec-
ond floor, a shared 720 square foot climate-
controlled preservation vault, and 2,500 square
feet of storage space in the upper stacks.

As a cost savings measure, the RHS recently sold
the building on East Avenue that had been their
site of operations for many years. Their move to
the Rundel Building, on the same floor as the
Library's Local History Division, will complement
and enhance the historical resources of both orga-
nizations.

The annual lease amount has been determined by
Bruckner, Tillett, Rossi, Cahill & Associates, an
independent appraiser. The cost of renovations of
the leased space will be covered by RHS. The term
of the lease will be for five and one-half years with
an option to renew for three additional five-year
terms, which, if exercised, would extend the lease
through 2029. The first six months of the lease
will be rent-free as renovations are being done.
Following that, the payments for the first five
years have been established as follows (for the
period June 1-May 31):

| | |
|---------|----------|
| 2009-10 | \$36,750 |
| 2010-11 | \$38,750 |
| 2011-12 | \$40,750 |
| 2012-13 | \$41,850 |
| 2013-14 | \$43,050 |

Rent increases will be capped at 3% per year dur-
ing the three five-year extensions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-372
(Int. No. 407, As Amended)

**Authorizing An Agreement For The Lease
Of Space In The Rundel Memorial Library
Building**

WHEREAS, the Rochester Public Library has
received a proposal for the lease of space in the
Rundel Memorial Library Building to the Roches-

ter Historical Society for a term of five and one-
half years, with options to renew for three addi-
tional five year terms; and

WHEREAS, pursuant to Section 21-23 of the
Municipal Code, the Council is required to follow
additional procedures due to the length of the
proposed lease; and

WHEREAS, the Council has formally reviewed
the appraisal of the independent consultant on the
value of the lease; and

WHEREAS, the Council affirmatively finds
that the proposed lease is in the public interest, as
the public benefit to be derived from the lease is
the enhancement of the historical resources of both
the Rochester Public Library and the Rochester
Historical Society;

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

Section 1. The Mayor, together with the Roch-
ester Public Library, is hereby authorized to enter
into an agreement for the lease of space in the
Rundel Memorial Library Building to the Roches-
ter Historical Society. The agreement shall extend
for a term of five and one-half years, with options
to renew for three additional five-year terms.

Section 2. The lease agreement shall obligate
the Rochester Historical Society to pay rent to the
Rochester Public Library in amounts approved by
the Board of Trustees of the Rochester Public
Library.

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. 2008-373
Re: DePaul West Main Street Project

Transmitted herewith for your approval is legisla-
tion relating to the DePaul West Main Street Pro-
ject being developed by DePaul Properties Inc., an
affiliate of De Paul Community Services, Inc.
This legislation will authorize an exemption from
property taxes and an agreement for payment in-
lieu-of taxes (PILOT) with the WNYG Housing
Development Fund Company, Inc. or another
HDFC to be formed for the following properties:
720 W. Main Street, 750-782 W. Main Street, 733
Brown Street, and 739 Brown Street.

The Project will be located on West Main Street
and consists of three components for a total of 113
units:

- Bull’s Head Square, a 75 bed single-room occupancy facility with 75 new beds licensed by the New York State Office of Mental Health.
- Main Street Community Residence, 14 one-bedroom apartments licensed as a community residence by the New York State Office of Mental Health. This is a relocation of beds from the Lyell Community Residence.
- Brown Street Residences containing 12 one-bedroom apartments (Office of Alcohol and Substance Abuse Services) which are a relocation of the beds at the Barrington Street residence, and 12 one-bedroom apartments for low-income residents, which are new beds.

The total development cost is \$35,138,692. Project financing will be provided by the syndication of 4% Low Income Housing Tax Credits and tax-exempt bond financing. The PILOT agreement is for 30 years; the annual payment will be equal to 10% of the project shelter rents (gross rents less utility costs and vacancies).

DePaul has met with several community organizations regarding this project since December 2007. They presented their proposal to a meeting that included representatives of BEST/Neighborhood United, Sector 4, the 19th Ward Association, and the Department of Community Development.

In response to comments from some residents in opposition to the project, the neighborhood association requested that DePaul modify the proposal. With assurances from DePaul that the final plans would reflect the mutually agreed upon changes, the BEST/Neighborhood United Association voted to support the project. In late spring, the neighborhood association wrote a letter providing full support of the project.

It is anticipated that construction would begin in the fall of 2008 and be completed in spring of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-131

Ordinance No. 2008-373
(Int. No. 408)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The DePaul West Main Street Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the WNYG Housing Development

Fund Company, Inc. or another housing development fund company formed for this Project, and to be used for housing as a part of the DePaul West Main Street Project:

| <u>Address</u> | <u>SBL Number</u> |
|------------------------|-------------------|
| 720 W. Main Street | 120.43-1-32 |
| 750-782 W. Main Street | 120.43-1-36.2 |
| 733 Brown Street | 120.43-1-52 |
| 739 Brown Street | 120.43-1-51 |

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-374 and
Ordinance No. 2008-375
Re: Amending the Municipal Code,
Parking Regulations

Transmitted herewith for your approval is legislation amending the Municipal Code with respect to parking regulations primarily affecting the University of Rochester. The amendments will authorize an increase in the parking meter rates along Wilson Boulevard adjacent to the Bausch & Lomb Riverside Park and allow the University and other colleges/universities and hospitals to place parking boots on vehicles that are illegally parked on their property.

The University of Rochester operates and maintains the Bausch & Lomb Riverside Park pursuant to an agreement with the City authorized by Ordinance No. 90-274. By Ordinance No. 92-107, this agreement was amended to recognize that the metered parking established along Wilson Boulevard was to facilitate use of the Park and that the parking system had to be designed to prevent these spaces from becoming alternative parking for University faculty, staff and students. The University has implemented and maintained the parking meter system, and uses the revenues for the maintenance and operation of the Park. The University recommends a rate of two cents per minute for use of the meters in order to discourage parking by non-users of the Park. An amendment to Section 111-113 of the Municipal Code (Class C and D meters) provides for the rate increase.

The University of Rochester also requests that it be exempted from the prohibition in Section 108A-7 of the Municipal Code on the placement of parking boots on motor vehicles parked on private property. This prohibition was adopted at the request of the President of City Council in 2006 after a review of various licensing provisions.

The purpose of the Code provision was to prevent private property owners from using parking boots to disable a vehicle and then charging a large fee to remove the boot and release the vehicle. This use was generally occurring at night and in small closed commercial locations around entertainment venues in the downtown area.

At the time of adoption of the prohibition, the City recognized that certain large institutions may have extensive parking systems and procedures in which the use of the parking boots provided an effective enforcement mechanism for repeat violators, and attempted to determine whether limited exceptions were warranted. Unfortunately, the University's use of the parking boots was not made known to the City at that time. The University has now provided the City with a request for an exemption from the prohibition.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-374
(Int. No. 409)

Amending The Municipal Code Relating To Parking Meter Rates For Parking Station Meters

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

Section 1. Section 111-113 of the Municipal Code, Parking meter rates for parking station meters, as amended, is hereby further amended to read in its entirety as follows:

Section 111-113. Parking meter rates for parking station meters.

- A. The following rates are hereby established for parking station meters Class A and B, with the rates shown for Class B meters applying for each two hours of parking, up to a maximum rate of \$2.50 for 10 hours:

| Class | Time Limit | \$0.05 | \$0.10 |
|-------|------------|---------|---------|
| A | 2 hrs. | 6 min. | 11 min. |
| B | 10 hrs. | 12 min. | 24 min. |
| | \$0.25 | \$0.30 | \$0.35 |
| | 26 min. | 32 min. | -- |
| | 1 hr. | -- | 84 min. |
| | | | 96 min. |
| | \$0.50 | \$0.60 | \$1.15 |
| | 52 min. | 63 min. | 2 hrs. |
| | 2 hrs. | -- | -- |

- B. The rates for parking station meters Class C and D shall be two cents per minute, with a two hour maximum time limit for Class C meters and a three hour maximum time limit for Class D meters.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-375
(Int. No. 410)

Amending The Municipal Code Relating To The Use Of Parking Boots

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

Section 1. Section 108A-7 of the Municipal Code, Towing from privately owned property without vehicle owner's permission, as amended, is hereby further amended by adding the following new sentence to the end of subsection F thereof:

This prohibition shall not apply to institutions for higher education and hospitals.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-376
Re: Rundel Library Structural Repairs,
Phase II

Transmitted herewith for your approval is legislation establishing \$240,000 as maximum compensation for an agreement with Herrick-Saylor Engineers, P.C., Pittsford, for structural engineering services for the second phase of the Rundel Library Structural Repairs Project. The cost of the agreement will be financed from the 2008-09 Cash Capital allocation, as planned for in the 2008-09 Capital Improvement Program.

Beginning in 2006, the City embarked on a multi-year structural rehabilitation of the foundation and terraces that surround the building. Herrick Saylor Engineers, P.C. was commissioned by the City to conduct a visual structural survey of the foundation and terrace structures of the Library. The first phase of the project (\$1.197 million) is near completion, and consists of structural repairs to the Rundel Library foundation and adjacent perimeter sections. Phase I incorporates removal of all cable trays, debris, deteriorated concrete encasement off beams, columns, girders, and the repair of deteriorated areas of the structural deck where steel reinforcement was exposed.

For Phase II, the consultant will provide structural engineering design services to restore the structural system integrity of the terrace to its original

capacity. Phase II continues the structural repairs to the North, South and East Terraces that were not included in Phase I. The preliminary project cost estimate for Phase II is \$2,399,000, including fees, construction and contingency.

Qualifications and proposals were solicited from eleven area firms. Three firms responded - FRA Engineering, P.C.; Ravi Engineering, P.C.; and Herrick-Saylor Engineers, P.C. The qualifications and proposals were rated by staff and, based on these ratings, Herrick-Saylor was selected.

It is anticipated that the design will commence in Spring 2009, and will be completed to provide for construction to begin in Summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-376
(Int. No. 429)

Establishing Maximum Compensation For A Professional Services Agreement For The Rundel Library Structural Repairs Project

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 Herrick-Saylor Engineers, P.C. for structural engineering design services for Phase II of the Rundel Library Structural Repairs Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-377 and
Ordinance No. 2008-378
Re: Budget Amendments - PRIME,
APT Wage & Salary, Surveillance
Camera Maintenance, Library
Costs, Election Inspectors

Transmitted herewith for your approval is legislation amending the 2008-09 Budget for several purposes as follows:

PRIME Program

The Providing Realistic Incentives for Maintaining Employment (PRIME) program provides on-the-job training for 20 young adults over a 17 week period and contributes to the cleanliness of City neighborhoods. Funds for this new employment

initiative were included in the 2008-09 Budget. A program expansion for 22 additional young adults for 17 weeks through the end of December 2008 and 20 more for 12 weeks in Spring 2009, will cost \$302,600 and requires the following budget amendments:

1. Transfer \$130,000 from the Department of Recreation and Youth Services to the Department of Environmental Services;
2. Transfer a total of \$60,800 from Contingency as follows:
 - a. \$28,400 to DES
 - b. \$20,000 to DRYS
 - c. \$12,400 to Undistributed
3. Appropriate a total of \$91,800 from the Refuse Fund as follows:
 - a. \$87,300 to DES
 - b. \$4,500 to Undistributed
4. Appropriating \$50,000 from the 2008-09 General Community Needs Job Creation/Youth Development allocation of the Community Development Block Grant, and transferring that amount to the Budget of the Department of Recreation and Youth Services. The CDBG funds will provide a small stipend as an incentive for participants to complete the job skill training activities.

APT Wage & Salary Amendment

When the 2008-09 Budget was adopted by the City Council in June 2008, a wage adjustment for employees in the Administrative, Professional and Technical (APT) classification had not been determined because a new system of performance evaluation was being developed for APT employees. The new system, Pay for Performance, established performance, outcome, and accomplishment criteria on which supervisors rated their staff. This review was used as the basis for determining eligibility for progression on the salary schedule.

In past years, the salary schedule has been adjusted to provide cost of living increases salary for eligible employees. This year, the schedule was not adjusted, except for the addition of a new step. APT employees who clearly demonstrated successes and clearly defined excellence, were recommended for a one-time performance award of \$1,000 to \$5,000, over and above their step increase(s).

Overall, the total amount allocated to the new appraisal system was the same as was allocated for the prior system. The shift to Pay for Performance was cost neutral this year; and the non-adjusted salary schedule will yield savings in the future primarily through employee turnover.

The amounts by purpose are:

| | |
|---------------------------------|---------------|
| APT Performance Award | \$ 824,100 |
| Additional Step | 363,500 |
| Salary Benefits - Undistributed | <u>90,800</u> |
| Total | \$1,278,400 |

These costs require amending the budget to transfer funds from Contingency to departmental budgets as follows:

| | |
|-------------------------------------|---------------|
| City Council & Clerk Administration | \$ 19,100 |
| Mayor's Office | 80,500 |
| Neighborhood Service Centers | 30,600 |
| Management & Budget | 33,500 |
| Human Resource Management | 47,800 |
| Communications | <u>26,800</u> |
| Administration subtotal | 219,200 |
| Community Development | 135,900 |
| Economic Development | 60,200 |
| Environmental Services | 301,600 |
| Finance | 68,800 |
| Information Technology | 90,100 |
| Law | 61,700 |
| Library | 25,500 |
| Recreation & Youth Services | 64,300 |
| Emergency Communications | 18,600 |
| Police | 72,200 |
| Fire | 50,400 |
| Undistributed Expense | <u>90,800</u> |
| Total | \$1,278,400 |

Surveillance Camera System Maintenance

The maintenance of the police surveillance camera system needs to be provided as the first implementation phase nears its final stages. Based on rates provided by TechNet Global Services, the subcontractor hired to install the system, the cost of outsourcing of maintenance is estimated at \$799,000.

An in-house solution was examined and is recommended. This will include the purchase of bucket truck, the addition of a support position in the Information Technology Department with benefit costs, training of existing staff, parts and operating expenses, and a smaller support contract with the main contractor, RMS Technology for back-up phone support.

The estimated cost of this in-house solution is \$321,300. The cost of the truck, \$85,000, will be funded from 2008-09 Cash Capital for Police equipment. The additional expenses require amending the Budget by transferring a total of \$236,300 from Contingency to the following:

| | |
|------------------------|---------------|
| Information Technology | \$127,300 |
| Police | 76,000 |
| Undistributed | <u>33,000</u> |
| Total | \$236,300 |

Additional legislation is required establishing \$49,500 as maximum compensation for an agreement with RMS Technology to provide the necessary back-up phone support. The cost of this agreement will be funded from the 2008-09 Budget of the Information Technology Depart-

ment.

Library Expense

A personnel action was contested by AFSCME and an arbitrator's decision resulted in the need to create a temporary full-time Cleaner position. The Library has managed to contain the incremental cost to \$14,200. This expense requires a Budget amendment to transfer this amount from Contingency to the Library.

Election Inspectors

In order to comply with the Help America Vote Act, it was necessary for each polling place to have ballot marking equipment for people with disabilities available at the November 4 general election. This required the Monroe County Board of Elections to hire two additional inspectors for each polling place for a total cost of \$48,100.

This requires amending the Budget of City Council and Clerk by \$48,100 to reflect the expense and the anticipated reimbursement of this amount by Monroe County.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-377
(Int. No. 430, As Amended))

Amending The 2008-09 Budget

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$28,400 from the Contingency Account and the sum of \$130,000 from the Department of Recreation and Youth Services to the Department of Environmental Services, by transferring the sum of \$12,400 from the Contingency Account to Undistributed Expense, and by transferring the sum of \$20,000 from the Contingency Account to the Department of Recreation and Youth Services, to fund the PRIME Program. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$[137,300] 50,000 for the PRIME Program, [of] which amount [\$87,300 is hereby appropriated from the Refuse Fund Balance and \$50,000] is hereby appropriated from the General Community Needs allocation of the 2008-09 Community Development Program. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$87,300 for the PRIME Program, which amount is hereby appropriated from the Refuse Fund Balance. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as

amended, is hereby further amended by increasing the revenue estimates and appropriations to Undistributed Expense by the sum of \$4,500 for the PRIME Program, which amount is hereby appropriated from the Refuse Fund Balance.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$236,300 from the Contingency Account to the following for the maintenance of the surveillance camera system:

| | |
|------------------------|------------------|
| Information Technology | \$127,300 |
| Police | 76,000 |
| Undistributed Expense | <u>33,000</u> |
| Total | <u>\$236,300</u> |

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$14,200 from the Contingency Account to the Rochester Public Library to fund a temporary cleaner position.

Section 4. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the City Council and Clerk by the sum of \$48,100, which amount is hereby appropriated from funds to be received from Monroe County for election inspectors.

Section 5. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,278,400 from the Contingency Account to the following for wage and salary increases and performance awards:

| | |
|-------------------------------------|--------------------|
| City Council & Clerk Administration | \$ 19,100 |
| Mayor's Office | 80,500 |
| Neighborhood Service Centers | 30,600 |
| Management & Budget | 33,500 |
| Human Resource Management | 47,800 |
| Communications | <u>26,800</u> |
| Administration subtotal | 219,200 |
| Community Development | 135,900 |
| Economic Development | 60,200 |
| Environmental Services | 301,600 |
| Finance | 68,800 |
| Information Technology | 90,100 |
| Law | 61,700 |
| Library | 25,500 |
| Recreation & Youth Services | 64,300 |
| Emergency Communications | 18,600 |
| Police | 72,200 |
| Fire | 50,400 |
| Undistributed Expense | <u>90,800</u> |
| Total | <u>\$1,278,400</u> |

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Miller, Palumbo, Pritchard, Spaul, Warren - 7.

Nays - Councilmembers Lightfoot, McFadden - 2.

Ordinance No. 2008-378
(Int. No. 431)

Establishing Maximum Compensation For A Professional Services Agreement For Surveillance Camera System Support

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

Section 1. The sum of \$49,500, 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 RMS Technology for support services for the Surveillance Camera System. Said amount shall be funded from the 2008-09 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. Nos. 404, 411 and 412 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Introductory No. 404 was introduced on October 14, 2008 and appears in its original form with its transmittal letter on page 331 of the current Council Proceedings.

Local Law No. 8
(Int. No. 404, As Amended)

Local Law Amending The Charter Of The City Of Rochester In Relation To The Sale Of Delinquent Tax Liens

WHEREAS, unpaid delinquent real property taxes create a significant cash flow problem for the City, which problem is made more complicated by a decline in population and tax base; and

WHEREAS, experience of other municipalities, including other upstate New York cities, has demonstrated that the sale of tax liens to private companies that acquire the tax liens can improve the collection of delinquent taxes, and can be a significant component in the improvement of municipal finance; and

WHEREAS, the collection of the real property taxes in the City of Rochester is enforced pursuant to the provisions of the City Charter, as the Charter may be amended from time to time, and is not governed by Article 11 of the Real Property Tax Law; and

WHEREAS, pursuant to subdivision 2(A) of the Section 1104 of the Real Property Tax Law, the City of Rochester, by Local Law duly adopted, opted out of Article 11 of the Real Property Tax Law; and

WHEREAS, Section 1190 of the Real Property Tax Law does not prohibit the sale of delinquent real property taxes in municipalities that have opted out of Article 11 of the Real Property Tax Law.

NOW, THEREFORE, BE IT ENACTED, by the City 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 last amended is hereby further amended by adding a new § 6-123 to Article VI, Part G, "Tax and Assessment Collection" to read as follows:

§ 6-123. Sale of delinquent tax liens.

- A. Notwithstanding the provisions of any general, special or local law to the contrary, the Mayor is authorized, subject to the provisions hereof and the approval of the City Council, to enter into an agreement to sell some or all of the delinquent tax liens held by the City of Rochester to a private entity and to accept payment for the tax liens sold of less than the full amount of such taxes, fees, interest and penalties. The agreement may also provide for the repurchase or exchange of such delinquent tax liens.
- B. The Director of Finance is authorized to review for potential sale all tax liens for delinquent City and School taxes, assessments and charges that are not (1) the subject of an agreement for the installment payment of delinquent taxes (commonly referred to as a tax payment agreement) which is not in default; (2) currently restricted in their enforcement by the provision of any bankruptcy law; (3) related to any real property owned or controlled by the federal, state, county, or City government, or any agency, department, or board thereof, against which enforcement of the tax lien is restricted or prohibited under applicable federal, state, or local law; (4) related to real property that is the subject of a pending tax certiorari proceeding for the tax year(s) involved; or (5) related to real property that has been identified by a local, state or federal government as having environmental contamination.
- C. Prior to the sale of eligible delinquent tax

liens, the City Treasurer shall cause to be published once in each week for two (2) consecutive weeks in an official newspaper of the City a notice that delinquent tax liens may be offered for sale in bulk to a private entity on or after a specified date. The notice shall be in substantially the following form:

PLEASE TAKE NOTICE that the properties set forth in a list available for inspection in the City Treasurer's Office are subject to delinquent tax liens held by the City of Rochester for [-----] (identify fiscal year or years). On or after [-----] (enter expected date of sale), the delinquent tax liens on the properties listed may be sold to [-----] (enter name of purchaser). Any person paying the delinquent taxes prior to the sale must contact the City Treasurer.

Following the sale, the purchaser of the delinquent tax liens will have the right to collect and enforce the delinquent taxes against the properties. Any person paying the delinquent taxes after the sale must contact [-----] (enter name of tax lien purchaser or its tax collection agent) directly.

- D. At least twenty (20) days prior to the date on which a sale of delinquent tax liens shall be effective, the City Treasurer shall cause a notice to be mailed to the last known address of the owner of each parcel of property on the list of delinquent tax liens to be sold, as it appears upon the [records in the office of the City Treasurer] tax roll, or, if a parcel has been transferred after the applicable tax status date, as reported pursuant to Section 574 of the Real Property Tax Law or a comparable law. Failure to provide notice, or failure of the addressee to receive notice pursuant to this subdivision shall not in any way affect the validity of any sale of a tax lien or tax liens pursuant to this Section, or the validity of the taxes or interest prescribed by law with respect thereto. Such notice shall identify the affected parcel and be in substantially the following form:

To the Addressee:

The real property identified in this notice is subject to a delinquent tax lien or liens held by the City of Rochester for [-----] (identify fiscal year or years). According to our records, you own or have an interest in this property. You are hereby advised that on or after [-----] (enter expected date of sale), the delinquent tax lien or liens on this property may be sold to [-----] (enter name of purchaser). To pay the delinquent taxes prior to the sale, please contact the City Treasurer.

Following the sale, the purchaser of the

delinquent tax lien or liens will have the right to collect and enforce the delinquent taxes against this property. To pay the delinquent taxes after the sale, please contact [-----] (enter name of tax lien purchaser or its tax collection agent) directly.

Dated:

City Treasurer

- E. Upon the sale of delinquent tax liens pursuant to this Section, the City Treasurer shall issue and deliver to the purchaser one or more certificates identifying each of the affected parcels and the total amount due on each affected parcel as of the date of the sale, including interest, penalties, and charges. The City Treasurer shall retain a copy of each such certificate in the City Treasurer's office, and shall maintain records that will enable interested parties to determine which liens have been sold, to whom, and the total amount due on such liens when they were sold. The certificate shall be in recordable form and the purchaser of such tax lien may record the certificate or certificates evidencing the purchase and sale of the liens in the Office of the Monroe County Clerk.
- F. The holder of a delinquent tax lien may, at the holder's discretion, accept partial payments and enter into installment agreements with the owner(s) on such terms and conditions as the holder of the delinquent tax lien shall deem advisable, without regard to any restrictions that might be applicable if the tax lien were held by the City, provided that the rate of interest for tax liens purchased or held by a private entity shall not exceed the rate of interest for tax liens held by the City.
- G. Notwithstanding any provision of the Charter to the contrary, the tax lien purchaser, or its successors or assigns, under the terms and conditions of the agreement entered into pursuant to this Section, shall be authorized to foreclose the tax lien acquired only by foreclosure in accordance with the provisions of Article IX, Part E, Title 3 of this Charter.

Section 2. Chapter 755 of the Laws of 1907 entitled "An Act Constituting the Charter of the City of Rochester" as last amended is hereby further amended by repealing Title 3 of Article IX, Part E entitled "Foreclosure of Tax Lien in an Action to Foreclose a Mortgage" in its entirety and adding thereto a new Title 3 to read as follows:

Title 3 - Foreclosure of Tax Lien in an Action to Foreclose a Mortgage

§ 9-101. When authorized.

Notwithstanding any general, special or local law to the contrary, when annual taxes upon real estate remain unpaid after the expiration of one year from the date upon which the taxes, including all items added thereto, local assessments, and water rates become a lien, the lien created by the levy of the tax by the Council, together with interest, fees and penalties thereon to the date of judgment, at the rates provided in this Charter, as amended, may be foreclosed in a court of record by the City, or by the purchaser of a delinquent tax lien pursuant to an agreement entered into under Section 6-123 of this Charter, or by the holder of such delinquent tax lien. The purchaser of a delinquent tax lien pursuant to an agreement entered into under Section 6-123 of this Charter, or the holder thereof, shall be authorized to foreclose such tax lien only by foreclosure in accordance with the provisions of this Title. At any time following the commencement of an action to foreclose a lien, the amount required to redeem the lien, or the amount received upon sale of a property, shall include reasonable attorneys' fees, legal costs, allowances and disbursements.

§ 9-102. Parties to such action.

In an action to foreclose a tax lien, as provided for in this Article, any person shall be a proper party who has or may have, or any person that the plaintiff has reason to believe has or may have, an interest in or claim upon the real property affected by the tax lien. The County of Monroe, any other taxing body and the people of the State of New York may be made a party to such action to foreclose a tax lien in the same manner as a natural person.

§ 9-103. Procedure.

Except as otherwise provided herein, the procedure in any action pursuant to this Title shall be the procedure prescribed by [Article 13 of the Real Property Actions and Proceedings Law for the foreclosure of mortgages] Section 1194 of the Real Property Tax Law and all provisions of such Section 1194 of the Real Property Tax Law shall be applicable to such action. Any person may, on or before the date of sale of the property, redeem the parcel that is the subject of the action hereunder by paying the holder of the tax lien the amount of the lien, plus accrued interest, reasonable attorneys' fees, legal costs, allowances and disbursements.

§ 9-104. Option of the City to repurchase.

The purchaser of a delinquent tax lien pursuant to an agreement entered into under Section 6-123 of this Charter, or the holder of such delinquent tax lien, shall, prior to the commencement of a foreclosure action pursuant to this Title, provide the City Treasurer with a notice of intent to foreclose the delinquent tax lien or liens. Said notice shall set forth the record owner of the property, the SBL number, and the amount of the delinquent tax lien, with all accrued interest at the time of the notice. The

City may, at its sole option and discretion, elect to repurchase the lien or liens on the property from the tax lien purchaser or holder. The repurchase price shall be the amount of the lien or liens plus all accrued interest. The tax lien purchaser or holder shall provide the notice of intent to foreclose to the City Treasurer by certified mail, return receipt requested, and the City shall have thirty (30) days from receipt of such notice to notify the tax lien purchaser or holder of the City's election to repurchase said lien or liens. If the City elects to repurchase said lien or liens, then the City shall provide payment to the holder thereof within thirty (30) days of the City's exercise of its option to repurchase said lien or liens. If the City shall fail to notify the tax lien purchaser or holder of the City's election to repurchase the lien or liens within said thirty (30) day period, the tax lien purchaser or holder shall immediately have the right to commence a foreclosure action pursuant to this Title. The plaintiff in any action to foreclose a delinquent tax lien pursuant to this Title shall affirmatively plead compliance with this Section.

[§ 9-105. Tax liens included in action.

Separate tax liens against the same lot or parcel of land may be foreclosed in one action, and where several lots or parcels of land are owned by the same person or persons, corporation or other entities, separate tax liens upon separate lots and parcels of land so owned may be, at the option of the purchaser of a delinquent tax lien, or the holder thereof, or the Corporation Counsel as the case may be, foreclosed in one action.

§ 9-106. Presumption of validity.

Whenever under this Title, a cause of action, defense, or counter claim for the foreclosure of such tax or tax lien exists, or is in any manner founded upon such tax or tax lien, it shall not be necessary for the plaintiff to plead or prove the various steps, procedures and notices for the assessment and levy of the taxes, including all items added thereto, local assessments or other lawful charges against the lands described in the complaint, and the liens thereof shall be presumed to be valid. A defendant alleging any jurisdictional defect or invalidity in the tax assessment, or other lawful charge or levy, must particularly plead in the answer such defect or invalidity and must affirmatively establish such defense.

§ 9-107. Inapplicability of § 317 of the Civil Practice Law and Rules.

So much of § 317 of the Civil Practice Law and Rules as requires the court to allow a defendant in an action to defend after final judgment shall not apply to an action to foreclose a tax lien as herein provided.]

§ 9-[108] 105. Provisions apply to all persons.

The provisions of this Title shall apply to and

be valid and effective with respect to all defendants even though one or more of them be infants, incompetents, absentees, unknowns or nonresidents of the State of New York.

§ 9-[109] 106. Costs, allowances and disbursements.

Any successful party to an action brought under this Title shall be entitled to recover the necessary disbursements made in such action and the same costs and allowances as are provided in the Civil Practice Law and Rules and the Real Property Actions and Proceedings Law in the case of foreclosure of a mortgage on real property by action.

[§ 9-110. Judgment of foreclosure and sale.

The court shall have full power to determine and enforce in all respects the rights and equities of the several parties in an action brought under this Title, to direct the sale of the real estate involved therein, and the distribution or other disposition of the proceeds of sale.]

§ 9-[111] 107. Who may purchase on sale.

Any person, including any party to the action, may become a purchaser on a tax foreclosure sale brought under this Title; the Corporation Counsel may bid for and purchase in the name of the City upon such sale, subject to the availability of funds for such purchases.

§ 9-[113] 108. Distribution of proceeds: no deficiency judgment.

After the payment of all reasonable attorneys' fees, legal costs, allowances and disbursements, the plaintiff, and the defendants in said action who are the owners or holders of any tax liens on or interest in the lands, shall be paid from the proceeds of the sale in several amounts of their respective liens and interest thereon to which they may be entitled, so far as the said proceeds shall suffice to pay the same, in the order of the lawful priority of such liens and interest, as the same may be determined in such action. No judgment for any deficiency may be granted in any action pursuant to this Title.

§ 9-[114] 109. Effect of deed.

The conveyance made pursuant to a judgment in any action brought under this Title shall vest in the purchaser all right, title, interest, claim, lien and equity of redemption in and against the real property sold of all parties to the action, and of all persons whose right, title, interest, claim, lien or equity of redemption has accrued subsequent in time to the filing of the notice of the pendency of the action by assignment of an interest existing prior thereto from one of the parties to the action or any or either of them, except all taxes or other legal charges of the City of Rochester that have accrued subsequent to the taxes or other legal charges that are the subject of the action, and except for all taxes or

other legal charges of the County of Monroe that have accrued subsequent to the date of filing of the judgment in the action. All such parties and persons shall be barred and forever foreclosed by the judgment in such action of all right, title, interest, claim, lien and equity of redemption in and to the real property sold or any part thereof, except that the conveyance shall be subject to all taxes or other legal charges of the City of Rochester that have accrued subsequent to the taxes or other legal charges that are the subject of the action, and subject to all taxes or other legal charges of the County of Monroe that have accrued subsequent to the date of filing of the judgment in the action. Notwithstanding the provisions of subdivision 2 of Section 1354 of the Real Property Actions and Proceedings Law, this Section shall prevail.

Section 3. This local law shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 9
Re: Amending the City Charter -
Acquisition of Real Estate By
Bidding At Tax Foreclosure
Auctions

Transmitted herewith for your approval is legislation amending the City Charter to allow the City to bid over and above the City's tax lien to purchase properties sold at tax foreclosure auctions. The provisions for bulk sale of delinquent tax liens authorize the City to bid on properties that are auctioned by a purchaser of a tax lien. This legislation will ensure that the City has the same rights and powers pertaining to tax foreclosure actions brought by the City.

Section 9-143.B. of the City Charter currently provides that the City may bid on parcels that are offered for sale at tax foreclosure auction. This section would be amended to permit the Corporation Counsel to bid an amount in excess of the City's tax lien, where funds have been budgeted for acquisition, to acquire ownership of parcels.

This process will be utilized to acquire property for community development, economic development, or municipal purposes. Acquisition by foreclosure against the property provides a means of ensuring insurable title, free of liens and encumbrances. In many instances it can eliminate the need for eminent domain proceedings.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 9
(Int. No. 411)

Local Law Amending The Charter Of The City Of Rochester In Relation To The Purchase Of Parcels At Tax Foreclosure Sales

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

Section 1. Chapter 755 of the Laws of 1907 entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding a new sentence as the second sentence of subsection B of § 9-143, Sale of property, to read in its entirety as follows:

Subject to the availability of funds for such purchases, upon such sale the Corporation Counsel may bid an amount in excess of the tax lien held by the City and purchase parcels in the name of the City.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Lightfoot - 1.

Councilmember Conklin moved to amend Int. No. 412

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-379
Re: Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation authorizing an agreement with American Tax Funding Servicing, LLC, Florida, for the purchase of City of Rochester delinquent tax liens.

A request for proposals was issued in August 2008 and sent directly to the following out of state organizations: Alpine TLI Group, Inc., UT; American Tax Funding Servicing, LLC, FL; Mooring Tax Asset Group, VA; Royal Tax Lien Services, PA; TaxServ, LLC, VA; and XSPAND (a division of

JP Morgan Chase), NJ. Also receiving direct solicitations were these New York firms: Bank of America, Rochester; Citizens Bank, Rochester; HSBC Bank, Rochester; M&T Bank, Rochester; Cedarcrest Capital LLC, NYC; CraneSanders LLC, Albany; and KeyBank, Albany. The RFP was also listed on the City's website.

Proposals were received from two firms: XSPAND and American Tax Funding Servicing, LLC (ATFS). Both firms were interviewed by a committee of interdepartmental City staff. ATFS is recommended based upon their comparative pricing offer, qualifications, and experience.

Since 1997, ATFS has purchased over \$1.4 billion in delinquent taxes in over 600 municipalities and over 20 states. ATFS has experience in all facets of real property tax lien acquisitions, servicing and collections, including the management and disposition of real property acquired through tax lien foreclosure, and is a leader in the municipal tax lien industry. ATFS is also experienced in working with local municipally sponsored and third-party redevelopment and charitable agencies.

American Tax Funding Servicing's offer is for 59.55%, or \$11,711,711.11, of the initial August 2008 delinquent tax lien list consisting of principal and interest of \$19,667,044.27. This amount represents 76.25% of the originally billed tax lien. In addition, ATFS has also offered up to 100% of the redemptive value for a selected substantial subset of the lien pool. Final listing and percentage is subject to collected payments by the City; removal of properties for reasons of bankruptcy, tax agreements, environmental concerns; and removal for City development purposes.

Once said liens are purchased, ATFS shall be able to accept partial payments and enter into installment agreements with property owners without restriction but subject to a maximum interest rate no greater than the rate of interest for tax liens held by the City. Subject to the provisions of amended Article IX of the City Charter, ATFS shall have the right to foreclose against a property should such action be deemed necessary. The agreement will also provide the City with the right to repurchase liens from ATFS or swap liens with ATFS when it is deemed to be in the City's interest.

The agreement will have an initial term of three years with provision for renewal for two additional one-year periods. ATFS would have the right, but not the obligation, to purchase any or all subsequent and newly delinquent taxes during this period. ATFS would also be granted the right, but not the obligation, to purchase subsequent taxes against parcels where it owned a prior lien in perpetuity.

Respectfully submitted,
Robert J. Duffy
Mayor

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-379
Re: Bulk Sale of Tax Liens

Transmitted herewith for your approval are a series of amendments to Int. 412, Authorizing An Agreement For The Bulk Sale Of Tax Liens. As you know, Council has been reviewing this matter carefully for the past two months to ensure that this new approach to tax collection does not have any negative unanticipated consequences. In addition to the ongoing review of the Finance Committee, a public input opportunity was held on October 30 that generated a number of useful suggestions.

Following our reviews, the following amendments are proposed to address concerns raised by the public and by Councilmembers:

- While it is anticipated that there will be ongoing monitoring and evaluation, a full formal evaluation of the effectiveness of the program shall be required after year two and submitted to City Council.
- The agreement shall require that the consultant agree to sell back or swap liens that the City wishes to reacquire at a maximum cost not to exceed the percentage of principal bid by ATFS for each bulk sale plus ATFS's carrying cost.
- The Administration shall convene an interdepartmental team, consisting of representatives of the Departments of Community Development, Economic Development, Neighborhood Service Centers, Law, and Finance, to ensure that liens on properties for which the City may have development plans or for which demolition or alternative development would be a preferred option, are removed from the bulk sale inventory. The team shall also ensure that appropriate neighborhood input be considered as part of that review process. No later than one week prior to transferring the liens to ATFS, the Administration shall file with the City Clerk a list of the properties to be sold to ATFS and the properties that have been removed from the sale, along with a map indicating both classes of properties.
- The agreement shall require quarterly reports from ATFS that include status reports on all liens, including the occupancy status and maintenance schedules of foreclosed properties.
- The agreement shall require that ATFS shall engage the services of a local property manager.
- The sum of \$513,000 in anticipated revenue shall be appropriated into the Tax Relief account to ensure that if the City decides to terminate the bulk sale program, adequate funds will be available to cover any potential shortfall in delinquent receivables in the following year.

It is our belief that the proposed bulk sale program offers sufficient potential economic benefits to the City that it is worth pursuing and evaluating as another management tool for improved financial efficiency and community redevelopment

Respectfully submitted,
Carolee A. Conklin
Chair, Finance Committee

Ordinance No. 2008-379
(Int. No. 412, As Amended)

Authorizing An Agreement For The Bulk Sale Of Delinquent Tax Liens And Appropriating Funds

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

Section 1. The Mayor is hereby authorized to enter into an agreement with American Tax Funding Servicing, LLC (ATFS) for the bulk sale of delinquent tax liens. The agreement shall extend for a term of three years, with options to renew for two additional one-year periods. ATFS shall have an exclusive right of first refusal to purchase any or all subsequent delinquent tax liens during the term of the agreement, subject to approval by the City of the sale price of such subsequent tax liens. ATFS shall be required to sell back or swap liens that the City wishes to reacquire, at a maximum cost not to exceed the percentage of principal bid by ATFS for each bulk sale, plus ATFS's carrying cost. ATFS shall provide quarterly reports that include status reports on all liens, including occupancy status and maintenance schedules of foreclosed properties. ATFS shall be required to engage the services of a local property manager.

Section 2. The agreement shall obligate ATFS to pay to the City during the first year an amount based upon the ATFS offer of 59.55% of the initial August 2008 delinquent tax lien list, as adjusted to reflect changes to the delinquent tax liens which are finally sold.

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

Section 4. The sum of \$513,000 is hereby appropriated to the Tax Relief Fund from the proceeds of such bulk tax lien sale.

Section 5. At the end of the second year of the program, there shall be a full formal evaluation of the effectiveness of the bulk sale of delinquent tax liens program which shall be submitted to the City Council.

Section 6. The Administration shall convene an interdepartmental team consisting of representatives of the Departments of Community Development, Economic Development, Law and Finance and the Neighborhood Service Centers to ensure that liens on properties for which the City may have development plans, or for which demolition or alternative development would be a preferred

option, are removed from the bulk sale inventory. The team shall also ensure that appropriate neighborhood input be considered as part of that review process. No later than one week prior to transferring the liens to ATFS, the Administration shall file with the City Clerk a list of the properties to be sold to ATFS and the properties that have been removed from the sale, along with a map indicating both classes of properties.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Miller, Palumbo, Pritchard, Spaul, Warren - 7.

Nays - Councilmembers Lightfoot, McFadden - 2.

By Councilmember Warren
November 25, 2008

To the Council:

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

Int. No. 413 - Authorizing The Sale Of Real Estate

Int. No. 414 - Authorizing An Agreement And Appropriating Funds For The Lead Hazard Control Grant Program

Int. No. 415 - Establishing Maximum Compensation For A Professional Services Agreement For City Living Promotion And Amending The 2008-09 Budget

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

Int. No. 432 - Changing The Zoning Classification Of 1256-1510 And 1325-1521 Mt. Hope Avenue, 30 East Henrietta Road, 683 And 793-797 Elmwood Avenue From C-2 Community Center, And 35 Crittenden Boulevard And 22 And 25 Raleigh Street From R-1 Low Density Residential, To C-V Collegetown Village

Int. No. 433 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Adoption Of The C-V Collegetown Village District

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-380
Re: Sale of Real Estate

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

The first two properties are vacant lots sold at appraised value. The purchasers will combine the parcels with their adjoining properties.

The next three properties are unbuildable vacant lots that are being sold to the adjoining owner for \$1.00. The purchasers will combine the parcel with their adjoining property.

The last two properties are structures that were sold at a Request for Proposal sale. The property at 366 Alexander Street will be rehabilitated as a six-unit apartment building. The property at 2076 Highland Avenue will be rehabilitated as a single-family owner-occupant home. Please note that the purchaser of 2076 Highland Avenue is a City of Rochester Fire Department employee.

The parcel located at 76 Akron Street is a buildable lot. The sales being forwarded include a small triangular piece being sold to the adjoining owner as an unbuildable lot for \$1 and the remainder of the lot being sold to the opposite adjoining owner as a buildable parcel, sold at appraised value.

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$9,978.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-132

Ordinance No. 2008-380
(Int. No. 413)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> | <u>Price</u> <u>Purchaser</u> |
|---|---------------------------|-------------------------------------|
| 765 Emerson St 105.40-1-4 | 43x10 | \$200 Info Advantage, Inc.* |
| 76 Akron St - North Pt. of 107.81-2-55 | 35x239 | \$455 Vincent & Jean Verhagen |

* Principals: Linda Weller, President; Mitchell Weller, Executive Vice President; Raymond Sheley, III, Senior Vice President

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> | <u>Sq. Ft.</u> <u>Purchaser</u> |
|---|---------------------------|--|
| 76 Akron St - South Pt. of 107.81-2-55 | 20x180 (Irregular) | 1,655 Joyce Cranmer & Eileen A. George |
| 56F S. Union St 121.33-1-57 | 69x17 | 1,173 54-56 S. Union St LLC* |
| 1294 N. Clinton Ave 091.70-3-46 | 32x109 | 3,536 Sean Noble |

* Principals: Craig Jensen, General Manager; Robert Stark, Member

Section 3. The Council hereby approves the sale of the following parcels of improved property by request for proposal:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> | <u>Price</u> <u>Purchaser</u> |
|----------------------------------|---------------------------|---|
| 366 Alexander St 106.82-2-25 | 57x179 | \$120,000 Finewood Holding Co, LLC** |
| 2076 Highland Ave 122.80-1-26 | 101x150 | \$150,000 William & Deborah Curran |

**Principal: Ron Finewood, President

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-381
Re: Agreement - HUD, Lead Hazard
Control Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of Housing and Urban Development for the receipt and use of a \$152,880 grant to support the City's Lead Hazard Control Program. The grant was submitted in July 2008; the City received notification of the award in September 2008.

The Lead Hazard Control Program requires that property owners receive a lead-based paint inspection/risk assessment for each of their units enrolled in the program. The HUD funds will be used to offset these costs and will support a total of 300 inspections over a three-year period at an approximate cost of \$500 per inspection.

The City will develop a request for proposal to solicit local lead hazard evaluation consultants for services. It is expected that up to three consultants will be selected and that agreements could be in place by January 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-381
(Int. No. 414)

Authorizing An Agreement And Appropriating Funds For The Lead Hazard Control Grant Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Housing and Urban Development for funding for the Lead Hazard Control Program.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$152,880, or so much as may be received, to fund the Lead Hazard Control Grant 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. 2008-382
Re: Agreement - Landmark Society, City
Living Programs

Transmitted herewith for your approval is legislation establishing \$75,680 as maximum compensation for an agreement with the Landmark Society of Western New York for services related to City Living programs, and amending the 2008-09 Budget by transferring \$37,900 from the Property Management Account to the Department of Community Development (DCD). The cost of the agreement will be funded from the 2008-09 Budget of DCD. The Landmark Society will provide the following services:

Administration of the Rochester City Living Website

The website, RochesterCityLiving.com, effectively markets the city, its neighborhoods and its affordable and historic housing stock. In 1998, the City, the Landmark Society, and the Greater Rochester Association of Realtors created the Home Room, which has evolved into the website, eliminating the need for the physical space that was once the Home Room. The website has been significantly updated to increase capabilities and flexibility. Since the site redesign went live in March 2008, it averages well above 23,000 visitor sessions per month.

City Living Sundays

This program has been supported by staff from the Landmark Society for the past ten years. They participate in all planning committee meetings, assist with developing marketing materials, provide financial support for advertising and attend each Sunday event. The Landmark Society also coordinates the free bus tours that are offered to prospective homebuyers the Saturday before each Sunday event. This year's bus tours were attended by 85 participants.

City Living Promotion

Activities that promote living in the City include:

- Advertising and promotional campaigns, including a campaign for "Rochester Roots" which encourages residents to establish a commitment to Rochester;
- Marketing Historic Homes Successfully, a partnership with the Greater Rochester Association of Realtors, to provide training to local Real Estate Professionals on how to sell historic homes in the city;
- The Home Work column, which advertises historic city homes, has run 480 consecutive columns and leverages \$57,200 of free advertising each year through donations from CITY Newspaper;
- The Inside Downtown Tour which attracts more than 1,500 people to the best of ur-

ban living and Rochester's most interesting urban neighborhoods. The September 2008 tour featured the Grove Place and East End neighborhoods.

The most recent agreement for these services was authorized in July 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-382
(Int. No. 415)

Establishing Maximum Compensation For A Professional Services Agreement For City Living Promotion And Amending The 2008-09 Budget

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

Section 1. The sum of \$75,680, or so 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 Landmark Society of Western New York, Inc. to administer the Rochester City Living Website, planning and marketing for City Living Sundays and ongoing promotion of City living. Said amount shall be funded from the 2008-09 Budget of the Department of Community Development.

Section 2. Ordinance No. 2008-198, the 2008-09 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 \$37,900, which amount is hereby appropriated from the Property Management Account to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-383 and
Ordinance No. 2008-384
Re: Zoning Map and Text Amendment,
Collegetown Village District
(C-V District)

Transmitted herewith for your approval is legislation amending the Zoning Map and Text by the adoption of a new zoning classification, the Collegetown Village District (C-V District). The creation of this new district requires the following legislation:

- 1. Rezoning the properties at 1256-1510 Mt. Hope Avenue (even), 1325-1521 Mt. Hope Avenue (odd), 30 E. Henrietta Road , 683 Elmwood Avenue, and 793-797 Elmwood Avenue from C-2 Community Center, and 35

Crittenden Boulevard, and 22 and 25 Raleigh Street from R-1 Low Density Residential, to Collegetown Village District (C-V District);

- 2. Amending the Zoning Text by adding the proposed Section 120-77.1 Collegetown Village District (C-V District); and
- 3. Amending the major site plan review triggers contained in Section 120-191D(3)(b) by adding [7] which will require major site plan review for construction of any principal building in the C-V District which does not meet the City-wide or C-V design standards set forth in this chapter.

The C-V district is proposed in order to implement the Community Design Plan that was developed through the Community Visioning Process conducted as part of the Mt. Hope Moratorium Study. It has been determined that the current C-2 regulations are no longer a good "fit" for what is envisioned for this section of Mt. Hope Avenue.

Elements common to "college town" zoning are recommended to achieve the vision; these include emphasizing design standards, multi-modal transportation, and a dense, mixed-use, walkable environment. The C-V district is intended to provide a framework by which to transform the Mt. Hope streetscape. The City Planning Commission is acting as the applicant for the proposed amendments.

The proposed new zoning district utilizes the Village Center District designation process currently in the Zoning Code which allows for the establishment of distinct urban village areas, such as the Public Market Village and Harbortown Village Districts. The C-V District includes aspects of the Code which have successfully facilitated redevelopment in areas such as the Center City District, and it introduces form-based code components to encourage a predictable development environment.

The C-V District emphasizes building and site design, building and parking placement, shared parking and vehicular access, and some streamlining of the project review process. Projects which do not comply with City-wide and C-V design requirements will require major site plan approval.

The proposed C-V District contains approximately 12 acres of land located on the east and west sides of Mt. Hope Avenue extending between Cook Street to the north and Rossiter Road to the south. The following properties are proposed to be rezoned:

- 1256 Mt. Hope Avenue
Elmwood Inn Restaurant
- 1286 Mt. Hope Avenue
Benfante Appliance, Quiznos
- 1325 Mt. Hope Avenue
U of R Offices
- 1330 Mt. Hope Avenue
Mykonos Express Restaurant

1340 Mt. Hope Avenue
Bordeaux Salon, Abbott's
1351 Mt. Hope Avenue
U of R Offices
1360 Mt. Hope Avenue
Vacant Building (former office building)
1371 Mt. Hope Avenue
U of R Parking Lot
1378 Mt. Hope Avenue
Subway, Starbucks
1394 Mt. Hope Avenue
Vacant Building (former Record Archives)
1400 Mt. Hope Avenue
Brueggers
1401 Mt. Hope Avenue
U of R Parking Lot
1431 Mt. Hope Avenue
Hess
1432 Mt. Hope Avenue
McDonald's
1471-1473 Mt. Hope Avenue
Mt. Hope Service Center - Auto Repair
1475-1477 Mt. Hope Avenue
HSBC Bank
35 Crittenden Blvd.
HSBC Bank - Parking Lot
22 Raleigh Street
HSBC Bank - Parking Lot
1495 Mt. Hope Avenue
Mihalitsas Income Limited - Mixed Use
25 Raleigh Street
Mihalitsas Income Limited - Parking Lot
1500 Mt. Hope Avenue
Dunkin Donuts
1510 Mt. Hope Avenue
U of R Mail Room/Office
1511 Mt. Hope Avenue
Mihalitsas Income Ltd - Restaurant
1517-1521 Mt. Hope Avenue
Mihalitsas Income Ltd - Domino's and Game
Craze
30 E. Henrietta Road
South Presbyterian Church of Rochester
683 Elmwood Avenue
U of R Office
793 and 797 Elmwood Avenue
CVS

The Planning Commission held informational meetings on October 6 and November 10, 2008. On October 6 there was one speaker in support of the proposal and no speakers in opposition. On November 10 there were three speakers in support of the proposal, letters of support were received from five individuals, and no opposition was heard. By a vote of 6-0, the Commission recommended approval. The Planning Commission recommendation documents are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required for the zoning text and map amendments.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-133

Ordinance No. 2008-383
(Int. No. 432)

Changing The Zoning Classification Of 1256-1510 And 1325-1521 Mt. Hope Avenue, 30 East Henrietta Road, 683 And 793-797 Elmwood Avenue From C-2 Community Center, And 35 Crittenden Boulevard And 22 And 25 Raleigh Street From R-1 Low Density Residential, To C-V Collegetown Village

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 1256-1510 and 1325-1521 Mt. Hope Avenue, 30 East Henrietta Road, 683 and 793-797 Elmwood Avenue from C-2 Community Center, and 35 Crittenden Boulevard and 22 and 25 Raleigh Street from R-1 Low Density Residential, to C-V Collegetown Village:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being parts of Town Lots 23, 27, & 68, more particularly bounded and described as follows: Beginning at the centerline intersection of Elmwood Avenue (100' ROW) and Mt Hope Avenue (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said Mt Hope Avenue centerline, a distance of 425 feet, more or less, to the centerline projection of Cook Street (58' ROW); thence
- 2) Easterly, along said Cook Street centerline, a distance of 153 feet, more or less, to the northerly projection of the west line of Lot 15, Section 8, of the Mt Hope & South Avenue Building Lot Association Subdivision, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 61; thence
- 3) Southerly, along said projection and the west line of Lot 15, a distance of 149 feet to the southwest corner thereof; thence
- 4) Easterly, along the south line of said Lot 15, a distance of 40 feet to the northeast corner of Lot 16 of said subdivision; thence
- 5) Southerly, along the east line of said Lot 16 and it's projection, a distance of 187.5 feet, more or less, to the said centerline of Elmwood Avenue; thence
- 6) Easterly, along said Elmwood Avenue

- centerline, a distance of 82 feet, more or less, to the centerline projection of Westview Terrace (50' ROW); thence
- 7) Southerly, along said Westview Terrace centerline, a distance of 215 feet, more or less, to the easterly projection of the north line of Lot 109 of the South Side Tract, Amended, as filed in the Monroe County Clerk's Office in Liber 38 of Maps, Page 35; thence
 - 8) Westerly, along said projection and the north line of Lot 109, a distance of 145 feet, more or less, to the northwest corner thereof; thence
 - 9) Southerly, along the rear line of Lots 109 thru 118 of said South Side Tract, a distance of 420.9 feet, more or less, to the southwest corner of said Lot 118; thence
 - 10) Easterly, along the south line of said Lot 118, a distance of 14.32 feet to a point; thence
 - 11) Southerly, along the rear line of lands conveyed to Joseph & Virginia Marchese by a deed filed in Liber 6936, Page 135, a distance of 50.0 feet to the southwest corner thereof; thence
 - 12) Easterly, along the south line of said lands of Marchese, a distance of 25.0 feet to the northwest corner of Lot 120 of the said South Side Tract; thence
 - 13) Southerly, along the rear line of Lots 120 thru 127 of said South Side Tract, a distance of 441.3 feet, more or less, to the southwest corner of said Lot 127; thence
 - 14) Westerly, along the north line of Lots 6, 8 & 10 of the Elmwood Tract, as filed in the Monroe County Clerk's Office in Liber 17 of Maps, Page 30, a distance of 105.3 feet, more or less, to the northwest corner of said Lot 6; thence
 - 15) Southerly, along the west line of said Lot 6 and its projection, a distance of 125 feet, more or less, to the centerline of Fort Hill Terrace (50' ROW); thence
 - 16) Easterly, along said Fort Hill Terrace centerline, a distance of 75 feet, more or less, to the projection of the west line of Lot 7 of said Elmwood Tract; thence
 - 17) Southerly, along said projection and the west line of Lot 7 and Lot 46 of the Elmwood Tract, a distance of 250 feet, more or less, to the centerline of Rosemount Street (50' ROW); thence
 - 18) Westerly, along said Rosemount Street centerline, a distance of 161 feet, more or less, to the centerline of East Henrietta Road (66' ROW); thence
 - 19) Southerly, along said centerline of East Henrietta Road, a distance of 80 feet, more or less, to the easterly projection of the south line of lands conveyed to the University of Rochester by a deed filed in Liber 3373, Page 117; thence
 - 20) Westerly, along said projection and the south line of lands of the University of Rochester, a distance of 253 feet, more or less, to the centerline of Mt Hope Avenue (66' ROW); thence
 - 21) Southerly, along said centerline of Mt Hope Avenue, a distance of 90 feet, more or less, to the centerline projection of Rossiter Road; thence
 - 22) Westerly, along said centerline of Rossiter Road, a distance of 120 feet, more or less, to the projection of the east line of Lot 140 of the Crittenden Park Subdivision, as filed in Liber 37 of Maps, Page 21; thence
 - 23) Northerly, along said projection and the east line of Lot 140 & Lot 72, a distance of 250 feet, more or less, to the centerline of Raleigh Street (50' ROW); thence
 - 24) Easterly, along said centerline of Raleigh Street, a distance of 40 feet, more or less, to the projection of the east line of Lot 67 of said Crittenden Park Subdivision; thence
 - 25) Northerly, along said projection and the east line of Lot 67 & Lot 2 of the Crittenden Park Subdivision, a distance of 270.5 feet, more or less, to the centerline median of Crittenden Boulevard (90' ROW); thence
 - 26) Westerly, along said median centerline, a distance of 95 feet, more or less, to the projection of the east line of lands conveyed to Crittenden Blvd Housing, Inc., by a deed filed in Liber 3990, Page 93; thence
 - 27) Northerly, along said projection and the east line of lands of Crittenden Blvd Housing, Inc., a distance of 522 feet, more or less, to the northeast corner thereof; thence
 - 28) Westerly, along the north line of lands of Crittenden Blvd Housing, Inc., a distance of 208.82 feet to an angle point; thence
 - 29) Northerly, at right angles to Course 28, a distance of 554 feet, more or less, to the centerline of said Elmwood Avenue; thence
 - 30) Easterly, along said centerline of Elmwood Avenue, a distance of 836 feet, more or less, to the centerline of

said Mt Hope Avenue and the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-384
(Int. No. 433)

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Adoption Of The C-V Collegetown Village District

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

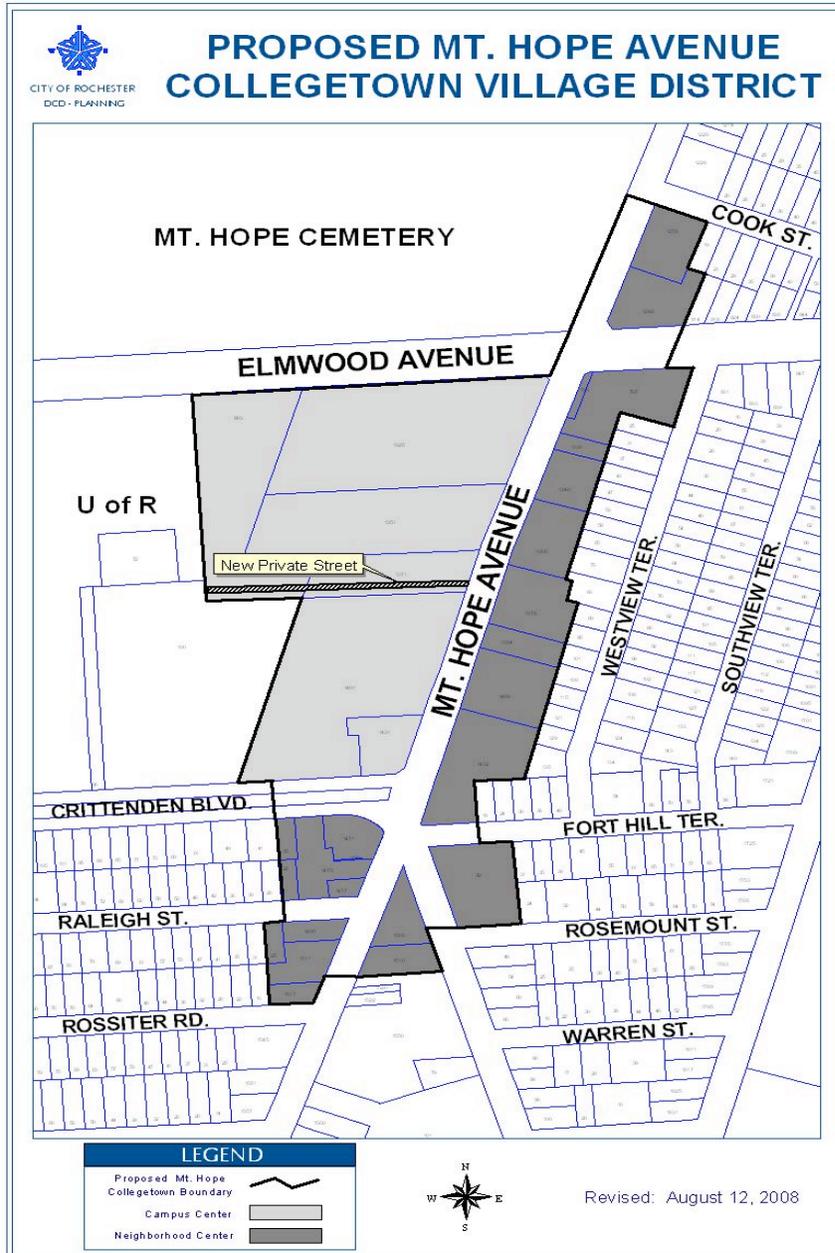
Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding as a new final entry to the "Special Districts" category in the chart set forth in Section 120-4, Zoning districts established, the new District: "C-V Collegetown Village".

Section 2. There is hereby added to the Municipal Code the following new Section:

Section 120-77.1. C-V Collegetown Village District.

The Collegetown Village is intended to promote and facilitate the transformation of the Mount Hope Avenue corridor, primarily between Elmwood Avenue and Crittenden Boulevard, from an area currently characterized by small scale buildings set in expanses of surface parking to a dense mixed use urban center. A development framework is proposed with established design criteria which will facilitate new construction and the continued provision of retail, goods and services to residents of the surrounding Upper Mt. Hope neighborhood and employees, visitors and students of the University of Rochester and the University Medical Center. The Collegetown Village shall be pedestrian oriented and bicycle friendly with lively and vibrant street activity. Multi-modal access will be encouraged. Shared parking and vehicular access will enhance the pedestrian experience and the intended "park once" environment.

The district shall be comprised of two areas.



(1) Campus Center.

The primary intent of the Campus Center is to regulate the physical form of buildings within this area to encourage the development of a dense vibrant, pedestrian-oriented, mixed use area.

(2) Neighborhood Center.

The primary intent of the Neighborhood Center is to regulate the physical form of new buildings within this area to ensure the continuity of development on both sides of Mt. Hope Avenue and to provide an appropriate transition to the adjacent residential neighborhoods.

A. Permitted uses.

(1) All uses are permitted in fully enclosed buildings in the C-V District unless specifically listed as Specially Permitted, or Prohibited Uses in this Article. In addition to any specific requirements listed below, uses shall be subject to the Additional Requirements for Specified Uses set forth in Article XVIII of this Chapter and the Requirements Applying to All District set forth in Article XX of this Chapter.

(2) Drive-throughs subject to the following:

- (a) All drive-through components shall be located in the rear yard;
- (b) Hours of operation shall be limited to 5:00 a.m. - 11:00 p.m.;
- (c) Solid screening shall be provided when located adjacent to a residential use or district;
- (d) All ingress and egress shall be provided from a rear shared access drive.

B. Special Permit Uses. The following uses are allowed as special permit uses in the C-V District:

- (1) Any uses open to the public or requiring loading/unloading between the hours of 2:00 a.m. and 6:00 a.m.
- (2) Accessory outdoor seating/assembly areas operating between the hours of 11:00 p.m. and 6:00 a.m. or drive-throughs operating between the hours of 11:00 p.m. and 5:00 a.m.
- (3) Ancillary parking lots and garages, subject to the additional requirements for specified uses in Section 120-131 and subject to the provision of a parking demand analysis containing the following:
 - (a) The anticipated number of parking spaces needed to accommodate the proposed use.
 - (b) Rationale supporting the necessity for the requested number of parking spaces.
 - (c) Analysis of existing parking conditions.
 - (d) The typical peak-to-daily demand of the proposed use.
 - (e) Analysis of parking demand of comparable uses.
 - (f) How the proposed parking will serve other uses in the vicinity.

C. Prohibited Uses. The following uses are prohibited in the C-V District:

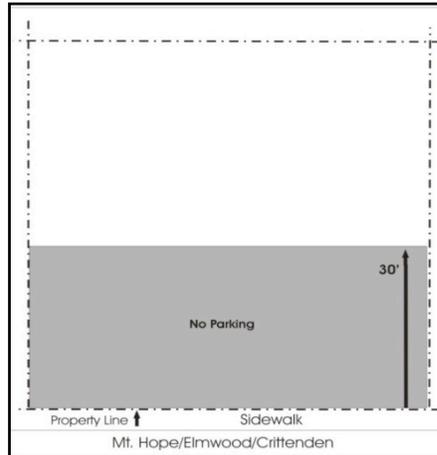
- (1) Homeless shelters.
- (2) Sexually oriented businesses.
- (3) Uses not in a fully enclosed building, excluding building parking, outdoor seating/ assembly areas and walk-up windows.
- (4) Any use that would meet the definition of a manufacturing use as per Section 120-208 of the Zoning Code.

D. Site Requirements

- (1) Off-street parking and access. In addition to the requirements of Section 120-173, the following shall apply:
 - (a) Parking Requirement: There are no minimum parking requirements within the C- V District.
 - (b) Shared or Connected Access: A study shall be provided with all new development addressing the potential for and efforts to develop shared or connected access with adjoining properties. The proposed site design shall not limit the future potential for shared or connected access and parking between and among adjoining properties.
 - (c) Minimizing Access Points on the Street: Where vehicular access is available via a shared access drive from adjacent properties, no new vehicular ingress or egress shall be provided on Mt. Hope Avenue. Where substantiation is provided that shared access is not possible, each property, in the

Neighborhood Center area only, shall be permitted a single lane for ingress/egress to and from Mt. Hope Avenue.

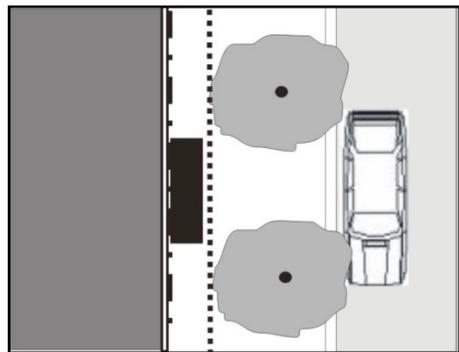
- (d) Parking Placement: New surface and/or structured parking facilities shall be placed on their lots in accordance with the following:



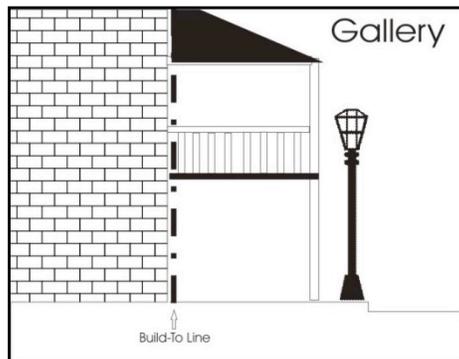
- (2) Pedestrian and Bicycle Access: The C-V District is intended to be a multi-modal district, accommodating vehicular, pedestrian and bicycle traffic.
 - (a) Pedestrian: pedestrian access throughout the site and to the right of way shall be provided either directly or through shared access in all new development or redevelopment proposals.
 - (b) Bicycle:
 - [1] Bicycle parking shall be located and clearly designated in a safe and convenient location.
 - [2] Bicycle parking shall be securely anchored and of sufficient strength to resist vandalism and theft.

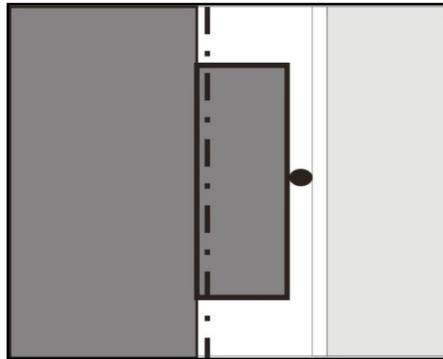
E. Building Requirements

- (1) Building Frontage Types: The following building frontage types have been identified as appropriate in certain areas within the C-V District. Specific frontage types are permitted as set forth in Section 120-77.1F
 - (a) Shopfront: A building frontage wherein the façade is aligned with the Required Build-To Line and the building entrance is at sidewalk grade. This type is appropriate only for retail and commercial uses at grade level because the ground story is not raised. It has substantial glazing on the sidewalk level and may have an awning or canopy that extends far enough to provide adequate protection for pedestrians.

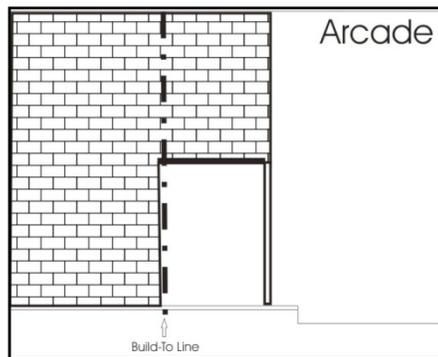


- (b) Gallery: A Frontage, similar to the Shopfront Type, wherein the façade is aligned with the Required Build-To Line with an attached lightweight roof structure or balcony supported by columns. The gallery shall be no less than 10 feet wide and shall overlap the sidewalk to within two feet of the curb. This type is appropriate for retail and commercial uses at grade level.

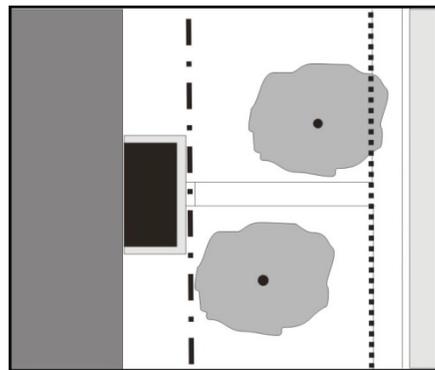
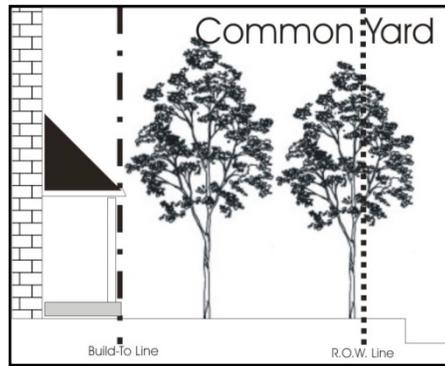




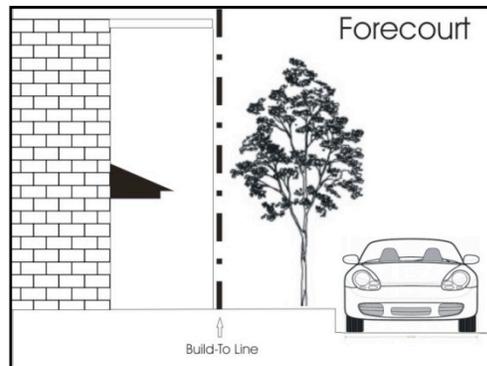
- (c) Arcade: A Frontage, similar to the Shopfront Type, wherein a colonnade supporting usable space overlaps the sidewalk, while the façade at the sidewalk level remains aligned with the Required Build-To Line. The Arcade shall be no less than 12 feet wide and shall overlap the sidewalk to within two feet of the curb. This type is appropriate for retail and commercial uses at grade level.

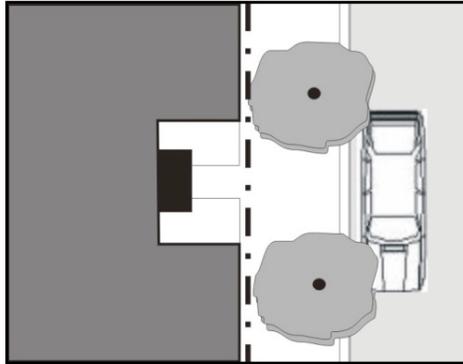


- (d) Common Yard: A Frontage wherein the Required Build-To Line is set back from the sidewalk. The front yard created remains unfenced and is visually continuous, supporting a common landscape. The deep setback provides a buffer from high speed thoroughfares and a transition to adjacent open space and residential neighborhoods with similar frontage conditions.



- (e) Forecourt: A frontage wherein the main façade of the building is at or near the required build-to line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial zones.





- (2) Design Standards. In addition to the applicable city-wide design guidelines and standards, the following shall apply to the C-V District:
- (a) Building facades shall have horizontal transitions. A horizontal transition is an architectural element, such as a cornice, balcony, gallery, arcade or change in material that creates a distinction between the first and second stories. Horizontal transitions are not required in common yard or forecourt frontage types.
 - (b) Building facades shall have roof lines. A roof line is an architectural element, such as a cornice, parapet or change in material, which creates a distinction between the top of the building and the lower floors.
 - (c) Building facades with a width of 150 feet or more shall have vertical divisions. Vertical divisions are architectural elements such as pilasters, changes in plane and the like that create distinct increments of the building mass while maintaining a single unified façade thereby avoiding large undifferentiated wall surfaces. Divisions that create distinct and separate facades shall have a door or entrance with public access on each separate facade.
 - (d) Building facades higher than the first floor and visible from any street shall have areas of transparency equal to 20% but no more than 80% of the wall area on each story between the height of three feet and nine feet above the finished floor. Windows shall be square or vertical in orientation. Windows shall be recessed at least 4 inches from the plane of the building façade if the façade is of masonry, stucco or EIFS.
 - (e) Doors or entrances providing public access shall be provided at intervals of no less than 100 feet unless otherwise approved in site plan review. Entrances shall remain unlocked during regular business hours. This requirement is not applicable to common yard or forecourt building frontage types.
 - (f) In galleries and arcades as well as balconies and similar appurtenances, the distances between columns and piers shall not exceed their height.
 - (g) Buildings located at the specified corners indicated in the Building Placement Standards shall have a corner feature. A corner feature is an architectural element that tends to emphasize a building's relationship to a corner, including, but not limited to chamfered corners, rounded corners, vertical elements, special roof forms or a plaza or other open space.
 - (h) There are three designated buildings of value in the C-V District located at 1256 Mt. Hope Avenue, 30 East Henrietta Road and 1495 Mt. Hope Avenue. These buildings are subject exclusively to the requirements provided in Section 120-158C.
 - (i) Buildings in the C-V district shall be built at the build-to-line (BTL). The build-to-line (BLT) is a line, generally close to and parallel to a thoroughfare, to which buildings must be constructed. It is intended to create a consistent line of buildings. Building element recesses from the BTL in order to allow for articulation of the façade shall be considered to be in compliance. Protuberances such as bay windows, balconies, canopies, marquees, awnings and signage may be constructed in front of the BTL.

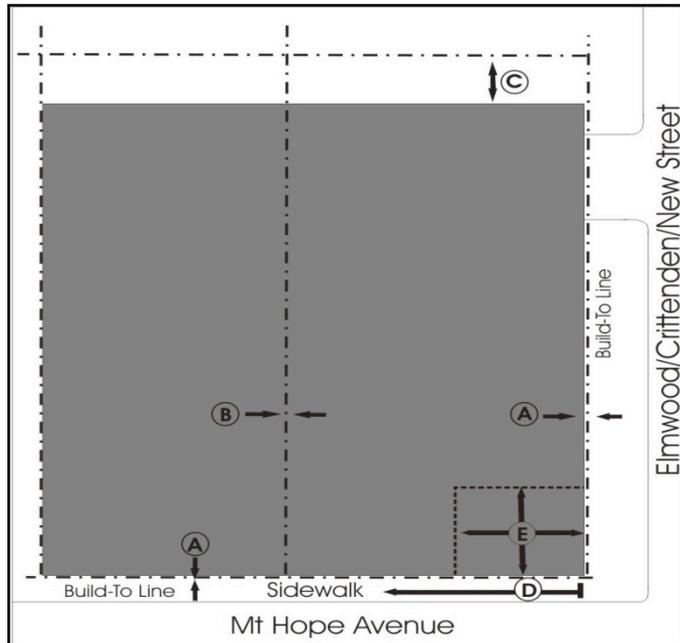
F. Specific standards for the C-V District areas.

(1) Campus Center Standards

(a) Building Frontage Types: All aforementioned building frontage types are permitted in the Campus Center subject to the following:

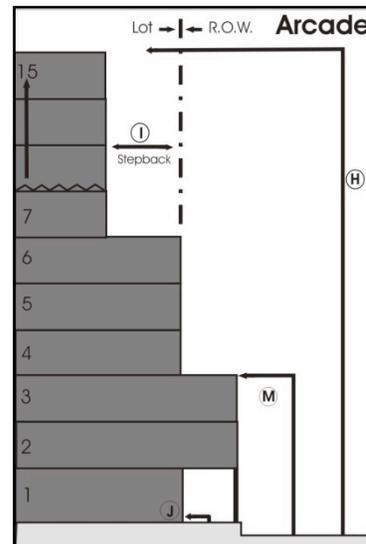
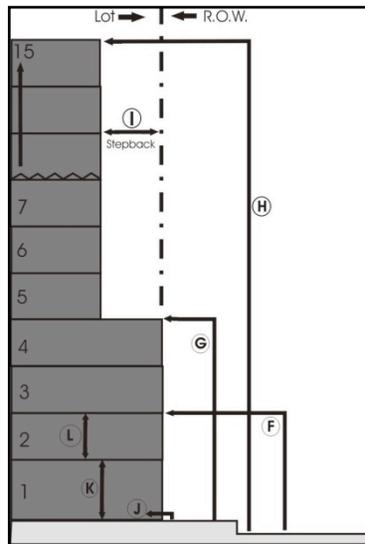
- [1] The Shopfront building frontage is permitted to front on Mt. Hope Avenue, the new private street being proposed in Campus Center, Elmwood Avenue (as part of a building fronting on Mt. Hope Avenue) and Crittenden Blvd. (as part of a building fronting on Mt. Hope Avenue).
- [2] The Gallery frontage type is permitted to front on the new private street being proposed in Campus Center.
- [3] The Arcade frontage type is permitted to front on the new private street being proposed in Campus Center.
- [4] The Common Yard frontage type is permitted to front on Elmwood Avenue, Crittenden Blvd and the new private street being proposed in Campus Center.
- [5] The Forecourt frontage type is permitted to front on Elmwood Avenue, Crittenden Boulevard, and the new private street being proposed in Campus Center but Forecourt frontage type buildings shall not be closer than 500 feet to each other.

(b) Building Placement: New buildings shall be placed on their lots in accordance with the following:



| Building Placement - Campus Center | | |
|---|-------------------------------------|---|
| Build-to Line (Distance from Front Property Line) | | |
| A | Mt. Hope Avenue | 0-5' |
| | Elmwood Avenue | 20' |
| | Crittenden Boulevard | 20' |
| | New Private Street in Campus Center | At back edge of sidewalk |
| Setback (Distance from Property Line) | | |
| B | Side | 0' |
| C | Rear | 0' |
| Building Form | | |
| D | Primary Street Façade built to BTL | 80% min |
| E | Corner Feature | 75' max at Elmwood and Crittenden 50' max at the proposed street |

(c) Building Height and Bulk: New buildings shall conform to the minimum and maximum heights and other requirements as shown below:



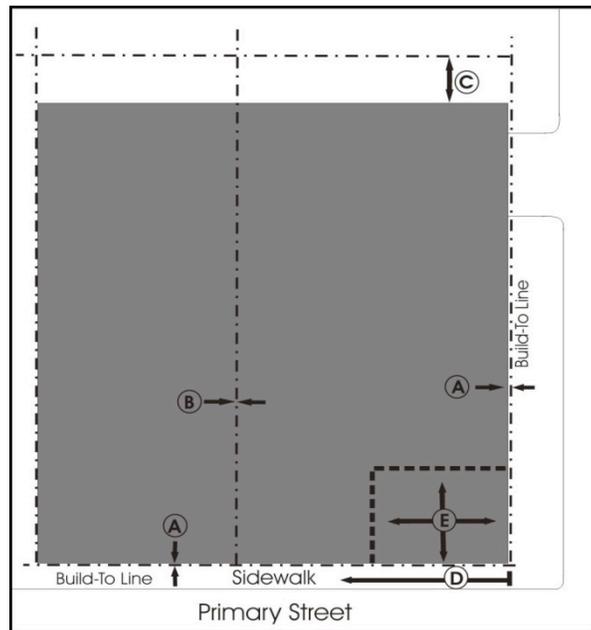
| Height - Campus Center | | |
|------------------------|-------------------------------|--------------------------------------|
| F | Building Minimum | 2 stories |
| G | Max. to Stepback | 4 stories (except at corner feature) |
| H | Building Max. | 15 stories |
| I | Stepback Min. | 30' |
| J | Finish Ground Floor Level | 6" max. above sidewalk |
| K | First Floor Ceiling Height | 12' min. clear |
| L | Upper Floor(s) Ceiling Height | 8' min. clear |
| M | Arcade Max. Height | 3 stories |

(2) Neighborhood Center Standards

(a) Building Frontage Type:

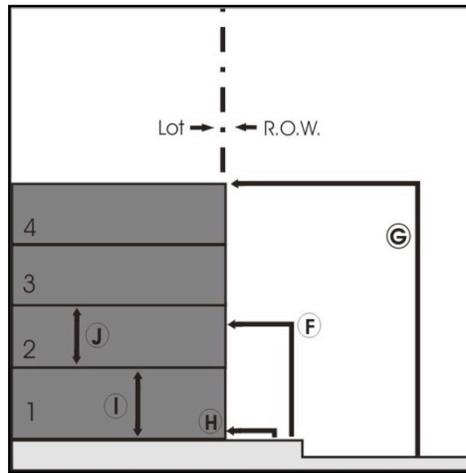
- [1] South of Elmwood Avenue: The Shopfront Building Frontage Type, as described above, is permitted to front on Mt. Hope Avenue, Elmwood Avenue (as part of a building fronting on Mt. Hope Avenue) and Fort Hill Terrace (as part of a building fronting on Mt. Hope Avenue) and Crittenden Blvd (as part of a building fronting on Mt. Hope Avenue).
- [2] North of Elmwood Avenue: The Shopfront Building, Forecourt, and Common Yard Frontage Types, as described above, are permitted.

(b) Building Placement: New buildings shall be placed on their lots in accordance with the following:



| Building Placement - Neighborhood Center | | |
|--|------------------------------------|--|
| Build-to Line (Distance from Front Property Line) | | |
| A | Mt. Hope Avenue | Bartholomew Line |
| | Cook Street | 0-5' |
| | Elmwood Avenue | 0-5' |
| | Fort Hill Terrace | 0-5' |
| | Crittenden Boulevard | 0-5' |
| | East Henrietta Road | 0-5' |
| | Raleigh Street | 0-5' |
| | Rossiter Road | 0-5' |
| | Rosemount Street | 0-5' |
| Setback (Distance from Property Line) | | |
| B | Side | 0' |
| C | Rear | 20' |
| Building Form | | |
| D | Primary Street Façade built to BTL | 80% min |
| E | Corner Feature | 50' max at Elmwood, Crittenden, Fort Hill, and East Henrietta 50' max opposite new private street |

(c) Building Height and Bulk: New buildings shall conform to the minimum and maximum heights and other requirements as shown below:



| Height - Neighborhood Center | | |
|------------------------------|-------------------------------|------------------------|
| F | Building Min. | 24' |
| G | Building Max. | 4 stories |
| H | Finish Ground Floor Level | 6" max. above sidewalk |
| I | First Floor Ceiling Height | 12' min. clear |
| J | Upper Floor(s) Ceiling Height | 8' min. clear |

G. Signage. Signage in the C-V District shall be regulated by the provisions for signs in the C-2 district set forth in Section 120-177D of the Chapter except for the following: an alternative sign program which is defined as an imaginative, effective, visually compatible plan for all signs on a property or a number of properties which may be submitted by a property owner (s) containing provisions different from the requirements in 120-177 Subsection D through F listed in this chapter. The intent of this provision is to allow for creative responses to site-specific conditions or uses and may be approved by the Director of Zoning through the site plan review process upon referral to the Project Review Committee. The applicant(s) shall submit graphic and written information indicating why the signage does not comply with existing sign regulations in using the alternative sign program. In no case shall the regulations of this chapter pertaining to advertising signs be altered or changed through the use of the alternative sign program.

H. Review and approval process.

- (1) Construction of any new building or addition in the C-V district that does not comply with citywide design standards, the C-V design standards or requirements relating to building placement or the construction of a drive-through shall be categorized as a Major Site Plan and subject to the requirements set forth in Section 120-191 of this Chapter. The Director of Zoning may waive the requirements of the C-V district through the site plan approval process upon a determination that a project is in substantial compliance with the overall intent and purpose of the Collegetown District except for the following:
 - Building and parking placement;
 - Height;
 - First floor transparency that deviates more than 20% from the first floor transparency; and
 - Drive-through use requirements and other use limitations.
- (2) The City Planning Commission may waive all the requirements of the C-V district relative to special permit uses upon a determination that a project is in substantial compliance with the overall intent and purpose of the Collegetown District.

Section 3. Section 120-177 of the Municipal Code, Signs, as amended, is hereby further amended by adding the designation "C-V" to the Districts "R-3, C-1, H-V, PMV and PD" where they appear in the chart contained in subsection D so that said portion of the chart reads as follows, with the remainder of the chart unchanged:

D. Permitted permanent signs for nonresidential uses. The following signs are permitted subject to the requirements of this chapter:

| District | Permitted Signs |
|-------------------------------------|--|
| R-3 ,C-1, C-2, H-V, PMV, C-V and PD | <p>A maximum of 50 square feet of signage per lot including:</p> <p>Attached signs identifying uses or services on the premises that include 0.5 square foot in area for every foot of the building frontage; and/or</p> <p>1 detached sign located in the front yard not exceeding 25 square feet in size per side of sign and posted no more than 4 feet in height from the finished grade of the lot.</p> |

Section 4. Section 120-191 of the Municipal Code, Procedures approved by the Director of Zoning, as amended, is hereby further amended by amending in its entirety subsection D(3)(b)[4] and by adding thereto the following new subsection D(3)(b)[7]:

- [4] Construction of any principal building in the C-1, C-2, H-V, C-V or PMV Districts that does not meet City-wide design or other design standards set forth in this chapter.
- [7] Drive-through facilities and uses in the C-V District.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
November 25, 2008

To the Council:

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

Int. No. 416 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 417 - Authorizing An Agreement And Amending The 2008-09 Budget For Sebastian

Park Trees

Int. No. 388 - Authorizing An Application And Agreements [And Amending The 2008-09 Budget] Appropriating Funds For The 2008 Safe Routes To School Program, As Amended

Respectfully submitted,
Adam C. McFadden
Carla M. Palumbo
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-385
Re: Agreement - New York State, State
Highway Snow and Ice Removal

Transmitted herewith for your approval is legislation authorizing the extension of a three-year agreement with the New York State Department of Transportation for the provision of snow and ice removal services by the City for 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 through Ordinance 2007-384 on October 16, 2007.

The proposed agreement extends the existing agreement from June 30, 2010 to June 30, 2011. This extension is required by the NYSDOT. However, the requirement for an agreement for snow removal services on Plymouth Avenue will actually be eliminated in the future when jurisdiction of the street is formally transferred from the State to the City.

Under the terms of the proposed agreement, the State will reimburse the City \$53,529.43 for snow and ice removal performed during the 2008-2009 winter, which is \$7,975.43 more than the prior amount.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-385
(Int. No. 416)

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, 2011. 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. 2008-386
Re: Agreement - New York State
Department of Environmental
Conservation, and Amending
the Budget

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Environmental Conservation Urban & Community Forestry Grant Program for the receipt and use of a grant; and amending the 2008-09 Budget of the Department of Environmental Services by \$12,100 to reflect the grant.

These funds will be used for the purchase and planting of trees in Sebastian Park, an eight-acre parcel in northwest Rochester, located at 20 Planet Street, near Edison Tech. The project also includes two years of after-planting watering, mulching, weeding, train pruning, and pest and disease treatments.

The grant requires a 100% match which will be provided through the valuation of City staff, vehicles, and equipment services. The project must be completed in sufficient time for the City to complete all reporting requirements and submit all vouchers for reimbursement by present grant deadlines of March 21, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-386
(Int. No. 417)

**Authorizing An Agreement And Amending
The 2008-09 Budget For Sebastian Park Trees**

BE IT 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 Environmental Conservation for funding under the Urban & Community Forestry

Grant Program for trees for Sebastian Park.

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$12,100, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 388 was introduced October 14, 2008, and appears in its original form with its transmittal letter on page 340 of the current Council Proceedings.

Attachment No. AH-134

Ordinance No. 2008-387
(Int. No. 388, As Amended)

**Authorizing An Application And Agree-
ments And [Amending The 2008-09 Budget]
Appropriating Funds For The 2008 Safe Routes
To School 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 Department of Transportation for funding for the 2008 Safe Routes to School Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe for the 2008 Safe Routes to School Program. The agreement shall obligate the City to pay an amount not to exceed \$47,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3 hereof.

Section 3. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$532,000, or so much as may be received, to fund the 2008 Safe Routes to School Program.

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

[Section 3. Ordinance No. 2008-198, the 2008-09 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 \$532,000, which amount is hereby appropriated from funds to be received

under the grant agreement authorized herein.]

Section [4] 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Miller
November 25, 2008

To the Council:

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

Int. No. 418 - Authorizing A New Agreement For The Lease Of Space In The South Avenue Parking Garage, As Amended

Int. No. 419 - Establishing Maximum Compensation For A Professional Services Agreement For A Virtual Private Network For Parking Garages

Int. No. 420 - Local Law Adding The Acro Industries, Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 435 - Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

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

Int. No. 421 - Resolution Approving Relocation To The Monroe County Empire Zone

Respectfully submitted,
Dana K. Miller
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

Councilmember Miller moved to return Int. No. 418 to Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 418
Re: Lease Agreement - Hyatt Regency Hotel, South Avenue Garage

Transmitted herewith for your approval is legislation authorizing a new lease agreement with the Hyatt Regency Hotel for office and storage space in the City-owned South Avenue Garage.

The original lease authorized the lease of 5,300 square feet of space in the South Avenue Parking Garage for use by a "Downtown Hotel" which became the Hyatt Regency Hotel. That lease was assigned to the Hyatt Corporation in 1998.

The hotel no longer needs this amount of space. The new lease will include 1,900 square feet of office space at an annual rate of \$8.00 per square foot; 1,225 square feet of unfinished storage space at an annual rate of \$3.00 per square foot; and three storage closets at the annual cost of \$900. These rates were determined by an independent appraisal provided by Bruckner, Tillett, Rossi, Cahill, and Associates in July 2008. The annual rental will total \$19,775. The previous rate, \$8.75 per square foot, applied to all space, regardless of use.

The lease payments would be set at the appraised value for a five-year term with four five-year renewal options. An updated appraisal establishing market value for the space would be required to set the lease costs for each of the renewal periods.

The original lease will be terminated upon execution of the new lease.

The 2,175 square feet of storage space is available for alternative use by the City. Staff will inspect the space and make a recommendation for its use.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 418, As Amended

AUTHORIZING A NEW AGREEMENT FOR THE LEASE OF SPACE IN THE SOUTH AVENUE PARKING GARAGE

WHEREAS, the City of Rochester has received a proposal for the lease of space in the South Avenue Parking Garage to the Hyatt Corporation for a term of five years, with options to renew for four additional five-year terms; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council has formally reviewed the appraisal of the independent consultant on the value of the lease; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as

the public benefit to be derived from the lease is the provision of office and storage space necessary for the operation of the adjacent Hyatt Hotel:

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

Section 1. The Mayor is hereby authorized to terminate the existing lease and to enter into a new agreement for the lease of office and storage space and storage closets in the South Avenue Parking Garage to the Hyatt Corporation. The agreement shall extend for a term of five years, with options to renew for four additional five year terms.

Section 2. The lease agreement shall obligate the Hyatt Corporation during the initial term to pay annual rent to the City in the amount of \$19,775. Rent during the option terms shall be at market value as established through an appraisal.

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.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-388
Re: Agreement - ECC Technologies,
Municipal Parking Garage VPN

Transmitted herewith for your approval is legislation establishing \$4,500 as maximum compensation for an agreement with ECC Technologies, Fairport, NY, for services related to the installation of a Virtual Private Network (VPN) between the City's computing center in the Public Safety Building and seven (7) City-owned municipal parking garages. The cost of this agreement will be funded from the 2006-07 Cash Capital (Economic Development/Parking). While the cost of this agreement in itself would not require Council action, the City has an existing agreement with ECC Technologies in the amount of \$40,000 for modifications to the City's Video Surveillance System.

The Economic Development Department is responsible for overseeing the municipal parking garages and managing the business relationship the City has with garage vendors. The Municipal Parking Division needs to monitor revenue activity at seven City-owned parking garages in an effort to control theft of services - people leaving the garage without paying.

The system currently in use has unsecured connection through the Internet to achieve access from City offices to the parking garages. A Virtual Private Network (VPN) will be installed to ensure secure communication over the Internet. The

Information Technology Department has advised EDD to discontinue using an unsecure Internet connection until a VPN can be installed, jeopardizing the ability to closely monitor activity at the garages.

ECC Technologies has provided past spot outsourcing for both RPD and City. This agreement shall become effective upon approval from City Council and expire on June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-388
(Int. No. 419)

Establishing Maximum Compensation For A Professional Services Agreement For A Virtual Private Network For Parking Garages

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

Section 1. The sum of \$4,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and ECC Technologies for the installation and implementation of a Virtual Private Network between the City's computing center and the Municipal Parking Garages. Said amount shall be funded from the 2006-07 Cash Capital allocation (Parking Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 10
Re: New York State Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of Acro Industries, Inc's 700 Colfax Street location to the City of Rochester Empire Zone based on its meeting the criteria of being a regionally-significant manufacturing project.

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

Acro Industries, Inc is a locally-owned private manufacturer incorporated in 1974. They are manufacturers of sheet metal stampings, tools and dies, electro-mechanical assemblies, prototype development, and engineering. Their operations

are currently housed in three separate buildings, 554 and 598 Colfax Street and 1255 Emerson Street, totaling approximately 110,000 square feet, all of which are within the boundaries of the Empire Zone.

Acro has grown significantly this past year in the alternative fuel arena. To accommodate this growth, the company purchased a 37,000 square foot vacant building at 700 Colfax Street for use as a manufacturing facility. This building is not located within the boundaries of the EZ.

The company currently employs 200 people, 76 of whom are City residents, and is projecting to create 50 new jobs within the next three years. The company will also invest approximately \$2,200,000 in building improvements and machinery and equipment.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-135

Local Law No. 10
(Int. No. 420)

Local Law Adding The Acro Industries, Inc. Facilities To The City of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Acro Industries, Inc. is proposing an expansion of its facilities at 700 Colfax Street in the City of Rochester; and

WHEREAS, this expansion project will add 50 jobs that will support Acro Industries, Inc.'s onsite 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 has determined that the proposed expansion project is eligible for Empire Zone benefits as a regionally significant project under Section 957 (d)(i) of the General Municipal Law;

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

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Acro Industries, Inc.'s manufacturing project for a regionally sig-

nificant project as determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property described as follows: 700 Colfax Street, SBL-ID #104.280-0001-027.000/0000.

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. 2008-389
Re: Holiday Shopper and Special Event
Free Parking at Municipal Parking
Garages

Transmitted herewith for your approval is legislation authorizing the Municipal Parking Coordinator to establish a Holiday Shopper and Special Event Free Parking Program in the Municipal Parking Garages from November 28, 2008 through January 1, 2009.

The free parking program was revitalized in 2006 and is recommended for continuation based on positive feedback from the public.

The program authorizes free parking in the following municipal parking garages on weekends and weekday evenings (after 6:00 p.m.):

- | | |
|-------------------|--------------------|
| Court Street | Genesee Crossroads |
| High Falls | Sister Cities |
| Washington Square | South Avenue |

In 2007, a total of 12,458 vehicles were counted during the free holiday parking periods. If these vehicles had been charged the regular rates, the resulting revenue would have been \$49,832.

The East End Garage, which is operated by the Cultural Center Commission, offers free evening and weekend parking on a year-round basis. Approval of this legislation will enable visitors to find free parking at seven downtown parking garages during the holiday season.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-389
(Int. No. 435)

Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Resolution No. 2008-29
(Int. No. 421)

Section 1. Notwithstanding the rates for parking in municipal parking garages as established in Section 111-119 of the Municipal Code, the Municipal Parking Coordinator is hereby authorized to establish a Holiday Shopper and Special Events Free Parking Program in the Court Street, Genesee Crossroads, High Falls, Sister Cities, Washington Square and South Avenue Parking Garages. The free parking may be allowed weekday evenings after 6:00 P.M. and all day on Saturday and Sunday, from November 28, 2008 through January 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-29
Re: Empire Zone Relocation -
Optimization Technology, Inc

Transmitted herewith for your approval is legislation approving the request of Optimization Technology, Inc to retain their Empire Zone status when they relocate from 452 and 470 W. Ridge Road and 110 Lagrange Avenue in the City of Rochester to 1600 Lexington Avenue in the Town of Greece.

Optimization Technology, Inc has outgrown the facilities they lease in the City and would like to consolidate operations into one location. The company considered several locations within the City, including 460 Buffalo Road, 801 West Avenue, 175 Humboldt Street and 1680 Lyell Avenue. None of these met their business needs. The 1600 Lexington Avenue facility was chosen because it best fit the firm's building requirements, parking and security needs, and provides reduced costs and future opportunities to grow their company. Their new location is located within the Monroe County Empire Zone.

Optimization Technology, Inc would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. However, New York State law allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ only if the "shift of operations" is approved by the municipality from which the company relocated.

A summary of firms that have shifted operations to and from the City's Empire Zones since 1995 is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-136

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Optimization Technology, Inc. (the "Company"), a software development (Industrial Automation/IT) company with offices at 452 & 470 West Ridge Road and 110 Lagrange Avenue in the City of Rochester will be relocating to 1600 Lexington Avenue in the Town of Greece; and

WHEREAS, the Company employs 190 people in the City, including 21 residents of the City of Rochester; and

WHEREAS, the Company was forced to find a new location when it outgrew its current facilities at 452 & 470 West Ridge Road and 110 Lagrange Avenue. The Company considered several locations within the City of Rochester, but was unable to find a suitable location within the City that fit its business needs; and

WHEREAS, Rochester City Council has heard public comments that extraordinary circumstances existed to warrant the relocation of the Company to the Monroe County Empire Zone at a public hearing on November 25, 2008 at City Hall, 30 Church Street, Rochester, New York 14614;

NOW, THEREFORE, BE IT RESOLVED, that the Rochester City Council consents to the relocation of Optimization Technology, Inc. from the City of Rochester to the Monroe County Empire Zone in the Town of Greece.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden
November 25, 2008

To the Council:

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

Int. No. 422 - Authorizing An Agreement For An Urban Area Security Initiative Grant And Amending The 2008-09 Budget

Int. No. 423 - Authorizing Agreement For A COPS Secure Our Schools Grant Program And Amending The 2008-09 Budget

Int. No. 424 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Response Software

Int. No. 425 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 426 - Establishing Maximum Compensation For An Agreement With The Rochester

Philharmonic Orchestra For Public Concerts

Int. No. 434 - Authorizing An Agreement And Amending the 2008-09 Budget For The Rochester HeLP

The Public Safety & Recreation Committee recommends for consideration the following entitled legislation:

Int. No. 428 - Authorizing Amendatory 2004-05, 2005-06, 2006-07 And 2007-08 Community Development Program Plans, Amending Ordinances And Amending The 2008-09 Budget For The School #28 After School Program

The following entitled legislation is being held in Committee:

Int. No. 427 - Establishing Maximum Compensation For An Amendatory Agreement For The 2008 Rochester MusicFest

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-390
Re: Agreement - New York State Office of Homeland Security, Urban Area Security Initiative Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Homeland Security for the receipt and use of a \$496,400 Urban Area Security Initiative (UASI) Grant, and amending the 2008-09 Budget to include the grant as follows: \$170,900 to the Fire Department; \$14,900 to the Police Department; and \$310,600 to Cash Capital.

The activities related to UASI are closely coordinated among the law enforcement and emergency management entities in the City, Monroe County, and outlying counties, creating a regional approach to homeland security.

The \$259,500 in Police Department funding will be used to purchase equipment for the use of the Bomb, Emergency Task Force (SWAT) and SCUBA teams.

The \$236,900 in Fire Department funding will be used to support Planning, Hazmat, Emergency Training and Information Network (ETIN), and Community Emergency Response Training (CERT).

The term of this grant is September 1, 2008 to August 31, 2011. The grant award includes 3% for administrative overhead. No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-390
(Int. No. 422)

Authorizing An Agreement For An Urban Area Security Initiative Grant And Amending The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for funding under the Urban Area Security Initiative Grant Program.

Section 2. Ordinance No. 2008-198, the 2008-09 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 \$14,900, to the Rochester Fire Department by the sum of \$170,900, and to the Cash Capital allocation by the sum of \$310,600, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-391
Re: Agreement - US Department of Justice, COPS Secure Our Schools Grant

Transmitted herewith for your approval is legislation related to a US Department of Justice grant. This legislation will:

1. Authorize an agreement with the US Department of Justice, Community Oriented Policing Services (COPS) for receipt and use of a \$70,500 COPS Secure Our Schools program grant;
2. Establish \$70,500 as maximum compensation for an agreement with the Rochester City School District for the provision of safety services at East and Wilson High Schools; and
3. Amend the 2008-09 Budget of the Police Department by \$70,500 to reflect the grant.

This is a pass-through grant to the City in collaboration with the Rochester City School District, which is supplying the required 50% match of

\$70,500. The grant term is September 1, 2008 to August 31, 2010. The funds will support efforts by the school district to improve the safety of East and Wilson High Schools through the provision of metal detectors, improved video cameras and training of school sentries.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-391
(Int. No. 423)

Authorizing Agreements For A COPS Secure Our Schools Grant Program And Amending The 2008-09 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 for funding under the COPS Secure Our Schools Grant Program.

Section 2. The sum of \$70,500, 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 City School District for activities under the COPS Secure Our Schools Grant Program. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2008-198, the 2008-09 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 \$70,500, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-392
Re: Agreement - Deccan International,
Software for Emergency Services

Transmitted herewith for your approval is legislation establishing \$36,456 as maximum compensation for an agreement with Deccan International of San Diego, California for software to support emergency response services. This initial cost will cover software, licenses, installation and maintenance for the first year, and will be financed from the 2003-04 Cash Capital allocation. Included in the agreement is a five-year term for technical

support and maintenance related to the software. The \$8,000 annual cost for years two through five of the agreement will be financed from the annual budgets of the Rochester Fire Department.

The software, Box-Area Automated Run Card Builder (BARB), supports Box-Area Run Cards that define the apparatus and emergency vehicle response order for various types of emergency and non-emergency events. There are approximately 3800 Box Area Run Cards in use for fire and emergency services response. Significant staff hours are required to revise and update each of these Run Cards on an individual basis.

BARB is an automated tool for building static run cards that indicate the call order for each station and/or unit that could possibly respond to an emergency situation. Through the Computer aided Dispatch System (CAD), maintained by the Emergency Communications Department, the caller's information, response determinates, and specific Fire and EMS services boundaries are linked to the appropriate box cards. BARB software will facilitate the generation of updated run cards and multiple scenario sequences for the most efficient emergency response time and coverage.

BARB software provides the following features:

- Tools for quick and inexpensive major and minor changes to the run cards.
- Maintains optimized and current run cards with easy updates.
- Enables mapping of run cards.
- Creates a back up book for the CAD and Field Officers.
- Enables multiple scenario run cards in the event of major disaster incidents.
- Enables building extensive run cards incorporating mutual aid units.
- Incorporates travel speeds and one way streets for improved accuracy in response time.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-392
(Int. No. 424)

Establishing Maximum Compensation For A Professional Services Agreement For Emergency Response Software

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

Section 1. The sum of \$36,456, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Deccan

International for software licensing, installation and technical support for the first year for the Box-Area Automated Run Card Builder (BARB) emergency response software. Said amount shall be funded from the 2003-04 Cash Capital allocation. The agreement shall also provide for technical support for an additional period not to exceed four years, at an annual amount not to exceed \$8,000. Said amounts shall be funded from the annual budgets of the Rochester Fire 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. 2008-393
Re: Agreement - Monroe Community College, AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Monroe Community College, for continued support of the AmeriCorps Program. The cost will be financed from the Undistributed allocation of the 2008-09 Budget.

The AmeriCorps program is a Federal community service initiative for individuals aged 17 or older. The City has participated since the program's inception in 1994. Since then, nearly 1,000 individuals have participated, contributing over 1.4 million hours of service. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$11,400 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth.

The program is administered by Monroe Community College. Local cost-sharing budgeted at \$180,000 in non-federal cash and \$126,520 of in-kind contributions leverages \$445,500 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program has enrolled 33 individuals this year; City funding supports 10 placements: three with the Police Department's Victim Assistance Unit and seven in City recreation programs. Thirty of the participants live in the City of Rochester. All 10 of the City placements are City residents.

City-funded placements include:

Rochester Police Department. Participants' duties enhance the activities of the Victim Assistance Unit by assisting with crisis intervention, short-term counseling and referral, court advocacy and filing requirements.

Department of Recreation and Youth Services. Three participants conduct daily programs at recreation centers. Four members provide support city-wide to youth councils and youth advisors, and conduct activities related to a variety of efforts, including truancy prevention, tutoring, gender equity in sports programming, television programming, and young entrepreneurs programs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-393
(Int. No. 425)

Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

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

Section 1. The sum of \$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 Monroe Community College for the continued support of the AmeriCorps Program. Said amount shall be funded from the 2008-09 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-394
Re: Agreement - RPO, Musical Services

Transmitted herewith for your approval is legislation establishing \$75,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, for various musical services. The cost of the agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

The RPO will provide two full-orchestra concerts and six ensemble concerts to be performed as part of the neighborhood concert series. They will also provide a session of classical music education to every third grade classroom in the City School District.

The concerts will be similar to those provided annually since 1987. In 2008, these included full-orchestra concerts on April 25 at the Eastman Theatre, and the barge concert on July 25 at Corn Hill Landing, as well as ensemble concerts at the following locations: Rochester Riverside Convention Center; Park Avenue Green; Corn Hill Landing (2); and the Otto Henderberg Park Gazebo in the South Wedge.

The education curriculum will be developed by

ensemble members and music and classroom teachers; thirty educational presentations will be provided to approximately 5,000 students enrolled in grade three.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-394
(Int. No. 426)

Establishing Maximum Compensation For An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

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

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Philharmonic Orchestra for two full orchestra public concerts, music education in City schools and six ensemble public concerts. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-395
Re: Greater Rochester Health
Foundation Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Health Foundation for receipt and use of a \$129,218 grant; and amending the 2008-09 Budget of the Department of Recreation and Youth Services to reflect the grant.

The grant will be used to launch a new program emphasizing healthy lifestyles for teens and families. The program includes after-school fitness activities; nutrition education; activities to reinforce healthy eating habits; supplementing fitness centers at both North Street and Edgerton Community Centers; and the purchase of fitness and nutrition materials for branch libraries that are partnering with the program.

A variety of formats and locations will be used. Services will be available for teens enrolled in school in the city, and for families at the North Street, Edgerton, Flint Street and Webster Avenue Community Centers, as well as Marshall High School and other community locations.

The grant will also support the involvement of Youth Voice, One Vision participants to develop public service announcements on nutrition and fitness. The attached program description pro-

vides detailed information, including a budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-137

Ordinance No. 2008-395
(Int. No. 434)

Authorizing An Agreement And Amending The 2008-09 Budget For The Rochester HeLP

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Health Foundation for funding for the Rochester HeLP (Healthy Lifestyle Project).

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$129,200, 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.

Councilmember McFadden moved to return Int. No. 428 to Committee.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 428
Re: Amending the Consolidated Plan -
After School Program

Transmitted herewith for your approval is legislation amending past Consolidated Plans in order to reallocate a total of \$31,054 of Community Development Block Grant (CDBG) funds for the support of after school programs at the Henry Hudson School #28, and amending the 2008-09 Budget of the Department of Recreation and Youth Services by \$31,100 to include the CDBG funds.

The following changes in the CDBG are required to transfer funds from the General Community Needs Allocation to a new After School Programs Allocation:

| <u>Year</u> | <u>Original Purpose</u> <u>Related</u> <u>Legislation</u> | <u>Amount</u> |
|-------------|---|-----------------|
| 2004-05 | Jr. Rec Leader Ord. 2006-191 | \$ 5,173 |
| 2005-06 | Jr. Rec Leader Ord. 2008-34 | 1,472 |
| 2006-07 | Jr. Rec Leader Ord. 2008-73 | 6,409 |
| 2007-08 | Elite Basketball Ord. 2008-31 | <u>18,000</u> |
| Total | | <u>\$31,054</u> |

These funds will be used to offset staff costs associated with operating the after-school program at #28 School, which was funded the past six years through grant sources that are no longer available. The program offers a combination of academic and behavioral interventions for students and families, including homework help, recreation, character development, and service learning. The four day a week program runs from 3:00 to 6:00 pm and serves fifty youth between the ages of 8 and 13 years old.

A public hearing on the amendments to the Consolidated Plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 428

AUTHORIZING AMENDATORY 2004-05, 2005-06, 2006-07 AND 2007-08 COMMUNITY DEVELOPMENT PROGRAM PLANS, AMENDING ORDINANCES AND AMENDING THE 2008-09 BUDGET FOR THE SCHOOL #28 AFTER SCHOOL PROGRAM

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

Section 1. The Council hereby approves amendments whereby, within the General Community Needs allocations of the various Community Development Program Plans, the following amounts are transferred to new accounts in the same years for the School #28 After School Program: \$5,173 from the Junior Recreation Leader Account of the 2004-05 Program, \$1,472 from the Junior Recreation Leader 2 Account of the 2005-06 Program, \$6,409 from the Junior Recreation Leader Account of the 2006-07 Program, and \$18,000 from the Elite Basketball Account of the 2007-08 Program.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of

\$31,100. To fund said increase, \$5,173 is hereby reappropriated from the General Community Needs allocation of the 2004-05 Community Development Program, \$1,472 is hereby reappropriated from the General Community Needs allocation of the 2005-06 Community Development Program, \$6,409 is hereby reappropriated from the General Community Needs allocation of the 2006-07 Community Development Program, and \$18,000 is hereby reappropriated from the General Community Needs allocation of the 2007-08 Community Development Program, to fund the School #28 After School Program.

Section 3. The following ordinances are hereby amended by reducing the amounts authorized and appropriated therein from the General Community Needs allocations set forth in Section 1 as follows, which amounts are transferred and reappropriated in Section 2 herein:

| <u>Ordinance No.</u> <u>Purpose</u> | <u>Amount</u> |
|--|---------------|
| 2006-191 Junior Recreation Leader | \$ 5,173 |
| 2008-34 Junior Recreation Leader 2 | \$ 1,472 |
| 2008-73 Junior Recreation Leader | \$ 6,409 |
| 2008-31 Elite Basketball | \$18,000 |

Section 4. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 427
Re: Amendatory Agreement - Rochester
International Jazz Festival, LLC,
Rochester MusicFest

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Rochester International Jazz Festival, LLC (RIJF) for an additional \$120,000 to cover losses related to the 2008 MusicFest. This additional cost will be financed from the 2007-08 Budget of the Department of Recreation and Youth Services.

The original agreement with RIJF, authorized in February 2008 by Ord. No. 2008-78, provided compensation of \$175,000 to RIJF to produce the one-day Rochester MusicFest. Unfortunately, ticket sales were much lower than anticipated. Original projections were \$125,000 in ticket sales (5000 at \$25 each); actual sales were \$28,470 (attendance of approximately 1,100). The City received \$12,500 from sponsorships, and \$15,500 from ticket sales net of stadium rental.

This will bring total compensation to RIJF for production of the MusicFest to \$295,000.

Respectfully submitted,

Robert J. Duffy
Mayor

Introductory No. 427

**ESTABLISHING MAXIMUM COMPEN-
SATION FOR AN AMENDATORY AGREE-
MENT FOR THE 2008 ROCHESTER MU-
SICFEST**

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 an amendatory
agreement between the City and the Rochester
International Jazz Festival, LLC (RIJF) for the
2008 Rochester MusicFest. Said amount shall be
funded from the 2007-08 Budget of the Depart-
ment of Recreation and Youth Services.

Section 2. This ordinance shall take effect
immediately.

Held in Committee.

The meeting was adjourned at 8:40 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
DECEMBER 23, 2008**

Present - Councilmembers Conklin, Lightfoot,
McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Absent - President Santiago - 1.

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

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

Recognition Ceremony

Retirement:

- City Council/City Clerk's Office
 - Sharon C. Conheady
- Community Development
 - *Ruth E. Becker
 - *Peter G. Maushart
- Emergency Communications
 - Patrick M. Della Fave
- Fire Department
 - *John D. Cocca, Jr.
 - *Mitchell T. Shipp
 - *Clarence Bullock
- Police Department
 - *Carlos A. Garcia
 - *Bradley M. Parker
 - *Stephen F. Royka
 - *Mark V. Sofia
 - *Frederic C. VanOrden

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular
Meeting of November 25, 2008 be approved as
published in the official sheets of the Proceedings.

Passed unanimously.

**COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFI-
CERS AND OTHERS.**

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

The Mayor submits the following:
Administrative Cancellation or Refund of
Erroneous Taxes and Charges 3945-7

**PRESENTATION AND REFERENCE OF PETI-
TIONS AND REMONSTRANCES.**

Petition regarding Inspection Warrants, 17 signa-
tures Petition No. 1637

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 171-
405 Mt. Hope Avenue From O-S Open Space To
CCD-R Center City-Riverfront Int. No. 453
No speakers.

Authorizing Amendatory 2007-08 And 2008-09
Community Development Program Plans And
Authorizing Agreements For The Emergency
Assistance Repair Program Int. No. 477 1
speaker: Eugenio Cotto, Executive Director of
Group 14621 Community Association.

Amending The Official Map By Dedicating A
Parcel To Street Purposes And Adding Said Parcel
To The Corner Of Brooks Avenue And Genesee
Park Boulevard, As Amended Int. No. 462
No speakers.

Approving Changes In The Pavement Width Of
Aldine Street And Montgomery Street, Authoriz-
ing An Agreement And Amending The 2008-09
Budget, As Amended Int. No. 463 No speak-
ers.

Approving Changes In The Pavement Width Of
Lawn Street Int. No. 464 No speakers.

Changing The Traffic Flow Of Lawn Street
Between Chestnut Street And Broadway From
Two-Way to One-Way Eastbound Int. No. 465
1 speaker: Larry Mandel of RG&E.

**REPORTS OF STANDING COMMITTEES AND
ACTION THEREON**

By Councilmember Conklin
December 23 2008

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 436 - Cancellation Of Taxes And Charges

Int. No. 438 - Establishing Maximum Compensation For A Professional Services Agreement For The Employee Assistance Program

Int. No. 439 - Establishing Maximum Compensation For A Professional Services Agreement For The Drug And Alcohol Testing Program

Int. No. 440 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services and Amending Ordinance No. 2008-184

Int. No. 441 - Authorizing Agreements And Amending The 2008-09 Budget For Records Management

Int. No. 442 - Resolution Establishing The Maximum Number Of Commissioners Of Deeds

Int. No. 443 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 475 - Establishing Maximum Compensation For A Professional Services Agreement For Videography And Editing Services

Int. No. 479 - Resolution Approving Reappointment To The Rochester Public Library Board Of Trustees

Int. No. 381 - Cancellation Of Taxes And Charges

The following entitled legislation is being held in Committee:

Int. No. 437 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 444 - Resolution Approving An Appointment To The Board Of Assessment Review

Int. No. 445 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 446 - Approving The 2008-09 Debt Resolution For The City School District

Int. No. 447 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$12,958,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Int. No. 480 - Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Services

Respectfully submitted,
Carolee A. Conklin (Voted against Int. No. 439)
Carla M. Palumbo
Lovely A. Warren
Gladys Santiago
FINANCE COMMITTEE

Received, filed and published

Councilmember Conklin moved to amend Int. No. 436.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-396
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$86,602.16.

One property requires delinquent refuse charges cancelled in the amount of \$4,934.51 or 6% of the total. The property was owned by the City of Rochester. Refuse bills were accumulated for the time that the property was owned by the City and added to the tax bill in error.

One property requires delinquent refuse charges cancelled in the amount of \$2,715.60 or 3% of the total. The property has been vacant since September 2006 and the refuse service was never cancelled. The delinquent refuse charges on tax bills for the new owner need to be cancelled. No service was provided.

Thirty-two properties owned by several tax-exempt Housing Fund Development Corporations received City and School tax bills in error. Due to deficiencies in the assessment processing software and human error, the exemption amounts were not adjusted when the assessments increased on the properties. The properties pay 10% of sheltered rents in lieu of tax. The total amount of cancellation is \$78,952.05 or 91% of the total.

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$2,145,370.54.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|------------------|
| City Council | 221 | \$2,103,652.00 |
| Administrative | <u>97</u> | <u>41,718.54</u> |
| Total | 318 | \$2,145,370.54 |

These cancellations represent .911% of the taxes receivable as of July 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-139

Ordinance No. 2008-396
(Int. No. 436, As Amended)

Cancellation Of Taxes And Charges

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

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

- (A) The property was owned by the City of Rochester. Refuse bills were accumulated for the time that the property was owned by the City and added to tax bill in error.

| S.B.L.# | Class | Address | Tax | Amount |
|------------------|-------|----------------------|------|-------------|
| | | | Year | Cancelled |
| 107.450-0002-023 | NH | 385-389 Webster Ave. | 2009 | \$ 4,934.51 |

- [(B) This property has been vacant since September 2006 and the refuse service was never cancelled. The delinquent refuse charges on tax bills for the new owner need to be cancelled. No service was provided.

| | | | | |
|------------------|----|----------------|------|-------------|
| 105.650-0002-044 | NH | 487 Lyell Ave. | 2007 | \$ 1,776.77 |
| | | | 2008 | 938.83] |

[(C)] (B) A total of 32 properties owned by several tax exempt Housing Fund Development Corporations received City and School tax bills in error. Due to deficiencies in the assessment processing software and human error, the exemption amounts were not adjusted when the assessments increased on the properties. The properties pay 10% of sheltered rents in lieu of tax.

| | | |
|--------------------------------------|-------------|--|
| Per list on file with the City Clerk | 2008 | \$37,970.93 |
| | 2009 | 40,981.12 |
| | Grand Total | [<u>\$86,602.16</u> <u>\$83,886.56</u> |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized

and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-397
Re: Agreement - EAP of Rochester,
Employee Assistance Program

Transmitted herewith for your approval is legislation establishing \$90,450 as maximum compensation for a three-year agreement with the EAP of Rochester, a program of Catholic Family Center, to provide the City's employee assistance program. The cost of the agreement will be funded from the Undistributed allocations of the 2008-09 (\$29,700), 2009-10 (\$30,150), and 2010-11 (\$30,600) Budgets.

The employee assistance program provides professional assistance when job performance is affected by causes such as legal, financial, and marital difficulties, or illnesses such as emotional instability, alcoholism and drug addiction. Services are available to 1800 City employees and their families. Uniformed police and fire personnel are covered by separate programs.

In response to a Request for Proposals, proposals were received from six vendors: EAP of Rochester; ENI; Associates in Employee Assistance; Concentra; ESI-Employee Assistance Group; and Strong EAP. An interdepartmental committee evaluated the proposals and unanimously selected the EAP of Rochester as best meeting the criteria outlined in the Request for Proposal.

The EAP of Rochester is a new vendor for the City and was selected for several reasons. It is the only accredited EAP in the five county area and has four offices across Monroe County that are conveniently located for employees to access. The EAP of Rochester emphasizes face-to-face counseling as opposed to telephone counseling and has an 87% average successful resolution rate. There are 11 in house providers representing a variety of specialties; three are substance abuse professionals (SAP) whose services will not cost the City extra should a SAP referral be necessary. The Director of the EAP of Rochester, Tina Simson, is well known to the City of Rochester management and employees as she was previously employed with ESI, the City's current provider. Also, the total cost for EAP of Rochester's services is \$13,482 less than the current provider.

Under the proposed agreement, which will commence on January 1, 2009, the EAP of Rochester will 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 online training as required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-397
(Int. No. 438)

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 \$29,700, or so much thereof as may be necessary, is hereby established as the compensation for the first year to be paid for a professional services agreement between the City and EAP of Rochester for the Employee Assistance Program. The agreement may extend for a term of three years, with compensation for the second year not to exceed \$30,150 and for the third year not to exceed \$30,600. Said amounts shall be funded from the 2008-09, 2009-10 and 2010-11 Budgets for Undistributed Expense, contingent upon the adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-398
Re: Agreement - Newport Alliance
for Business Health, Drug and
Alcohol Testing Program

Transmitted herewith for your approval is legislation establishing \$49,100 as maximum annual compensation for a three-year agreement with the Newport Alliance for Business Health (Newport, RI) for the continued administration of the City's drug and alcohol testing program. The annual cost of the agreement will be funded from the Undistributed allocation of the 2008-09, 2009-10 and 2010-11 Budgets.

The Newport Alliance for Business Health will provide, as required by the Omnibus Transportation Employee Testing Act, random, follow-up, and post-accident testing for drugs and alcohol for employees whose duties require the possession of a commercial driver's license. The Newport Alliance will also provide drug and alcohol testing for employees of the Emergency Communications Department, which is a collective bargaining agreement mandate. Additionally, pre-employment drug testing will be performed for all new City hires and candidates for police officer and firefighter positions.

The Newport Alliance for Business Health has

administered the City's drug and alcohol testing program from its inception in 1995. The most recent agreement for these services was authorized by City Council in December 2006.

Bids were solicited from six vendors, all of which responded. In addition to Newport Alliance, proposals were received from Strong Occupational Health, Concentra, Riverfront, Pembroke, and Energetix Corporation. An interdepartmental committee reviewed the proposals and made a unanimous decision to remain with The Newport Alliance. The Newport Alliance was selected based on their competitive pricing structure, customer service excellence and the long-standing, positive relationship the City has experienced with the company.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-140

Ordinance No. 2008-398
(Int. No. 439)

Establishing Maximum Compensation For A Professional Services Agreement For The Drug And Alcohol Testing Program

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

Section 1. The sum of \$49,100, 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 Newport Alliance for Business Health for continued administration of the drug and alcohol testing program for a term of three years. Said amounts shall be funded from the 2008-09, 2009-10 and 2010-11 budgets for Undistributed Expense, contingent upon approval of the subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 7.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-399
Re: Agreement and Amendment -
The Ferguson Group, Federal
Lobbying Services

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for a new agreement with The Ferguson Group of Washington, D.C. for federal lobbying services, and amending Ordinance No. 2008-184 in order to correct the source of funds for the pre-

vious agreement.

Ordinance No. 2008-399
(Int. No. 440)

Agreement

The Ferguson Group (TFG) has provided federal lobbying services for the City since December 2006; the current agreement expires on December 31, 2008. The term of the new agreement will be January 1 to June 30, 2009. The cost of the agreement will be funded from the 2008-09 Budget of the Mayor's Office. Highlights of their work over the past six months include:

1. FY 2009 Appropriations Bills. TFG has worked with the City and the Congressional delegation to help secure \$675,000 for Rochester's Zero Tolerance Crime Prevention Initiative in the Senate version of the bill, and \$600,000 in the House version. TFG continues to work with the City to advocate for the inclusion of several other City priorities in the omnibus bill, including: Durand Eastman Beach Water Quality Improvement Project, Midtown Plaza revitalization, and the rehabilitation of Jefferson Avenue.
2. Water Resources Development Act (WRDA) Reauthorization. TFG worked with the City to prepare a request for including an authorization of \$15 million to upgrade Rochester's water supply infrastructure in the Water Resources Development Act. This legislation will be considered in the next session of Congress.
3. Economic Recovery Legislation. TFG worked with the City to develop and submit a list of priority projects to advocate for inclusion in the economic recovery program.

During the next six months, TFG will focus on the following:

- Advocate for the City's priority projects to be included in the FY 2009 omnibus appropriations bill, and City infrastructure projects to be included in economic recovery legislation;
- Develop the City's priority requests for the FY 2010 appropriations process and the reauthorization of the nations' surface transportation law, and advocate for those projects;
- Advocate for the City's projects to be included in the next version of the Water Resources Development Act.

Amending Ordinance No. 2008-184

The source of funds identified No. 2008-184 was misidentified as the 2008-09 Budget of the Mayor's office; the correct source is the 2007-08 Budget of the Mayor's Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services And Amending Ordinance No. 2008-184

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 The Ferguson Group LLC for the provision of Federal lobbying services. Said amount shall be funded from the 2008-09 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2008-184, relating to an amendatory professional services agreement between the City and The Ferguson Group LLC for the provision of Federal lobbying services, as amended, is hereby further amended by changing the source of funds from the 2008-09 Budget of the Office of the Mayor to the 2007-08 Budget of the Office of the Mayor.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-400
Re: Agreement - New York State,
Local Government Records
Management Improvement Grant

Transmitted herewith for your approval is legislation relating to the administration of the City's Records Management Program. This legislation will:

1. Authorize an agreement with the New York State Archives and Records Administration for the receipt and use of a \$15,156 grant for the fiscal year 2008-09 from the Local Government Records Management Improvement Fund;
2. Amend the 2008-09 Budget of the Information Technology Department by \$15,200 to reflect the grant; and
3. Establish \$15,156 as maximum compensation for an agreement with Biel's Information Technology Systems to scan, index, microfilm and provide full-text search access in PDF's of historic City documents. The cost of this agreement will be funded from the 2008-09 Budget of ITD.

This grant will be used to assist the City with preservation and accessibility of the *Proceedings of the Trustees of Rochesterville* and *City of Roch-*

ester Common Council Proceedings from 1817-1900. The historical collection comprises written materials beginning before the incorporation of the City and offers insights into the 19th Century accomplishments of the City's founders. Among the records are ledger books with memoirs of the first meetings, earliest laws, ordinances, regulations and annexations of our City. The frail, primary records will be filmed, scanned and retired for research consultation only. As the City celebrates its 175th anniversary in 2009, the documents will be accessible on CD and PDF format and available to the public.

The project will be completed by July 1, 2009 in sufficient time to complete all reporting requirements and submission of vouchers for reimbursement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-400
(Int. No. 441)

Authorizing Agreements And Amending The 2008-09 Budget For Records Management

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Archives and Records Administration for funding from the Local Government Records Management Improvement Fund for records management.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Information Technology Department by the sum of \$15,200, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The sum of \$15,156, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Biel's Information Technology Systems for records management services relating to the *Proceedings of Rochesterville* and the *Common Council Proceedings* from 1817-1900. Said amount shall be funded from the 2008-09 Budget of the Information Technology Department.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-30
Re: Commissioner of Deeds

Transmitted herewith for your approval is legislation related to the issuance of Commissioner of Deeds. The proposed legislation establishes the number of Commissioners of Deeds at no more than 250 per year during calendar years 2009 and 2010. Since January 2002, fewer than 200 have been issued, so the 250 annual maximum is expected to be sufficient to meet projected demand.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2008-30
(Int. No. 442)

Resolution Establishing The Maximum Number Of Commissioners Of Deeds

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

Section 1. During calendar years 2009 and 2010, there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect on January 1, 2009.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-31
Re: RGRTA Appointment

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

| | |
|---------------------|---------------------|
| Barbara J. Jones | Matthew J. Fero |
| 45 Fairfax Road | 58 Elmerston Road |
| Rochester, NY 14609 | Rochester, NY 14620 |

Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGRTA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative bodies of the participating municipalities. The City of Rochester is entitled to three seats on the Board. Two nominations are required for each commissioner position, along with a recommendation of one of the two. Ms. Jones is so recommended.

In March 2007, City Council recommended Ms. Jones, Karen C. Pryor and Thomas R. Argust as the City's three representatives, each for a five-year term. The Governor appointed all three later that Spring. However, for reasons that are unclear, Ms. Jones' appointment was only to fill out the remainder of an unexpired term through September 2008. The proposed legislation will recom-

mend her to the Governor for reappointment to a full five-year term.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2008-31
(Int. No. 443)

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

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Barbara J. Jones:

| | |
|---------------------|---------------------|
| Barbara J. Jones | Matthew J. Fero |
| 45 Fairfax Road | 58 Elmerston Road |
| Rochester, NY 14609 | Rochester, NY 14620 |

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Barbara J. Jones to such position because of her interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

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

Section 4. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 7.

Nays - Councilmember Spaul - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-401
Re: Agreement - WXXI Public
Broadcasting, Videography
and Editing Services

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with WXXI Public Broadcasting for videography, editing and general video production services. The cost of this agreement will be funded from the 2008-09 Budget of the

Communications Bureau.

WXXI will provide video production services for a variety of City events including, but not limited to, press conferences, public meetings, and Clean Sweep. These services will include: set-up, take-down, videography, and editing.

In addition, the consultant will deliver such City television programs and productions as: CityWise, Your New Home, and High School Update; commercials; interstitials; special video projects; b-roll video; field segments; and other productions upon request.

The consultant will maintain a library of these video productions and provide assistance and consultation to the City for setup and configuration of City video equipment.

The term of this agreement will be for one year, January 1 to December 31, 2009, with an option for a one-year renewal for the same maximum compensation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-401
(Int. No. 475)

Establishing Maximum Compensation For A Professional Services Agreement For Videography And Editing Services

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and WXXI Public Broadcasting for videography, editing and general video production services for a term of one year, with a one-year renewal option. Said amounts shall be funded from the 2008-09 and 2009-10 Budgets of the Communications Bureau, contingent upon adoption of the latter Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-32
Re: Appointment - Rochester Public
Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the re-appointment of Donna Benjamin, 770 Thurston Road, Rochester 14619, to the Rochester Public Library Board of Trustees.

Ms. Benjamin was originally appointed in October

2006. She has attended 13 of 18 meetings since then. Her new term will extend to December 31, 2013.

A resume for Ms. Benjamin is on file in the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-32
(Int. No. 479)

Resolution Approving Reappointment To The Rochester Public Library Board Of Trustees

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

Section 1. The Council hereby approves the reappointment of Donna P. Benjamin, 770 Thurston Road, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2013.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Introductory No. 381 was introduced October 14, 2008 and appears in its original form with its transmittal letter on page 331 of the current Council Proceedings.

Ordinance No. 2008-402
(Int. No. 381)

Cancellation of Taxes and Charges

Passed unanimously.

Councilmember Conklin moved to discharge Int. Nos. 437, 444, 445, 446, 447 and 480 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-403
Re: Authorization - Tax Cancellations
And Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous *ad valorem* taxes,

charges and fees during 2009.

Each year, approximately 63,000 tax bills are issued by the City. In the current fiscal year, 2008-09, these bills contained City and School taxes, charges and fees totaling \$210,673,824.

Of this amount, taxes and charges totaling \$1,900,880 or .9%, of the total levy subsequently were determined to be erroneous and were canceled. These cancellations involved 327 accounts or 0.51% of the total number.

Pursuant to Section 556 of the N.Y.S. Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions.

Such delegation was initially approved by the Council on March 24, 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on December 18, 2007. To date for calendar year 2008, the Director of Finance has authorized cancellations totaling \$65,707.57 for 172 accounts.

Reapproval of this delegation of authority is requested for 2009. 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,
Robert J. Duffy
Mayor

Ordinance No. 2008-403
(Int. No. 437)

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 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-33
Re: Appointment - Board of Assessment Review

Transmitted herewith for your approval is legislation to approve the appointment of the following individual to the Board of Assessment Review for a five-year term through September 30, 2013:

Eileen M. Mance
95 Merriman Street
Rochester, NY 14607

Ms. Mance will replace Dolores Celli, who has served two full five-year terms and is therefore not eligible for reappointment. She has served since 2000 as a temporary member of the Board of Assessment Review. A copy of her resume is on file in the City Clerk's Office.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2008-33
(Int. No. 444)

Resolution Approving An Appointment To The Board Of Assessment Review

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

Section 1. The Council hereby approves the appointment of Eileen M. Mance, 95 Merriman Street, Rochester, NY 14607 to the Board of Assessment Review for a term that will expire on September 30, 2013.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-34
Re: Temporary Appointments - Board of Assessment Review

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

| | |
|---|--|
| Ruth Brooks Ward 104 Melrose Street Rochester, NY 14619 | Peter J. Easterly 65 Beacon Street Rochester, NY 14607 |
|---|--|

| | |
|---|--|
| Susan L. Hauser 62 Edmonds Street Rochester, NY 14607 | Carl C. Klein 290 Westminster Road Rochester, NY 14607 |
|---|--|

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that four panelists will be required for the workload in the coming cycle; since a full revaluation was completed last year, it is anticipated that the workload for 2009 will be somewhat reduced.

The four 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 nine. 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, 2004, and 2008, 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,
Gladys Santiago
President

Resolution No. 2008-34
(Int. No. 445)

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 2009:

Ruth Brooks Ward Peter J. Easterly
104 Melrose Street 65 Beacon Street
Rochester, NY 14619 Rochester, NY 14607

Susan L. Hauser Carl C. Klein
62 Edmonds Street 290 Westminster Road
Rochester, NY 14607 Rochester, NY 14607

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

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2008-35 and
Ordinance No. 2008-404
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 \$12,958,000 as the maximum amount of debt to be authorized on behalf of the District during 2008-09; 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 August 7, 2008, 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 for implementation of this plan.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed during that year. During 2007-08, the City School District will redeem \$12,958,100 in principal. Since the request limit is less than the principal redeemed, the request complies with the Council's debt limit.

A copy of the District's 2008-09 CIP bond request for Long-Term Facility Improvements and New Construction is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-141

Resolution No. 2008-35
(Int. No. 446)

Approving The 2008-09 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 2008-09 to \$12,958,000, which is less than the amount of debt to be redeemed in fiscal year 2008-09.

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. 2008-404
(Int. No. 447)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$12,958,000 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 \$12,958,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$12,958,000 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 \$12,958,000 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 \$12,958,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon

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

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

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

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

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

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

designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-405
Re: Agreement - First Consulting, Inc.,
Information Technology Consulting
Services

Transmitted herewith for your approval is legislation establishing \$461,500 as maximum compensation for an agreement with First Consulting, Inc, newly relocated to a city office at 1137 East Main Street, to provide services to support several key Information Technology Department (ITD) projects and initiatives. This agreement will be funded from 2008-09 Cash Capital (\$405,500) and the 2008-09 Budget of ITD (\$56,000).

As you know, ITD has undergone a major restructuring in an effort to update the City's computer systems and practices, and has developed an aggressive, comprehensive work plan to bring efficiency and effectiveness into all of the City's technological processes. This has resulted in the reassignment of staff, as well as the need to revise job descriptions to include skill sets commensurate with the new programs, applications and systems the City is adopting. It is anticipated that the department will be at full staffing capacity by the end of 2009.

In order to complete the several projects already underway, and that have committed completion times, it is necessary to contract for a variety of services. First Consulting has a large staff who possess a breadth and depth of skills, from which the City will be able to draw from as needed to complete several critical infrastructure and application projects.

Specifically, First Consulting will provide the following services: complete the Active Directory and Microsoft Exchange migration projects; complete a disaster recovery plan; provide management to the ERP Program; and complete the City's five-year computing infrastructure strategic plan, as well as other projects critical to ERP deployment.

First Consulting, Inc. is a software engineering and business IT consulting firm that has worked with several regional companies such as Xerox, Eastman Kodak and Johnson & Johnson on similar efforts. Based on their expertise, experience, demonstrated capabilities and cost rate, as well as their strong performance with the City's 311 and ERP Projects, First Consulting, Inc. is uniquely qualified to provide these services that are required for the City's critical IT related projects.

The term of this agreement will be January 2, 2009 through June 30, 2009.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AH-142

Ordinance No. 2008-405
(Int. No. 480)

Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Services

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

Section 1. The sum of \$461,500, 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 First Consulting, Inc. for support services for Information Technology projects and initiatives. Of said amount, \$56,000 shall be funded from the 2008-09 Budget of the Information Technology Department and \$405,500 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
December 23, 2008

To the Council:

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

Int. No. 448 - Authorizing The Sale Of Real Estate

Int. No. 449 - Authorizing The Acquisition Of 4576 Lake Avenue And Amending Ordinance No. 2007-268

Int. No. 450 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Int. No. 451 - Resolution Approving Appointments To The Board Of Stationary Engineers And Refrigeration Operators

Int. No. 452 - Establishing Maximum Compensation For A Professional Services Agreement For the Bull's Head Physical Development Plan

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

Int. No. 453 - Changing The Zoning Classification Of 171-405 Mt. Hope Avenue From O-S Open Space To CCD-R Center City-Riverfront

Int. No. 478 - Authorizing An Agreement For A Landlord And Tenant Services Program

The following entitled legislation is being held in Committee:

Int. No. 477 - Authorizing Amendatory 2007-08 And 2008-09 Community Development Program Plans And Authorizing Agreements For The Emergency Assistance Repair Program

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo (Abstained on Int. No. 478)
Gladys Santiago
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-406
Re: Sale of Real Estate

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

The first property is a vacant lot sold at appraised value. The purchasers, the South Wedge Planning Committee, will construct a single-family home and subsequently sell to an owner-occupant with a household income not to exceed 80% of the median income for the Rochester NY Metropolitan Statistical Area.

The next five properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcel with their adjoining properties.

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,497.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-143

Ordinance No. 2008-406
(Int. No. 448)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

Address: 122 Hamilton St
S.B.L.#: 121.56-1-44
Lot size: 44x165
Price: \$500
Purchaser: South Wedge Planning Committee, Inc.*

* Principals: Lyjha Wilton, Chair; Tracy Saville, Vice President; Tony Sciarabba, Treasurer; Sarah Johnstone, Secretary

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> | <u>Sq. Ft.</u> <u>Purchaser</u> |
|---|-----------------|--|
| 71 Mead St 106.31-1-25 | 40x58 | 2,320 Ileana Rivero-Cruz |
| 30 Carl St 106.23-1-76 | 31x63 | 1,953 Mark Wood |
| 105 Remington St 106.23-1-74.1 | 63x46 | 2,898 Mark Wood |
| EH 130 Lewis St Pt. of 106.66-1-37.1 | 17.5x115 | 2,012 Maria Flores & Ruben Pagan |
| WH 130 Lewis St Pt. of 106.66-1-37.1 | 17.5x115 | 2,012 Carmelo Morales |

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-407
Re: Acquisition of Real Estate,
Amending Ord. No. 2007-268

Transmitted herewith for your approval is legislation related to the acquisition of property as part of the Port of Rochester Redevelopment project. This legislation will:

1. Authorize the acquisition of 4576 Lake Avenue, a 0.33 acre commercial vacant lot improved with a small accessory building. The acquisition amount of \$130,000 was estab-

lished through an independent appraisal prepared by Kevin L. Bruckner, MAI. No relocation estimates are required. An additional amount of \$5,000 is requested to cover the closing costs for the acquisition. Therefore, the total acquisition amount, including closing costs, will not exceed \$135,000; and

- 2. Amend Ordinance No. 2007-268 to designate the funding for the purchase of property for the redevelopment of the Port of Rochester. The original ordinance had specified these funds to be used for parkland replacement. However, the need for such replacement is not determined at this point. Therefore, it is recommended that these funds be used instead for the current acquisition.

The cost of acquisition will be financed from 2006-07 (\$60,000) and 2007-08 Cash Capital (\$75,000).

The acquisition of this lot, when combined with the City-owned property at 4580 Lake Avenue will create a 1.1 acre site. While the specific plans for the property have not been finalized, portions of the property will be needed for the construction of the planned pedestrian trail project (Lake Avenue to Lighthouse). The location of the parcel makes it an attractive site for future private redevelopment.

City taxes and other charges against the vacant lot will be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City owns the parcel, shall also be canceled.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-144

Ordinance No. 2008-407
(Int. No. 449)

Authorizing The Acquisition Of 4576 Lake Avenue And Amending Ordinance No. 2007-268

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

Section 1. The Council hereby approves the acquisition of 4576 Lake Avenue, SBL #47.55-1-7, for the sum of \$130,000 from reputed owner James Coonan as a part of the Port of Rochester Redevelopment Project. Of said amount, and necessary closing costs not to exceed \$5,000, \$75,000 shall be funded from the 2007-08 Cash Capital allocation and \$60,000 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing,

and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 3. Ordinance No. 2007-268, amending the 2006-07 Cash Capital allocation, is hereby amended by designating the funding solely for the purchase of property for the redevelopment of the Port of Rochester.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-408
Re: Lease - 1015 Thomas Avenue,
Voyager Boat Sales, Inc.

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 lot is inconveniently located, with access limited to the river side.

The current lease expires on December 31, 2008. The new lease will commence January 1, 2009 and expire on December 31, 2009. The monthly rental amount will be \$2,200 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-145

Ordinance No. 2008-408
(Int. No. 450)

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:

Resolution No. 2008-36
Re: Appointments - Board of Examiners
Of Stationary Engineers and
Refrigeration Operators

Transmitted herewith for your approval is legislation confirming the reappointments of Anthony Martin and Bernard Metzger, and the new appointment of Kenneth Armes to the Board of Examiners of Stationary Engineers and Refrigeration Operators.

Mr. Metzger of Webster, NY, was originally appointed in November 1974, and most recently reappointed in June 2004. He has attended 31 of the last 32 meetings. His term will extend through December 31, 2011.

Mr. Martin of Fairport, NY, was originally appointed in June 2004. He has attended 26 of the last 32 meetings. His term will extend through December 31, 2010.

Mr. Armes, of Honeoye Falls, is a new appointment to the Board and will take the place of William H. Carey who resigned earlier this year. Mr. Armes' appointment will commence immediately upon approval and shall extend through December 31 of 2011.

Resumes for all three individuals are on file in the City Clerks Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2008-36
(Int. No. 451)

Resolution Approving Appointments To The Board Of Stationary Engineers And Refrigeration Operators

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

Section 1. The Council hereby approves the reappointment of Bernard Metzger, 343 Reef Point Circle, Webster, New York 14580, to the Board of Stationary Engineers and Refrigeration Operators for a term which shall expire on December 31, 2011.

Section 2. The Council hereby further approves the reappointment of Anthony Martin, 19 Sugarmills Circle, Fairport, NY 14450, to the Board of Stationary Engineers and Refrigeration Operators for a term which shall expire on December 31, 2010.

Section 3. The Council hereby further approves the appointment of Kenneth Armes, 54 East Street, Honeoye Falls, New York 14472, to the Board of Stationary Engineers and Refrigeration Operators for a term which shall expire on December 31,

2011. Mr. Armes shall replace William Carey, who has resigned and whose term is expiring.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-409
Re: Agreement - Clark Patterson Lee,
Bull's Head Physical Development
Plan

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Clark Patterson Engineers, Survey & Architects P.C. (d/b/a Clark Patterson Lee) for development planning and State Environmental Quality Review Act (SEQRA) assistance for the Bull's Head Physical Development Plan project. The cost of the agreement will be funded from the 2007-08 Cash Capital budget.

The Bull's Head Physical Development Plan includes information gathering of the study area, a market study, economic analysis, SEQRA review, and a development plan for future redevelopment. It is anticipated that the project will also result in a proposed urban renewal plan/district for the study area. Under the scope of services, the consultant will assist the City in all of the above referenced tasks.

The City issued a Request for Qualifications (RFQ) on September 29, 2008 to solicit consultant services related to the preparation of a physical development plan for the Bull's Head neighborhood center. In response to the RFQ, the City received statements of qualification from nine firms:

- Behan Planning Associates
- Bergmann Associates
- Chaintreuil Jensen Stark Architects
- Clark Patterson Lee
- Environmental Design & Research
- FRA
- LaBella Associates
- New Energy Works/Plan Architectural Studio
- Stantec Planning & Landscape Architecture

The statements of qualification were reviewed by a team of City staff and were evaluated on the following criteria: Team composition; expertise in relevant development related analysis/studies; past experience on similar projects; comprehension of the project objectives and context; capability for creative, realistic and implementable development plans; quality of design demonstrated in past projects; and proposed project schedule. Clark Patterson Lee and Bergmann Associates were recommended for interviews. Upon completion of the interviews, Clark Patterson Lee was unanimously selected. Clark Patterson Lee will operate as project manager and have included several part-

ners on their team: RKG Associates will provide market study/economic analysis; Ravi Engineering will provide environmental analysis; Nixon Peabody will conduct the SEQRA review; and Joy Kuebler will provide landscape architecture services.

It is anticipated that the Bull's Head Physical Development Plan and associated SEQRA process will be completed in early 2010. Input and comments from the public and stakeholders, relating to the physical development plan, will be solicited during the planning process.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-146

Ordinance No. 2008-409
(Int. No. 452)

Establishing Maximum Compensation For A Professional Services Agreement For The Bull's Head Physical Development Plan

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

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Engineers, Survey & Architects, P.C., d/b/a Clark Patterson Lee, for development planning and SEQRA assistance for the Bull's Head Physical Development Plan. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-410
Re: Zoning Map Amendment - Rezoning
Seven Parcels Between 171 and
405 Mt. Hope Avenue from O-S
To CCD-R

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning seven parcels - 171, 173, 175, 177, 185, 191, and 205-405 Mt. Hope Avenue - from Open Space (O-S) to Center City District-Riverfront (CCD-R). The owner of 185 and 205-405 Mt. Hope Avenue, Conifer Realty, is requesting the rezoning to facilitate the redevelopment of River Park Commons with a mixed-use housing project to be known as Erie Harbor. The rezoning is necessary to obtain financing and other approvals. The remaining properties are City-owned and will be maintained as public park and access to the Genesee Gateway Park. A summary of the legislative history concerning this property and its devel-

opment is attached.

Erie Harbor is proposed as a 130 unit mixed-income housing project at 205-405 Mt. Hope Avenue. There will be 25 one-bedroom, 86 two-bedroom, and 19 three-bedroom units. All will be rental units, with 80% available to market-rate renters, and 20% available to households earning less than 60% of the area median income (for a family of four, 60% of median income is \$38,450).

West of the project site is Genesee Gateway Park, a linear park that runs along the Genesee River. North and south of the site are public parklands associated with Genesee Gateway Park. East of the site along Mt. Hope Avenue, there is a mix of commercial, light industrial and retail uses located in a C-2 Community Center District.

The site plan provides for several points of public access from Mt. Hope Avenue to Genesee Gateway Park. Walkways and green space along the water's edge will improve the appearance from both sides of the river and will promote public use of the area.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal was subject to environmental review. The draft Environmental Impact Statement was accepted for public review in April; a public hearing was held on May 19, 2008. All comments received during the comment period have been addresses in the final EIS.

The Planning Commission held an informational hearing on November 10, 2008. There were two speakers in support of this proposal and no speakers in opposition. By a vote of 5-0-1, the Commission recommended approval to City Council.

A public hearing is required for the proposed zoning map amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-147

Ordinance No. 2008-410
(Int. No. 453)

Changing The Zoning Classification Of 171-405 Mt. Hope Avenue From O-S Open Space To CCD-R Center City-Riverfront

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 171-405 Mt. Hope Avenue, from O-S Open Space to CCD-R Center City-Riverfront:

All that tract or parcel of land, situate in the

City of Rochester, County of Monroe, State of New York, being part of Town Lots 11 thru 14, Township 8, Range 7, and being more particularly bounded and described as follows: Beginning at a point on the westerly ROW line of Mt. Hope Avenue (66' ROW) at a point 1232.15 feet south of the intersection with the westerly ROW line of South Avenue (ROW Varies), said point being the southeast corner of Lot 3 of the Genesee Gateway Urban Renewal Resubdivision, as filed in the Monroe County Clerk's Office in Liber 231 of Maps, Page 46 and being the Point or Place of Beginning; thence

- 1) Southeasterly, along the extension of the south line of said Lot 3, a distance of 33.0 feet to the centerline of said Mt. Hope Avenue; thence
- 2) Southwesterly, along said centerline of Mt. Hope Avenue, a distance of 840 feet, more or less, to an angle point; thence
- 3) Southwesterly, continuing along said centerline of Mt. Hope Avenue, a distance of 985 feet, more or less, to the easterly extension of the south line of Lot A of the Genesee Gateway Subdivision, as filed in the Monroe County Clerk's Office in Liber 325 of Maps, Page 37; thence
- 4) Northwesterly, along said extension and the south line of Lot A, a distance of 275.5 feet, more or less, to the southwest corner thereof; thence
- 5) Northeasterly, along the westerly line of said Lot A, a distance of 334.06 feet to a point of curvature; thence
- 6) Continuing northeasterly, along a curve to the left having a radius of 2010.08 feet, a distance of 321.82 feet to a point of tangency; thence
- 7) Continuing northeasterly along said westerly line of Lot A, a distance of 1177.64 feet to the south line of said Lot 3 of the Genesee Gateway Urban Renewal Resubdivision; thence
- 8) Southeasterly, along said south line of Lot 3, a distance of 309.46 feet to the southeast corner thereof, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Int. No. 477 and
Ordinance No. 2008-411
Re: Consolidated Plan Housing Programs

Transmitted herewith for your approval is legisla-

tion related to the appropriation of a total of \$1,240,000 in Community Development Block Grant (CDBG) funds, and the implementation of several housing programs. This legislation will:

1. Amend the 2007-08 and 2008-09 Consolidated Community Development Plans, as summarized below, to transfer a total of \$1,100,000 into new Emergency Assistance Repair Program accounts, as follows, and appropriate these funds to address emergency minor home repairs for income-eligible owner occupants:

| <u>Source</u> | <u>Year</u> | <u>Amount</u> |
|--------------------------------|-------------|---------------|
| <u>Transfer From</u> | | |
| CDBG | 2007-08 | \$ 100,000 |
| Residential Assistance Program | | |
| CDBG | 2008-09 | \$1,000,000 |
| Residential Assistance Program | | |

2. Establish maximum compensation for agreements as follows for implementation of the Emergency Assistance Repair Program (EARP):

| <u>Lead Agency</u> | <u>Purpose</u> | <u>Amount</u> | <u>Source</u> |
|--------------------------|---------------------------------------|---------------|---------------|
| NCS | Comm'y Dev't Corp. | | |
| | EARP - NW Quadrant | \$281,588 | 2008-09 CDBG |
| NCS | EARP - SW Quadrant | \$181,575 | 2008-09 CDBG |
| NCS | EARP - SE Quadrant | \$289,663 | 2008-09 CDBG |
| Marketview Heights Assn. | EARP - NE Quadrant | \$247,174 | 2008-09 CDBG |
| City of Rochester | Water/Sewer Line and Warranty Repairs | \$100,000 | 2007-08 CDBG |

3. Appropriate CDBG Improving the Housing Stock and General Property Conditions funds as follows for Landlord and Tenant Services:

| <u>Source</u> | <u>Year</u> | <u>Amount</u> | <u>Allocation</u> |
|---------------|-------------|---------------|-------------------|
| CDBG | 2005-06 | \$ 2,174 | Fair Housing |
| CDBG | 2007-08 | 69,917 | Fair Housing |
| CDBG | 2008-09 | 67,909 | Rental Market |
| Total | | \$140,000 | |

4. Establish \$140,000 as maximum compensation for an agreement with the Legal Aid Society of Rochester for the implementation of Landlord and Tenant Services.

The appropriations and agreements requested herein support the following major aspects of the Housing Policy:

Housing Development Fund (Current appropriation: \$1,100,000)

This fund provides support for the development of owner and rental housing; rehabilitation grants and loans for owner-occupants for minor and moderate repairs; lead hazard reduction for owner-occupants and housing providers/landlords; and operating assistance for housing development support. The current appropriation provides funding for the Emergency Assistance Repair (EARP) program and City administration of related services. The City's Bureau of Housing and Project Development will work with the lead EARP agencies to identify possible additional providers of EARP outreach and intake services throughout each quadrant, e.g., South East Area Coalition (SEAC) in the southeast quadrant, and will continue discussions with Group 14621 to establish a role in EARP service delivery in the northeast quadrant. Identifying additional EARP partners will assist in leveraging funds from additional sources.

Rental Market Fund (Current Appropriation: \$140,000)

This fund provides support to housing providers/landlords to successfully maintain rental housing. Services may include landlord training and education courses, and individual counseling. Other services will be determined.

Descriptions and details of the EARP and Landlord and Tenant Services programs are attached.

A public hearing on the Consolidated Plan amendments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-148

Introductory No. 477

AUTHORIZING AMENDATORY 2007-08 AND 2008-09 COMMUNITY DEVELOPMENT PROGRAM PLANS AND AUTHORIZING AGREEMENTS FOR THE EMERGENCY ASSISTANCE REPAIR PROGRAM

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

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the Improving the Housing Stock and General Property Conditions allocations, the sums of \$1,000,000 in 2008-09 and \$100,000 in 2007-08 are transferred from the Residential Assistance Program Accounts to new accounts for the Emergency Assistance Repair Program.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$1,000,000 and from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program

the sum of \$100,000, or so much thereof as may be necessary, to fund the Emergency Assistance Repair Program.

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

Held in Committee.

Ordinance No. 2008-411
(Int. No. 478)

Authorizing An Agreement For A Landlord And Tenant 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 Legal Aid Society of Rochester for a Landlord and Tenant Services Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$140,000, and of said amount, or so much thereof as may be necessary, \$67,909 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program, \$69,917 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program and \$2,174 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 terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Spaul, Warren - 7.

Nays - None - 0.

Councilmember Palumbo abstained because she is employed by one of the organizations that receives funding.

By Councilmember Lightfoot
December 23, 2008

To the Council:

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

Int. No. 454 - Establishing Maximum Compensation For A Professional Services Agreement For The Hudson Avenue Firehouse Renovation and Expansion Project

Int. No. 455 - Authorizing An Agreement For The River Street Waterfront Improvement Project

Int. No. 456 - Authorizing An Easement For The North Street Recreation Center Aquatic Park

Int. No. 457 - Authorizing A Municipal Cooperation Agreement For Sidewalk Snow Removal In The Town Of Brighton

Int. No. 458 - Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Landing Revitalization Project

Int. No. 459 - Authorizing An Extension Of The Agreement For Management Of The Port Terminal Building

Int. No. 460 - Authorizing An Amendatory Agreement With The Monroe County Water Authority

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 461 - Authorizing The Acquisition By Negotiation Or Condemnation Of A [*De Minimus* Parcel] Permanent Easement At 671 Brooks Avenue For Street Purposes, As Amended

Int. No. 462 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Brooks Avenue And Genesee Park Boulevard, As Amended

Int. No. 463 - Approving Changes In The Pavement Width Of Aldine Street And Montgomery Street, Authorizing An Agreement And Amending The 2008-09 Budget, As Amended

Int. No. 464 - Approving Changes In The Pavement Width Of Lawn Street

Int. No. 465 - Changing The Traffic Flow Of Lawn Street Between Chestnut Street And Broadway From Two-Way to One-Way Eastbound

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
Gladys Santiago
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-412
Re: Agreement, LeChase Construction,
Hudson Firehouse Renovation and
Expansion Project

Transmitted herewith for your approval is legislation establishing \$190,000 as maximum compensation for an agreement with LeChase Construction, for construction management services for the Hudson Avenue Firehouse Renovation and Expansion Project. The cost of the agreement will be financed from the 2007-08 Cash Capital allocation.

Design for the Hudson Avenue Firehouse renovation and expansion project was approved by City Council in February 2008. LeChase will provide daily construction management services to verify adherence to the design, construction schedule, and budget, and to assist in the administration of the construction through completion and acceptance by the City. The City anticipates full-time representation during the construction process, with the addition of in-house staff oversight, given the scale and complexity of the project.

Qualifications and proposals were solicited from five area firms, all of which responded: The Pike Company, LeChase Construction, The Buckley Group, Christa Construction and LeCesse Construction. LeChase was selected based on staff ratings of qualifications and proposals.

The project is on schedule for construction to commence in Summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-412
(Int. No. 454)

Establishing Maximum Compensation For A Professional Services Agreement For The Hudson Avenue Firehouse Renovation And Expansion Project

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

Section 1. The sum of \$190,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LeChase Construction for construction management services for the Hudson Avenue Firehouse Renovation and Expansion Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-413
Re: Agreement - CSX Transportation,
River Street Waterfront
Improvement Project

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with CSX Transportation, Inc. (CSXT) for the review of City plans for a pedestrian crossing to provide access to the public riverfront area. The cost of the agreement will be funded from bonds previously authorized for this purpose (Ordinance No. 2004-325).

An at-grade pedestrian crossing is planned at the east terminus of Latta Road, and would extend across River Street and the CSX rail line, as part of the River Street Waterfront Public Improvement Project. The crossing will provide access to the Genesee River Trailway, the marina, and the City-owned property at 490 River Street, the former train depot. The crossing will also facilitate the planned Lighthouse trail connector project.

In accordance with Section 90 of the Railroad Law, and as authorized by Ordinance No. 2004-28, the City petitioned the New York State Commissioner of Transportation in early 2007 for permission to install the new pedestrian crossing. A public hearing was conducted by the State in May 2007 and, in December 2007, the permit was granted contingent upon the City and CSXT reaching agreement on relocation of an existing siding track.

Under this agreement, CSXT will review City project plans and negotiate an additional agreement to remove or relocate the siding track if the City decides to proceed with the at-grade crossing project.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-149

Ordinance No. 2008-413
(Int. No. 455)

Authorizing An Agreement For The River Street Waterfront Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with CSX Transportation Inc. for the review of plans for an at-grade pedestrian crossing of the rail line along River Street at the east end of Latta Road.

Section 2. 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 Bond Ordinance No.

2004-325.

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. 2008-414
Re: Pure Waters Easement, North
Street Recreation Center Aquatic
Park

Transmitted herewith for your approval is legislation granting a permanent easement to Monroe County Division of Pure Waters in order to provide access to the storm sewer line that runs through the North Street Recreation Center Aquatic Park site, between Draper and Merrimac Streets. The attached map shows the location of the easement.

The easement is required to support the construction of improvements for the project, which includes the replacement of the in-ground swimming pool with a zero depth water play facility, new water service and ancillary equipment, new play equipment with associated site improvements, and a new storm sewer line.

Funding for the design portion of the project, through consultant McCord Landscape Architecture, was authorized by City Council in February 2008. The estimated construction cost for the project is \$389,000, which will be funded by Community Development Block Grant funds and the 2008-09 Cash Capital allocation.

Construction is scheduled for Winter 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-150

Ordinance No. 2008-414
(Int. No. 456)

Authorizing An Easement For The North Street Recreation Center Aquatic Park

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

Section 1. The Council hereby approves the granting of a permanent easement to the Monroe County Division of Pure Waters for the maintenance of an existing and newly constructed storm sewer line between Draper Street and Merrimac Street to serve the North Street Recreation Center Aquatic Park.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-415
Re: Agreement - Town of Brighton,
Sidewalk Snow Removal

Transmitted herewith for your approval is legislation authorizing a one-year intermunicipal agreement with the Town of Brighton for the provision of sidewalk snow removal services on a portion of E. River Road in the Town of Brighton.

Under the terms of the agreement, the Town of Brighton will reimburse the City an estimated \$600 for sidewalk snow removal performed during the 2008-09 winter season.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-415
(Int. No. 457)

Authorizing A Municipal Cooperation Agreement For Sidewalk Snow Removal In The Town Of Brighton

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the City shall provide sidewalk snow removal services on a portion of East River Road in the Town for a term of one year.

Section 2. The agreement shall obligate the Town of Brighton to reimburse the City for said 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. 2008-416
Re: Brooks Landing Phase II Improvements

Transmitted herewith for your approval is legislation establishing \$205,000 as maximum compensation for an agreement with FRA Engineering, Henrietta, New York, for landscape architecture and engineering services for Phase II of the Brooks Landing Public Improvement Project. The cost of the agreement will be financed as follows:

| Source | Amount |
|---|---------------|
| 2007-08 Cash Capital | \$ 32,000 |
| Bonds - Ord. No. 2007-182 | 83,600 |
| NYSDOS Local Waterfront Revitalization Grant | 57,400 |
| NYSDOT SAFETEA-LU High Priority Project grant | <u>32,000</u> |
| Total | \$205,000 |

Phase I of the project was approved by City Council in August 2002 and amended in December 2005; Council authorized \$1,757,000 for construction of improvements and approved inspection services in August 2006. The construction of the riverfront promenade, plaza, and South Plymouth Avenue sidewalk improvements are currently underway.

For Phase II, the Consultant will provide design of improvements, contract document preparation, and construction administration services. The project includes re-design of South Plymouth Avenue, including the intersection of Elmwood Avenue north to the private hotel development at Brooks Landing. It will also include park trail and Genesee Riverway Trail improvements, park landscape and waterfront improvements, and a public art installation. The funding for Phase II, including the bonds and the New York State grants listed above, were previously approved and appropriated by Council in June 2007.

Qualifications were solicited from sixteen area firms; four responded - LaBella Associates, PC; FRA Engineering, P.C.; Bergmann Associates, P.C.; and Clough Harbour and Associates, LLP. Project-specific qualifications of each firm were rated by a team of City staff and New York State Department of Transportation representatives. Based on their qualifications and approach to the project, FRA Engineering was selected.

Phase II Design will begin in Winter 2008-09; it is anticipated that construction will begin in Spring 2010 with scheduled completion in Spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-151

Ordinance No. 2008-416
(Int. No. 458)

Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Landing Revitalization Project

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

Section 1. The sum of \$205,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering for landscape architectural and engineering design services for Phase II of the Brooks

Landing Revitalization Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$32,000 shall be funded from the 2007-08 Cash Capital allocation, \$83,600 shall be funded from Bond Ordinance 2007-182, \$57,400 shall be funded from Local Waterfront Revitalization Grant funds appropriated in Section 2 of Ordinance No. 2007-183, and \$32,000 from Federal Highway Administration Grant funds appropriated in Section 4 of Ordinance No. 2007-183.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-417
Re: Amendatory Lease Agreement -
Rochester Riverside Convention
Center, Port Terminal Building

Transmitted herewith for your approval is legislation authorizing an amendatory lease agreement with Rochester Riverside Convention Center (RRCC) to extend the term of the lease, currently due to expire on June 30, 2010, through November 1, 2011. The original agreement, authorized in June 2008, provides for the RRCC to manage special events in the departure hall and operate the restaurant/bar on the second floor at the Port Terminal Building at 1000 North River Street.

This extension is requested for two reasons. The Liquor Authority requires a minimum two-year lease agreement at the time of application for a liquor license. The extension will allow the application to be filed at the end of December.

Also, weddings typically require booking several years in advance; inquiries are being made now for dates outside the current lease term.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-417
(Int. No. 459)

Authorizing An Extension Of The Agreement For Management Of The Port Terminal Building

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

Section 1. The Mayor is hereby authorized to enter into an extension of the agreement with the Rochester Riverside Convention Center (RRCC) for management of special events in the Departure Hall and of the restaurant/bar and grill on the second floor of the Port Terminal Building at 1000 North River Street through November 1, 2011.

Section 2. The agreement extension shall con-

tain 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. 2008-418
Re: Amendatory Agreement - Monroe
County Water Authority

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Monroe County Water Authority (MCWA). This amendment will extend the term of the agreement due to expire on December 31, 2008 to December 31, 2009.

The original agreement was authorized in April 1978 for a thirty-year term. The City and MCWA have been in discussions about the terms of a new agreement since May 2007. These discussions have been productive and have helped to clarify each party's system and operations. The level of detail and quantity of information has resulted in the necessity of additional time to finalize negotiations. This agreement amendment is mutually beneficial to both the City and MCWA for new agreement preparations.

Additional terms of the agreement remain as amended by Ordinance No. 2008-148.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-418
(Int. No. 460)

Authorizing An Amendatory Agreement With The Monroe County Water Authority

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Monroe County Water Authority for the extension of the current agreement, as amended by Ordinance No. 2008-148, through December 31, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-419 and
Ordinance No. 2008-420
Re: Brooks Avenue Improvement Project
(Genesee Park Blvd.-West City
Line)

Transmitted herewith for your approval is legislation authorizing, by negotiation or condemnation, the acquisition of a *de minimis* parcel at 671 Brooks Avenue for the Brooks Avenue (Genesee Park Blvd. to West City Line) Public Improvement Project; and amending the Official Map by dedicating public right-of-way from the parcel. This acquisition will provide for a wider sidewalk to accommodate a handicap-accessible ramp meeting ADA standards.

The property, owned by 671 Brooks Ave LLC, is 100 square feet, and its value has been determined at \$1,200 by an appraisal performed by Bruckner, Tillett, Rossi, Cahill & Associates. Total acquisition costs, including closing costs, will not exceed \$2,000 and will be financed from the 2007-08 Department of Environmental Services Cash Capital allocation.

The associated Official Map Amendment was presented to the City Planning Commission at their November 10, 2008 meeting. The Commission recommends the amendment 6-0.

The Brooks Avenue Improvement Project includes reconstruction of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water mains on side streets; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; and topsoil and seeding. The project is being designed by Hunt Engineers, with scheduled completion in Fall 2008. Construction is expected to begin in Spring 2009, with completion in Fall 2009.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review. Copies of the minutes from the January 30 and October 22, 2008 public informational meetings are attached.

A public hearing on the map amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-152

Ordinance No. 2008-419
(Int. No. 461, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of A [*De Minimis* Parcel] Permanent Easement At 671 Brooks Avenue For Street Purposes

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

Section 1. The Council hereby approves the acquisition of a [*de minimis* parcel] permanent easement of approximately 100 square feet at 671 Brooks Avenue, SBL #135.39-01-029.1, currently

owned by 671 Brooks Avenue LLC, for a price not to exceed \$1,200, to be dedicated to street purposes and added to the southwest corner of Brooks Avenue and Genesee Park Boulevard.

Section 2. The acquisition and necessary closing costs shall be funded from the 2007-08 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2008-420
(Int. No. 462, As Amended)

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Brooks Avenue And Genesee Park Boulevard

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to the corner of Brooks Avenue and Genesee Park Boulevard:

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 at the intersection of the southerly line of Brooks Avenue (66.0' wide) with the westerly line of Genesee Park Boulevard (100.0' wide);

Thence 1) Southerly, along the westerly line of Genesee Park Boulevard, a distance of 10.00 feet to a point;

Thence 2) Northwesterly, through lands now or formerly owned by 671 Brooks Avenue, LLC, a distance of 22.36 feet more or less to a point on the southerly line of Brooks Avenue, distant 20.00 feet westerly of the west line of Genesee Park Boulevard as measured along the south line of Brooks Avenue;

Thence 3) Easterly, along the southerly line of Brooks Avenue, a distance of 20.00 feet to the point or place of beginning.

Being part of the same premises conveyed to 671 Brooks Ave., LLC by a Deed recorded in

the Monroe County Clerk's Office on December 30, 2005 and filed in Liber 10238 of deeds at page 267.

Section 2. This ordinance shall take effect upon acquisition of a permanent easement over said parcel by the City.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-421
Re: Curb Replacement Project, Aberdeen Street Group

Transmitted herewith for your approval is legislation authorizing changes in pavement width required for the Aberdeen Street Group curb replacement project as follows:

1. For Aldine Street, an increase of eight feet, from 26 feet to 34 feet, beginning at a point 44 feet west of Genesee Street, westerly for 208 feet; and
2. For Montgomery Street as follows:
 - a. An increase of eight feet, from 26 feet to 34 feet, beginning at a point 43 feet north of Aberdeen Street, northerly for 164 feet; and
 - b. An increase of eight feet, from 26 feet to 34 feet, beginning at a point 231 feet north of the previous point, northerly for 164 feet.

In addition to pavement width changes, this project includes installation of new curbs, driveway aprons, replacement of sidewalks as needed, adjustment of catch basins, topsoil and seed. The pavement width changes on Aldine and Montgomery Streets were requested by the Rochester City School District. The project is being designed by the City's Bureau of Architecture and Engineering Services of the Department of Environmental Services.

No additional right-of-way is required to accommodate the changes in pavement width.

A public meeting was held on November 19, 2008; copies of the meeting minutes are attached. The pavement width changes were presented for endorsement at the December 2, 2008 Traffic Control Board meeting.

It is anticipated the design will be completed in December 2008 and construction will begin in Spring 2009, with substantial completion by Fall 2009.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-153

Ordinance No. 2008-421
(Int. No. 463, As Amended)

Approving Changes In The Pavement Width Of Aldine Street And Montgomery Street, Authorizing An Agreement And Amending The 2008-09 Budget

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

Section 1. The Council hereby approves an increase in the pavement width of Aldine Street of eight (8) feet, from 26 feet to 34 feet, beginning at a point 44 feet west of Genesee Street, westerly for 208 feet, as part of the Aberdeen Street Group Curb Replacement Project.

Section 2. The Council hereby approves the following changes in the pavement width of Montgomery Street as part of the Aberdeen Street Group Curb Replacement Project:

- a. An increase of eight (8) feet, from 26 feet to 34 feet, beginning at a point 43 feet north of Aberdeen Street, northerly for 164 feet; and
- b. An increase of eight (8) feet, from 26 feet to 34 feet, beginning at a point 231 feet north of the previous point, northerly for 164 feet.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding for the Aberdeen Street Group Curb Replacement Project. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2008-198, the 2008-09 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 \$42,400, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-422 and
Ordinance No. 2008-423
Re: Lawn Street Improvement Project

Ordinance No. 2008-422
(Int. No. 464)

Transmitted herewith for your approval is legislation related to the Lawn Street Improvement Project. This legislation will:

1. Authorize changes in pavement width on Lawn Street as follows:
 - a. An increase of four feet, from 16 feet to 20 feet, beginning at Chestnut Street to a point 337 feet west of Broadway;
 - b. A variable widening, beginning with an increase of four feet from 16 feet to 20 feet starting from the end point above and tapering to an increase of two feet, from 16 feet to 18 feet at a point 237 feet west of Broadway, and;
 - c. An increase of two feet, from 16 feet to 18 feet, beginning from the ending point above to Broadway; and
2. Authorize a change in the direction of traffic flow on Lawn Street between Chestnut Street and Broadway from two-way traffic to one-way eastbound traffic.

Design of the project by consultant Dewberry, Inc. was authorized by Council in September 2007. In addition to pavement width changes, the Lawn Street Improvement Project includes the reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, signs, street lighting and the water main and water services; and the analysis and abandonment or repair, if necessary, of an existing area-way. Right-of-way acquisitions for sidewalk ramps may be incorporated into the project, pending Council approval, at a later date.

A majority of participants at a Public Informational meeting for the project held on October 7, 2008 requested the change to one-way, with an eastbound direction. This will allow for on-street parking and a commercial loading zone on Lawn Street. A copy of the Public Informational meeting minutes are attached. The eastbound one-way and the pavement width changes will be presented to the City's Traffic Control Board at the December 2, 2008 meeting.

It is anticipated that construction will begin in spring 2009, with substantial completion by the fall of 2009.

Public hearings are required on the change in direction and the pavement width changes.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-154

Approving Changes In The Pavement Width Of Lawn 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 Lawn Street as part of the Lawn Street Improvement Project:

- a. An increase of four (4) feet, from 16 feet to 20 feet, beginning at Chestnut Street to a point 337 feet west of Broadway, and;
- b. A variable widening, beginning with an increase of four (4) feet from 16 feet to 20 feet starting from the end point above and tapering to an increase of two (2) feet, from 16 feet to 18 feet at a point 237 feet west of Broadway, and;
- c. An increase of two (2) feet, from 16 feet to 18 feet, beginning from the ending point above to Broadway.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-423
(Int. No. 465)

Changing The Traffic Flow Of Lawn Street Between Chestnut Street And Broadway From Two-Way To One-Way Eastbound

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

Section 1. The Council hereby approves a change in the traffic flow of Lawn Street between Chestnut Street and Broadway from two-way to one-way eastbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
December 23, 2008

To the Council:

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

Int. No. 466 - Authorizing A Residential Park-

ing Program In The High Falls Garage

Int. No. 468 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Investigation Of 24 Seneca Avenue

Int. No. 471 - Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Clean-Up Of 399 Gregory Street

Int. No. 472 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$60,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcel At 399 Gregory Street In The City

Int. No. 473 - Approval Of Conditions Analysis And Designating Additional Areas For Urban Renewal As Part Of The Driving Park Urban Renewal District And A New Dewey Urban Renewal District

The following entitled legislation is being held in Committee:

Int. No. 467 - Authorizing Agreements For The Lease Of Municipal Lot #4

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-424
Re: Municipal Code Amendment -
Municipal Parking Garage

Transmitted herewith for your approval is legislation amending the Municipal Code to establish a residential parking rate of \$31 per month at the High Falls Parking Garage.

With the residential development in the High Falls District, there is a need to offer a rate for monthly residential overnight parking in the High Falls Garage. The proposed rate is half of the current monthly rate at the High Falls Garage.

Those requesting a monthly residential parking pass will be required to provide two forms of proof of residency in the district which can include their lease, driver's license, and utility bill. Boundaries for the district are shown on the attached map.

The new rate would take effect January 1, 2009 at the High Falls Garage.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AH-155

Ordinance No. 2008-424
(Int. No. 466)

Authorizing A Residential Parking Program In The High Falls Garage

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

Section 1. Notwithstanding the provisions of Section 111-119 of the Municipal Code establishing the fees for use of parking garages, the Municipal Parking Coordinator, with the approval of the Mayor, is hereby authorized to establish a residential parking program at the High Falls Garage whereby residents of the High Falls Parking District shall be able to park in the garage at 50% of the monthly rate. The Municipal Parking Coordinator is further authorized to establish rules and regulations to govern such residential parking and eligibility therefor. The High Falls Parking District shall include the properties at 113-392 State Street from Church Street to Brown Street, Brown Street to the Falls, and the Falls along the Inner Loop back to State Street, encompassing all of Brown's Race, Mill Street, Commercial Street and Platt Street from State Street to the Falls.

Section 2. This ordinance shall take effect on January 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-425
Re: Amendatory Agreement - O'Brien
And Gere, 24 Seneca Avenue
Environmental Investigation
And Remedy Selection

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with O'Brien and Gere for additional field investigation services related to the environmental investigation and cleanup planning for the brownfield property located at 24 Seneca Avenue, and appropriating 1996 Clean Water/Clean Air Bond Act grant funds in the amount of \$36,802 to partially finance the additional cost.

The amendment will establish \$56,678 as additional maximum compensation, bringing the total for the agreement (originally authorized in August 2007) to \$247,028, and will extend the two-year term for an additional year. The balance of the additional cost, \$19,876, will be financed from the 2008-09 Cash Capital allocation of the Department of Environmental Services (DES).

The 24 Seneca Avenue site is a 2.79 acre parcel located in a commercial/industrial area on the north side of Norton Street between Bremen Street

and Seneca Avenue. A masonry and wood factory/warehouse structure of approximately 87,100 square feet on the site is leased by the owner to several tenants and used for various commercial and industrial purposes. The owner, 24 Seneca Ave., Inc., defaulted on a voluntary cleanup agreement with the New York State Department of Environmental Conservation (NYSDEC) and stopped paying property taxes several years ago. Delinquent taxes on the property now total \$880,570.

To address this situation and investigate the site, DES secured a \$130,299 New York State grant through the Environmental Restoration Program (ERP) in 2006. The ERP reimburses up to 90% of eligible project investigation costs. The City Law Department secured a court order for access to the property for the City's environmental investigation activities. In August 2007, City Council authorized an agreement with O'Brien and Gere to complete the environmental investigation services, cleanup planning, and cleanup cost estimates. In 2008, the City was awarded an additional \$36,802 in NYS ERP grant funds for this project.

O'Brien and Gere will complete additional environmental investigation services and provide supplemental summary report preparation as required by the New York State Departments of Health and Environmental Conservation.

Once the cleanup plan and costs are established, the City will be in a position to evaluate whether to foreclose on the property.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-425
(Int. No. 468)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Investigation Of 24 Seneca Avenue

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

Section 1. The sum of \$56,678, 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 and Gere for environmental investigation and remedy selection services relating to the parcel at 24 Seneca Avenue. Of said amount, \$36,802 is hereby appropriated from anticipated 1996 Clean Water Clean Air Bond Act Grant Funds and \$19,876 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-426 and
Ordinance No. 2008-427
Re: Agreement - Stantec Consulting
Services, Environmental Cleanup
At 399 Gregory Street

Transmitted herewith for your approval is legislation related to the environmental cleanup of the former Davidson Collision brownfield site located at 399 Gregory Street. This legislation will:

1. Establish \$250,000 as maximum compensation for an agreement with Stantec Consulting Services for completion of environmental remediation services at the site;
2. Authorize the issuance of bonds totaling \$60,000 and appropriate the proceeds thereof to partially finance the cost of the agreement; and
3. Appropriate \$190,000 of United States Environmental Protection Agency (USEPA) Brownfield Redevelopment cleanup grant funds awarded to the City in 2006 to finance the balance of the cost of the agreement.

The site had been abandoned and tax delinquent since the mid-1990's until the City foreclosed on this property in October 2004. The property was under investigation by the New York State Department of Environmental Conservation (NYSDEC) since the early 1990s due to waste paint and paint thinner releases. In October 2004, City Council authorized an agreement with Stantec for a site investigation, reuse concept planning and selection of a recommended approach for site cleanup. In April 2005 the City entered into a brownfield cleanup agreement with the NYSDEC, and in 2006 the EPA grant was awarded. The City cleanup plan was formally approved by the NYSDEC in July 2008.

Stantec will manage and perform the cleanup project, including the removal and off-site disposal of 500-1000 tons of soil contaminated with heavy metals, volatile organic compounds, and semi-volatile compounds associated with the former collision repair shop operations. After excavation of contaminated soils, an oxygen-releasing additive will be installed to promote the treatment of residual contamination of groundwater. Stantec will be responsible for overseeing health and safety measures for workers and the neighborhood as well as performing a community air monitoring program during the project. Groundwater conditions on the site will be monitored for 12 to 24 months after site restoration. An environmental management plan will also be prepared to guide future development.

In response to a request issued in October 2008, the City received proposals for the cleanup from: Stantec Consulting Services, Inc.; Leader Professional Services, Inc.; GZA Geo Environmental, Inc.; Conestoga-Rovers & Associates; and LaBella

Associates. Stantec is recommended based on the quality and scope of its proposal, its experience with completing projects under the NYSDEC brownfield cleanup program, the proposed project team, and reasonableness of cost.

The remedial construction phase of this project is expected to be completed in Spring 2009. Upon approval of cleanup reporting that will be prepared by Stantec, the NYSDEC will issue a certificate of completion (COC). The COC is transferable to the future owner of the site and provides limited environmental liability protections from the NYSDEC eligibility for NYS income tax credits for some of the redevelopment costs. The City plans to issue a request for proposal for redevelopment in 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-156

Ordinance No. 2008-426
(Int. No. 471)

Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Clean-Up Of 399 Gregory Street

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

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services for the environmental clean-up of the City-owned parcel at 399 Gregory Street. Of said amount, \$60,000 shall be funded from a bond ordinance adopted for this purpose and \$190,000 is hereby appropriated from Brownfield Redevelopment Cleanup Grant Funds from the United States Environmental Protection Agency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2008-427
(Int. No. 472)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$60,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcel At 399 Gregory Street In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up of hazardous substances at the City-owned parcel at 399 Gregory Street in the City (the "Site"). The total estimated maximum

cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000. The plan of financing includes the issuance of \$60,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$190,000 appropriated from Brownfield Redevelopment Cleanup Grant Funds from the United States Environmental Protection Agency, 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 \$60,000 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 \$60,000. 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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-428
Re: Approval of Conditions Analysis
for Expansion Of Driving Park
Urban Renewal District

Transmitted herewith for your approval is legislation related to the expansion of the Driving Park Urban Renewal District. This legislation will:

- 1. Adopt the Conditions Analysis (Phase 1) completed by Ingalls Planning & Design (IPD) which was required to be undertaken as part of the approval process; and
- 2. Designate the following specific properties as urban renewal areas:

727-795 Dewey Avenue
690-858 Dewey Avenue
310-354 Driving Park Avenue
315-343 Driving Park Avenue

370 Lexington Avenue
347-353 Lexington Avenue
1011-1049 Dewey Avenue
1024-1052 Dewey Avenue

The study area included 94 parcels and can be generally described as: all parcels fronting Dewey Avenue, including parcels on all corners at street intersections, between Birr Street and Glenwood Avenue. Based on the analysis, it has been determined that the entire study area does not warrant inclusion in an urban renewal district at this time.

It is recommended that all properties fronting Dewey Avenue from south of Lexington Avenue, including the six properties south of Lexington Avenue along the west side of Dewey Avenue and 10 properties on the east side of Dewey Avenue south of Lexington Avenue, north to Driving Park Avenue, including the three properties east of Dewey Avenue along Driving Park Avenue, be included in the Driving Park Urban Renewal District (South URD as noted on the attached map).

It is also recommended that all properties fronting Dewey Avenue (1011-1052) from Bryan Street to Birr Street, including the commercial property on the southwest corner of Bryan Street and Dewey Avenue, be designated as the Dewey Urban Renewal District (North URD).

The remaining properties in the study area are not recommended for inclusion in the urban renewal district; the City will monitor the conditions of these properties and, if necessary, take appropriate action.

Upon adoption of the Conditions Analysis, IPD will complete Phase 2, the Comprehensive Revitalization Plan (Urban Renewal Plan), required for the expansion of District and the use of funding received from the sale of the Driving Park Wegman's property.

Once the Plan is completed and approved, the City will be able to implement the plan and administer the Target Commercial Exterior Improvement Grant Program, which provides up to \$30,000 to improve the commercial storefronts.

A copy of the Conditions Analysis Report has been placed on file in the City Clerk's Office.

A public hearing on designating these properties as an urban renewal area is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-157

Ordinance No. 2008-428
(Int. No. 473)

Approval Of Conditions Analysis And Designating Additional Areas For Urban Renewal As Part Of The Driving Park Urban Renewal District And A New Dewey Urban Renewal

District

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

Section 1. The Council hereby adopts the conditions analysis (Phase I) completed by Ingalls Planning & Design for a portion of the Dewey Avenue corridor. The Council further finds and declares that the area in the City of Rochester encompassing the following parcels is substandard and insanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the Driving Park Urban Renewal District:

All properties fronting Dewey Avenue on the west side from 727-795 Dewey Avenue, and all properties fronting Dewey Avenue on the east side from 690-858 Dewey Avenue.

Additionally parcels at the intersection of Dewey Avenue and Driving Park Avenue, including: all properties fronting Driving Park Avenue on the north side from 310-354 Driving Park Avenue, and all properties fronting Driving Park Avenue on the south side from 315-343 Driving Park Avenue. Also parcels at the intersection of Dewey Avenue and Lexington Avenue, including: 370 Lexington Avenue on the north side of Lexington Avenue and all properties fronting Lexington Avenue on the south side from 347-353 Lexington Avenue.

The Council further finds and declares that the area in the City of Rochester encompassing the following parcels is substandard and insanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the Dewey Urban Renewal District:

All properties fronting Dewey Avenue on the west side from Bryan Street to Birr Street, 1011-1049 Dewey Avenue, and all properties fronting Dewey Avenue on the east side from 1024-1052 Dewey Avenue.

Section 2. The Council finds that these areas are blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the areas 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 these areas as urban renewal areas 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:

Introductory No. 467
Re: Lease Agreements - 186 Cumberland Street, Municipal Lot #4

Transmitted herewith for your approval is legislation relating to the lease of 186 Cumberland Street, a surface parking lot. This legislation will authorize agreements with:

1. Passenger Bus Corp., d/b/a NY Trailways, Hurley, NY, for the operation of approximately 43,000 square feet of 186 Cumberland Street; and
2. Maguire Properties Inc., Irondequoit, for operation of approximately 48,000 square feet of 186 Cumberland Street.

The parcel at 186 Cumberland Street is a surface parking lot owned by the State of New York and the City of Rochester, and contains approximately 105 spaces. The property has been leased by Maguire Properties Inc. since 1995.

NY Trailways is currently located in Midtown Plaza and has proposed relocating the bus terminal to a portion of 186 Cumberland Street. The term of the lease will be for five years with an option for a one-year renewal. Trailways will construct a 4,500 square foot temporary terminal facility that will include 5 bus bays. Collectively, Trailways and Greyhound provide 20 daily inter-city departures and arrivals at the Midtown terminal. Over 500,000 passengers pass through the Rochester terminal annually. Trailways plans to relocate to a permanent location at the proposed Renaissance Square.

Maguire Properties will lease approximately 35 spaces at the property to be used by the Urban League of Rochester and the multi-tenant facility at 250 Cumberland Street. The term of the lease will be for five years with an option for one five-year renewal.

An independent appraisal will be completed by Bruckner, Tillet, Rossi, Cahill & Associates in January 2009 to determine the lease rate for Trailways and Maguire.

Construction of the temporary bus terminal will commence in December and be completed by March 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 467

AUTHORIZING AGREEMENTS FOR THE LEASE OF MUNICIPAL LOT #4

WHEREAS, the City has received two proposals for the lease of portions of Municipal Lot #4, 186 Cumberland Street; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed leases; and

WHEREAS, the Council finds that the term of the proposed leases are reasonable and necessary in light of their intended purpose and the public will benefit throughout the terms of the leases; and

WHEREAS, the Council affirmatively finds that the proposed leases are in the public interest, as the public benefits to be derived from the leases are the necessary relocation of a public bus service in the City and the provision of necessary parking for area uses;

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Passenger Bus Corp., d/b/a NY Trailways, for the lease of approximately 43,000 square feet of land in Municipal Lot #4, 186 Cumberland Street, for the temporary relocation of its bus terminal from Midtown Plaza. The agreement shall extend for a term of five years, with an option to renew for an additional year.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Maguire Properties Inc. for the lease of approximately 48,000 square feet of land in Municipal Lot #4, 186 Cumberland Street, for the continued operation of a parking lot to provide necessary parking for area uses. The agreement shall extend for a term of five years, with an option to renew for an additional five year term.

Section 3. The lease agreements shall obligate the lessees to pay rent in amounts established by an independent appraisal.

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

Section 5. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember McFadden
December 23, 2008

To the Council:

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

Int. No. 469 - Amending The Municipal Code With Respect To The Sterilization Of Cats And Dogs

Int. No. 470 - Authorizing Agreements For The Slater's Raiders For Peace Initiative And Amending The 2008-09 Budget

Int. No. 474 - Establishing Maximum Compensation For An Agreement For The 2009 Xerox Rochester International Jazz Festival

Int. No. 476 - Authorizing Agreements For Youth Services Programs

Int. No. 481 - Establishing Maximum Compensation For An Agreement For Child Care Services

Int. No. 483 - Amending The 2008-09 Budget For Expanded Hours At Recreation Sites

Int. No. 427 - Establishing Maximum Compensation For An Amendatory Agreement For The 2008 Rochester MusicFest

The following entitled legislation is being held in Committee:

Int. No. 482 - Authorizing Agreements For Towing Services

Respectfully submitted,
Adam C. McFadden
Dana K. Miller (Abstained on Int. No. 481)
Elaine M. Spaul
Gladys Santiago
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-429
Re: City Code Amendments -
Animal Control

Transmitted herewith for your approval is legislation amending the City Code regarding the control of cats and dogs. Specifically, this legislation will amend Chapters 30 and 31 to establish the Animal Services Center as an authorized facility to provide services for the alteration of the reproductive capacity, through spaying or neutering, of cats and dogs owned by City residents.

The City provides surgical sterilization of all cats and dogs adopted or redeemed from the Animal Services Center. A Low-Income Spay/Neuter program was implemented in 2004 to further address the overpopulation of cats and dogs within the City. This program continues to be widely utilized. Incorporating this into the Code brings City practice into compliance with New York State Agriculture and Markets Law Article 7, Section 117.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-429
(Int. No. 469)

Amending The Municipal Code With Respect To The Sterilization Of Cats And Dogs

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

Section 1. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended by adding thereto the following new Section 30-44:

Section 30-44. Sterilization services.

In accordance with Section 117 of the Agriculture and Markets Law, the Animal Services Center shall provide services for the alteration of the reproductive capacity through spaying or neutering of cats owned by the residents of the City. The fees for such services shall be established by the Chief of Police pursuant to authorization contained in Section 30-41.

Section 2. Chapter 31 of the Municipal Code, Dog Control, as amended, is hereby further amended by adding thereto the following new Section 31-23:

Section 31-23. Sterilization services.

In accordance with Section 117 of the Agriculture and Markets Law, the Animal Services Center shall provide services for the alteration of the reproductive capacity through spaying or neutering of dogs owned by the residents of the City. The fees for such services shall be established by the Chief of Police pursuant to authorization contained in Section 31-20.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-430
Re: Amendatory Agreement and Grant - Slater's Raiders

Transmitted herewith for your approval is legislation related to funding for the Slater's Raiders for Peace Initiative. This legislation will:

1. Authorize an agreement with the Daisy Marquis Jones Foundation for the receipt and use of a \$60,000 grant for the coordination of Pathways to Peace services in support of Slater's Raiders;
2. Amend the 2008-09 Budget of the Department of Recreation and Youth Services to reflect the grant; and
3. Authorize an amendatory agreement with Slater's Raiders for Peace Initiative for continued services to high-risk young men in the City. The Daisy Marquis Jones grant will provide an additional \$60,000 to enable them to extend their services. The original agreement, authorized in September 2008, was for \$15,162; this amendment brings total maxi-

mum compensation to \$75,162.

The Slater's Raiders for Peace Initiative, established in 2007 by private individuals in honor of slain community activist James Slater, aims to create leadership opportunities for black at-risk youth and men. In collaboration with Pathways to Peace, the organization works with volunteers to provide community outreach, mentoring programs, gang-intervention referrals, and job training and placement referrals for at-risk youth and men who live in the City. This grant, along with the CDBG funds approved in September 2008, will allow Pathways staff to assist Slater's Raiders to more fully develop their services. A summary budget is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-158

Ordinance No. 2008-430
(Int. No. 470)

Authorizing Agreements For The Slater's Raiders For Peace Initiative And Amending The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Daisy Marquis Jones Foundation for funding for the Slater's Raiders for Peace Initiative.

Section 2. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the Slater's Raiders for Peace Initiative to continue to provide services to at-risk youth and young men in the City. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$60,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-431
Re: Agreement - Rochester International
Jazz Festival, LLC, Xerox Rochester
International Jazz Festival

Transmitted herewith for your approval is legisla-
tion establishing \$250,000 as maximum compen-
sation for an agreement with Rochester Interna-
tional Jazz Festival, LLC (RIJF) to designate the
City of Rochester as the lead government sponsor
of the 2009 Xerox Rochester International Jazz
Festival. The cost of this agreement will be
funded from the 2008-09 Budget of the Depart-
ment of Recreation and Youth Services.

RIJF has quickly become one of the nation's most
popular and most respected music festivals.
Founded in 2002, attendance has grown each year,
attracting music lovers from around the U.S. and
the world. In 2002, attendance for the festival was
15,000. In 2008, attendance was over 120,000. In
October, RIJF established a title partnership with
Xerox Corporation. This partnership will enhance
the festival's recognition throughout the world and
further enhance Rochester's reputation as a major
music destination.

RIJF consistently delivers a multi-dimensional
festival with something for everyone. From leg-
endary performers and familiar favorites to rising
stars and new discoveries, the festival navigates all
genres of creative improvised music from all cor-
ners of the world.

The 2009 festival will be held June 12- 20 and will
include over 250 shows at 15 venues. The City's
contribution to the festival will underwrite at least
25 free events, in and near the East End Cultural
District.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-431
(Int. No. 474)

**Establishing Maximum Compensation For
An Agreement For The 2009 Xerox Rochester
International Jazz Festival**

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

Section 1. The sum of \$250,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for an agreement
between the City and the Rochester International
Jazz Festival, LLC (RIJF) for the 2009 Xerox
Rochester International Jazz Festival. Said
amount shall be funded from the 2008-09 Budget
of the Department of Recreation and Youth Ser-
vices.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-432
Re: Agreements and Appropriations
Youth Services Projects

Transmitted herewith for your approval is legisla-
tion establishing maximum compensation for
agreements with four organizations for new Youth
Services projects as follows:

| <u>Organization Program</u> | <u>Amount</u> |
|--|---------------|
| Baden Street Settlement Wise Guys Project | \$15,000 |
| Center for Change, Inc. Pillars of Hope Program | \$10,000 |
| Borinquen Dance Theater, Inc. Dance Program | \$10,000 |
| Rochester Community TV, Inc. Youth News Team | \$11,200 |

The cost of these agreements will be funded from
the General Community Needs allocation of the
2008-09 (\$42,100) and the 2007-08 (\$4,100)
Community Development Block Grants.

The Wise Guys Project provides training for adult
and youth facilitators to deliver a conflict resolu-
tion curriculum to youth and young adults.

The Center for Change will provide training,
workshop coordination and development of pro-
gram materials for African-American adult role
models to interact with students in seven Roches-
ter City Schools. Currently, the Pillars of Hope
program is being facilitated in seven RCDSD
schools.

The Borinquen Dance Company will provide
dance instruction, as well as workshops on work
readiness, employment, citizenship, and Hispanic
culture workshops to participants. Additionally,
youth will participate in community service activi-
ties.

The Youth News Team will employ twelve youths
in media development to develop public service
announcements on youth and family issues. This
project is an extension of the RCTV Summer of
Opportunity Program project.

The Borinquen Dance Company is considered a
project with matching funds and eligible for up to
five years of funding. The others are considered
projects without matching funds and eligible for
up to three years of funding.

Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-159

Ordinance No. 2008-432
(Int. No. 476)

Authorizing Agreements For Youth Services Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements for the following Youth Services Projects or the following amounts are allocated for Youth Services Projects:

| <u>Organization Project</u> | <u>Amount</u> |
|---|---------------|
| Baden Street Settlement Wise Guys | \$15,000 |
| Center for Change, Inc. Pillars of Hope | 10,000 |
| Borinquen Dance Theater, Inc. Dance Program | 10,000 |
| Rochester Community TV, Inc. Youth News Team | 11,200 |

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$46,200, and of said amount, or so much thereof as may be necessary, \$42,100 is hereby appropriated from the General Community Needs allocation of the 2008-09 Community Development Program and \$4,100 is hereby appropriated from the General Community Needs allocation of the 2007-08 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-433
Re: Agreement - Rochester Area
Community Foundation, Child
Care Subsidies

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Rochester Area Community Foundation to provide support for a community-wide effort to reinstate child care subsidies for working poor families. The cost of the agreement will be funded from 2008-09 Contingency.

As you know, New York State severely reduced amounts available for day care subsidies. The goal of this local effort is to raise a total of \$500,000 to provide bridge funding for families earning less than 125% of the poverty level. Led by Rochester's Child, this campaign is jointly supported by Monroe County, the Rochester Area Community

Foundation, United Way, Rochester Business Alliance, and others. This group is also working to ensure that funding for day care subsidies is restored by the State.

RACF will act as the fiduciary agency in the distribution of these funds to day care facilities for qualifying families.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-433
(Int. No. 481)

Establishing Maximum Compensation For An Agreement For Child Care Services

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Area Community Foundation to provide support for a community-wide effort to reinstate child care subsidies for working poor families. Said amount shall be funded from the Contingency Account of the 2008-09 Budget.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmember Conklin, Lightfoot, McFadden, Palumbo, Pritchard, Spaul, Warren - 7.

Nays - None - 0.

Councilmember Miller abstained because he is employed by one of the organizations that receives funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-434
Re: Budget Amendment - After School
Alliance

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$76,500 from Contingency to the 2008-09 Budget of the Department of Recreation and Youth Services (\$71,300) and to the 2008-09 Undistributed allocation (\$5,200) to fund after-school activities and associated indirect expenses.

In September (Ordinance No. 2008-344), Council authorized \$98,000 to extend after school programming at various City recreation sites through December 31, 2008. This budget amendment will enable these programs to continue operation through March 31, 2009.

The City, United Way, and the Rochester Area Community Foundation, as part of an after-school alliance team, are in the process of writing details for an on-going after school program. The three month extension will allow the alliance more time to finalize the details of the program, without a break in service to children.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2008-434
(Int. No. 483)

Amending The 2008-09 Budget For Expanded Hours At Recreation Sites

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$71,300 from the Contingency Account to the Department of Recreation and Youth Services and the sum of \$5,200 from the Contingency Account to Undistributed Expense to fund expanded hours at recreation sites.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-435
Re: Amendatory Agreement - Rochester International Jazz Festival, LLC, Rochester MusicFest

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Rochester International Jazz Festival, LLC (RIJF) for an additional \$120,000 to cover losses related to the 2008 MusicFest. This additional cost will be financed from the 2007-08 Budget of the Department of Recreation and Youth Services.

The original agreement with RIJF, authorized in February 2008 by Ord. No. 2008-78, provided compensation of \$175,000 to RIJF to produce the one-day Rochester MusicFest. Unfortunately, ticket sales were much lower than anticipated. Original projections were \$125,000 in ticket sales (5000 at \$25 each); actual sales were \$28,470 (attendance of approximately 1,100). The City received \$12,500 from sponsorships, and \$15,500 from ticket sales net of stadium rental.

This will bring total compensation to RIJF for production of the MusicFest to \$295,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AH-160

Ordinance No. 2008-435
(Int. No. 427)

Establishing Maximum Compensation For An Amendatory Agreement For The 2008 Rochester MusicFest

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 an amendatory agreement between the City and the Rochester International Jazz Festival, LLC (RIJF) for the 2008 Rochester MusicFest. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmember Warren - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 482
Re: Agreements - Vehicle Towing Services

Transmitted herewith for your approval is legislation authorizing three-year agreements with the following firms to provide towing services to the City:

| <u>Company</u> | <u>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 |
| Excel Service Group, Inc. | 95 Seneca Avenue | Scott Chapman |
| Joe Benson's Service* | 1421 Scottsville Road | Joe Benson |

* Heavy towing

Private towing agencies are hired by the City to provide towing of illegally parked, damaged, disabled, recovered stolen or abandoned vehicles. The towing assignments are rotated among the companies.

The proposed agreements will be for three years beginning January 1, 2009 and ending December

31, 2011, with an option for one three-year renewal. The towing agencies must agree to accept the fees for towing services stated in the attached schedule. The fees will be adjusted semi-annually by the Director of Finance of the City of Rochester, based on the Consumer Price Index.

The current agreements for towing services were authorized in December 2005, under Ordinance No. 2005-419. In 2007-08, a total of 6,474 vehicles were towed and the City paid the following amounts to these vendors:

| <u>Company</u> | <u>Amount</u> |
|------------------------|---------------------|
| Alliance Garage | \$180,682.92 |
| East Avenue Automotive | 175,366.00 |
| John & Son Towing | 192,667.99 |
| Mr. Tow, LLC | 182,444.92 |
| Joe Benson's Service | <u>8,940.59</u> |
| Total | <u>\$740,102.42</u> |

The total amount collected by the City for towing and storage fees in 2007-08 was \$798,122.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 482

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, 2009, with an option for a one year renewal:

| <u>Contractor</u> | <u>Principal/Officer</u> | <u>Address</u> |
|---------------------------|--------------------------|-----------------------|
| Alliance Garage | Daniel Tantalo | 532 North Street |
| East Avenue Auto, Inc. | Paul Marone | 1656 East Avenue |
| John & Son Towing | Michael Piacente | 4 Niagara Street |
| Mr. Tow, Inc. | Robert Sarfaty | 120 White Street |
| Excel Service Group, Inc. | Scott Chapman | 95 Seneca Avenue |
| *Joe Benson's Service | Joseph Benson, Jr. | 1421 Scottsville Road |

*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 2008-09 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) | \$ 98 |
| Service Call (Police Dept./General Public) (dead batteries, lock-outs, out of gas, tire change, etc.) | 65 |
| Additional Services (necessary extra man, brake inspections, wheel locks) | 71 per hour |
| Truck Towing Single and tandem axles, up to 26,000 lbs. GVW | 174 |
| Heavy Trucks/Tractor Trailers, in excess of 26,000 lbs. GVW | 239 |
| Relocate Vehicle (not including snowbound) First vehicle | 98 |
| Additional vehicles | 22 |
| Winching (in addition to base charge) Per 30 minute interval or part thereof | 54 |
| Stand-by Status (during special emergencies per hour, per truck) | 43 |
| In-Pound Towing/per tow truck/per hour | 70 |
| 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, effective February 1 and August 1, 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.

Held in Committee.

The meeting was adjourned at 8:45 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2008**

Held May 13, 2008

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Int. No. 203 - Establishing Maximum Compensation For A Professional Services Agreement For The Mayor's Literacy Initiative - Finance Committee

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Int. No. 396 - Authorizing An Application And Agreements For The Do The Right Thing Program And Amending The 2008-09 Budget - Public Safety & Recreation Committee

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Int. No. 418 - Authorizing A New Agreement For The Lease Of Space In the South Avenue Parking Garage, As Amended - Economic Development & the Environment Committee

Int. No. 428 - Authorizing Amendatory 2004-05, 2005-06, 2006-07 And 2007-08 Community Development Program Plans, Amending Ordinances And Amending The 2008-09 Budget For The School #28 After School Program - Public Safety & Recreation Committee

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Int. No. 467 - Authorizing Agreements For The Lease Of Municipal Lot #4 - Economic Development & the Environment Committee)

Int. No. 477 - Authorizing Amendatory 2007-08 And 2008-09 Community Development Program Plans And Authorizing Agreements For The Emergency Assistance Repair Program - Neighborhood & Community Development Committee

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ABBREVIATIONS**

Acq. - Acquire, Acquisition
Adpt. - Adopt
Agree. - Agreement
Amend. - Amending, Amendment
Appl. - Application
Approp. - Appropriate, Appropriating
Appt(s). - Appoint, Appointment(s)
Assist. - Assistance
Auth. - Authorize, Authority
Bldg. - Building
Cert. - Certified
CHDO - Community Housing Development Organization
Class. - Classification
Comm. - Commission, Committee, Community, Commercial
Comp. - Compensation
Conserv. - Conservation
Constr. - Construction
Ctr. - Center
Decr. - Decrease
Dedica. - Dedicate
Demon. - Demonstration
Designa. - Designate
Dev. - Development
Est(s). - Estimate(s)
Ext. - Extension
Facil. - Facilities
FY - Fiscal Year
Gar. - Garage
H.R. - Home Rule
Hear. - Hearing
Incr. - Increase
Indus. - Industrial
Int. - Introductory, Introduced
L.I.O. - Local Improvement Ordinance
L.L. - Local Law
Lftd. - Lifted
Litig. - Litigation
Max. - Maximum
Mgr. - Manager
Mun. - Municipal
NET - Neighborhood Empowerment Team
Ofc. - Office
Off. - Official
Ord. - Ordinance
Pav. - Pavement
Pk. - Park
Proj. - Project
Pssd. - Passed
Pub. - Public
Purch. - Purchase
R.E. - Real Estate
R.O.W. - Right-of-Way
Rec. - Recreation
Rehab. - Rehabilitation
Rej. - Reject
Renew. - Renewal
Resi. - Residential
Reso. - Resolution
Rev. - Revenue
Roch. - Rochester
Svs. - Services
Tbld. - Tabled
Tech. - Technology
Tr. - Transmittal
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Amend. proposed 2008-09 Budget in regard to fashion show - \$4,000, Tr. letter, 186, Pssd., 187

Amend. proposed 2008-09 budget in regard to Courtside Scouting Service Program - \$2,000, Tr. letter, 188, Pssd., 188

Amend. 2008-09 Budget in regard to Future Boxing Club - \$5,000, Tr. letter, 188, Pssd., 189

Amend. 2008-09 Budget in regard to exercise equipment, Tr. letter, 189, Pssd., 189

Adoption of the budget estimates for municipal purposes for 2008-09 fiscal year, approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 190, Pssd., 192

Adoption of budget estimates for school purposes for fiscal year commencing July 1, 2008 and expiring June 30, 2009, and approp. of sums set forth therein, Tr. letter, 190, Pssd., 193

Approving 2008-09 operating and capital budgets of Cultural Ctr. Commission, Tr. letter, 217, Pssd., 218

Auth. agree. relating to Roch. After School Academy 4 Program and amend. Proposed 2008-09 Budget, Tr. letter, 227, Pssd., 229

Auth. grant agree. and amend. 2008-09 Budget for fire prevention, Tr. letter, 257, Pssd., 257

Auth. grant agree. and amend. 2008-09 Budget for Bomb Squad, Tr. letter, 257, Pssd., 258

Auth. grant agree. and amend. 2008-09 Budget for homeland security, Tr. letter, 257, Pssd., 258

Auth. grant agree. and amend. 2008-09 Budget for PAC-TAC, Tr. letter, 257, Pssd., 258

Amend. 2008-09 Budget by approp. forfeiture funds for Greater Rochester Area Narcotics Enforcement Team, Tr. letter, 259, Pssd., 260

Amend. Ord. No. 2008-198, the 2008-09 Budget, Tr. letter, 266, Pssd., 268

Approving library grant and amend. 2008-09 Budget, Tr. letter, 274, Pssd., 275

Auth. grant agree. for graffiti removal and amend. 2008-09 Budget, Tr. letter, 289, Pssd., 290

Auth. grant agree. and amend. 2008-09 Budget for gang suppression, Tr. letter, 300, Pssd., 300

Auth. agree. with respect to Proj. IMPACT IV and amend. 2008-09 Budget, Tr. letter, 300, Pssd., 301

Auth. agree. for Youth Voice One Vision and amend. 2008-09 Budget, Tr. letter, 301, Pssd., 302

Auth. agree. for Clarissa St. Reunion and amend. 2008-09 Budget, Tr. letter, 302, Pssd., 302

Establishing max. comp. for professional svcs. agree. for support svcs. for victims of violence and amend. 2008-09 Budget, Tr. letter, 304, Pssd., 305

Establishing max. comp. for agree. for One City Connection and amend. 2008-09 Budget, Tr. letter, 308, Pssd., 308

Amend. 2008-09 Budget for expanded parking at Pub. Mkt. and amend. Ord. No. 2008-16, Tr. letter, 320, Pssd., 321

Auth. agree. and amend. 2008-09 Budget for Roch. Re-Entry Program, Tr. letter, 324, Pssd., 324

Amend. 2008-09 Budget for expanded hours at recreation sites, Tr. letter, 325, Pssd., 325; Tr. letter, 428, Pssd., 429

Auth. application and agree. and approp. funds for 2008 Safe Routes to School Program, Tr. letter, 340, Held, 341, Pssd., 386

Amend. 2008-09 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 350, Pssd., 351

Amend. 2008-09 Budget, Tr. letter, 357, Pssd., 359

Establishing max. comp. for professional svcs. agree. for Cit Living Promotion and amend. 2008-09 Budget, Tr. letter, 367, Pssd., 368

Auth. agree. and amend. 2008-09 Budget for Sebastian Park trees, Tr. letter, 385, Pssd., 385

Auth. agree. for Urban Area Security Initiative Grant and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 390

Auth. agree. for COPS Secure Our Schools Grant Program and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 391

Auth. agree. and amend. 2008-09 Budget for Rochester HeLP, Tr. letter, 393, Pssd., 393

Auth. amend. 2004-05, 2005-06, 2006-07 and 2007-08 Community Dev. Program Plans, amend. ord. and amend. 2008-09 Budget for School #28 After School Program, Tr. letter, 393, Pub. hear., 353, Held, 394

Auth. agree. and amend. 2008-09 Budget for Records Management, Tr. letter, 399, Pssd., 400

Approving changes in pav. width of Aldine St. and Montgomery St., auth. agree. and amend. 2008-09 Budget, Tr. letter, 418, Pub. hear., 395, Pssd., 418

Auth. agree. for Slater's Raiders for Peace Initiative and amend. 2008-09 Budget, Tr. letter, 426, Pssd., 426

BULL'S HEAD NEIGHBORHOOD

Amend. 2008-09 Budget in regard to plan-

ning charette - \$5,000, Tr. letter, 186, Pssd., 186
Establishing max. comp. for professional svcs. agree. for Bull's Head Physical Dev. Plan, Tr. letter, 409, Pssd., 410

BURKE TERRACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

BUSINESS IMPROVEMENT DISTRICTS

1589 - L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 151, Pub. hear., 109, Pssd., 151

BUSINESS PROGRAMS

Approving business programs, Tr. letter, 218, Pssd., 218

BUSINESS PROTECTION SPECIALISTS

Establishing max. comp. for amend. professional svcs. agree. for water system security study, Tr. letter, 141, Pssd., 141

-C-

CAS REAL ESTATE, INC.

Approving sale of land in Roch. Science Park to CAS Real Estate, Inc. and repealing Ord. No. 2008-62, Tr. letter, 298, Pub. hear., 263, Pssd., 298

CIC BENEFITS GROUP, LLC

Establishing max. comp. for professional svcs. agree. for health insurance study, Tr. letter, 46, Pssd., 47

CMA ARCHITECTURE P.C.

Auth. agree. for architectural svcs. for bldg. renovations proj., Tr. letter, 341, Pssd., 342

COPS SECURE OUR SCHOOLS GRANT PROGRAM

Auth. agree. for COPS Secure Our Schools Grant Program and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 391

CSX TRANSPORTATION INC.

Auth. agree. for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 342, Pssd., 343

Auth. agree. for River St. Waterfront Improvement Proj., Tr. letter, 414, Pssd., 414

CAINE, ALAN

Reso. approving reappointments to Mun. Civil Service Commission, Tr. letter, 181, Adpt., 181

CALGON CARBON CORPORATION

Establishing max. comp. for lease and service agree. for granular activated carbon filter media, Tr. letter, 172, Pssd., 173

CAMERAS

Establishing max. comp. for professional svcs. agree. for design and implementation of video surveillance camera system, Tr. letter, 44, Pssd.,

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Bond ord. auth. issuance of \$100,000 bonds to finance cost of new equip., machinery, apparatus or furnishings for Roch. Police Dept., Tr. letter, 72, Pssd., 73

Standardization of PODDS® camera system manufactured by RMS Technology Solutions, Tr. letter, 72, Pssd., 74

Establishing max. comp. for professional svcs. agree. for monitoring ctr. for video surveillance camera system, Tr. letter, 79, Pssd., 79

Establishing max. comp. for professional svcs. agree. for surveillance camera system support, Tr. letter, 357, Pssd., 359

CAMERON COMMUNITY MINISTRIES

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

CAMP DAY DREAMS

Establishing max. comp. for agree. with Camp Day Dreams and amend. Ord. No. 2007-426, Tr. letter, 70, Pssd., 71

CAMPBELL STREET

Approving changes in pav. width of Broad, Brown, Campbell, Allen, Canal and Main St. as part of Broad St. Tunnel Proj., Tr. letter, 249, Pub. hear., 231, Pssd., 251

CANAL STREET

Approving changes in pav. width of Broad, Brown, Campbell, Allen, Canal and Main St. as part of Broad St. Tunnel Proj., Tr. letter, 249, Pub. hear., 231, Pssd., 251

CANALSIDE BUSINESS CENTER

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Canalside Business Ctr. as Planned Dev. District #9, Tr. letter, 17, Pub. hear., 6, Pssd., 21

Changing zoning class. of 1555 and 1651 Lyell Ave., 295, 303, 309, 315, 319 and 325 Adirondack St. and 270 Alvanar Rd. from M-1 Industrial to PD #9 - Canalside Business Ctr., Tr. letter, 17, Pub. hear., 6, Pssd., 33

CANINE TEAM

Amend. 2008-09 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 350, Pssd., 351

CAPRON STREET

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 342, Pssd., 342

CARBON MONOXIDE DETECTORS

Auth. amend. 2004-05 and 2005-06 Comm. Dev. Program Plans to transfer and approp. funds for smoke and carbon monoxide detectors, Tr. letter, 210, Pub. hear., 179, Pssd., 211

CAREER DEVELOPMENT SERVICES

Establishing max. comp. for professional svcs. agree. for outplacement svcs., Tr. letter, 183, Pssd., 183

CAROLINA-CAROLINA CONTRACT SERVICES CORPORATION

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 226, Pssd., 227

CARTHAGE DRIVE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

CASCADE HISTORIC DISTRICT

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

CASH CAPITAL

Amend. 2007-08 Budget for wages and benefits and cash capital and amend. Ord. No. 2008-46, Tr. letter, 78, Pssd., 79

CATHOLIC CHARITIES, INC.

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2006-40, Tr. letter, 83, Pssd., 84
Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

CATHOLIC FAMILY CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

CATS

Amend. Mun. Code with respect to sterilization of cats and dogs, Tr. letter, 425, Pssd., 426

CEMETERIES

Auth. agree. and amend. 2007-08 Budget for Mt. Hope Cemetery study, Tr. letter, 222, Pssd., 223

Amend. Ord. No. 2008-233, which amended 2007-08 Budget, Tr. letter, 266, Pssd., 268

CENTER CITY

Establishing max. comp. for professional svcs. agree. for Ctr. City Signage Proj and appropriating funds, Tr. letter, 28, Pssd., 28

Establishing price for acq. of Midtown Plaza parcels to further Midtown Urban Renewal Plan and Center City Master Plan, Tr. letter, 61, Pssd., 63

CENTER FOR CHANGE, INC.

Auth. agree. for Youth Svcs. Programs, Tr. letter, 427, Pssd., 428

CENTER FOR DISPUTE SETTLEMENT, INC.

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 260, Pssd., 260

CENTER FOR GOVERNMENTAL RESEARCH

Establishing max. comp. for professional svcs. agree. for Upstate Business Summit Meetings, Tr. letter, 330, Pssd., 331

CENTER FOR WORKFORCE DEVELOPMENT

Establishing max. comp. for amend. professional svcs. agree. for City employee training, Tr. letter, 114, Pssd., 114

CENTER FOR YOUTH SERVICES

Auth. agree. and approp. funds for Jr. Rec. Leader 2 Program, Tr., letter, 37, Pssd., 37

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

Auth. agree. relating to Roch. After School Academy 4 Program and amend. Proposed 2008-09 Budget, Tr. letter, 227, Pssd., 229

CENTRAL PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

CHALLENGED SREETS

Auth. acq. of 419 Orange St. as part of Challenged Streets Program, Tr. letter, 242, Pssd., 243

Auth. amend. 2006-07 Community Dev. Program Plans to transfer funds for Challenged Streets Initiative, Tr. letter, 241, Pub. hear., 231, Pssd., 247

Auth. acq. of 91 Maria St. as part of Challenged Streets Program, Tr. letter, 335, Pssd., 336

CHARLES SETTLEMENT HOUSE

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 102, Pssd., 103

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

CHARLOTTE COMMUNITY DEVELOPMENT CORPORATION

Reso. endorsing grant appl. for New York Main St. Program, Tr. letter, 86, Adpt., 87

CHASE, SELDEN P.

Auth. agree. with Selden P. Chase for lease of farmland, Tr. letter, 56, Pssd., 56

CHESTNUT STREET

Approving sale by Roch. Urban Renewal Agency to ESL Federal Credit Union of 225 and 255 Chestnut St. in Southeast Loop Urban Renewal Proj., Tr. letter, 151, Pub. hear., 109, Pssd., 153

Auth. easements and rights for new ESL Federal Credit Union Proj., Tr. letter, 214, Pssd., 215

Auth. pedestrian bridges for new ESL Federal Credit Union Headquarters bldg., Tr. letter, 214, Pssd., 215

CHIEF INFORMATION OFFICER

Reso. confirming appt. of Chief Information Officer, Tr. letter, 352, Pssd., 352

CHILD CARE SERVICES

Establishing max. comp. for agree. for child care svcs., Tr. letter, 428, Pssd., 428

CHILDREN'S DEFENSE FUND

Establishing max. comp. for amend. professional svcs. agree. for Freedom School, Tr. letter, 156, Pssd., 157

CHILDREN'S FESTIVAL

Amend. proposed 2008-09 Budget in regard to Children's Festival - \$1,000, Tr. letter, 189, Pssd., 190

CHILDREN'S INSTITUTE

Auth. agree. relating to Roch. After School Academy 4 Program and amend. Proposed 2008-09 Budget, Tr. letter, 227, Pssd., 229

CHRISTENSEN, JULIE

Auth. agree. for School #28 After School Program and amend. 2007-08 Budget, Tr. letter, 70, Pssd., 70

CITIZEN COMPLAINT SERVICES

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 260, Pssd., 260

CITY AT PEACE-ROCHESTER PROJECT

Auth. agree. for City at Peace-Roch. Proj., Tr. letter, 224, Pssd., 225

CITY CHARTER

Local Law amending City Charter with respect to issuance of appearance tickets, Tr. letter, 131, Pssd., 132

Local Law amend. City Charter with respect to financial disclosure statements, Tr. letter, 160, Pssd., 162

Establishing max. comp. for professional svcs. agree. with General Code Publishers relating to publication of City Charter and Code, Tr. letter, 180, Pssd., 180

Local Law amend. City Charter with respect to Neighborhood Empowerment Team, Tr. letter, 238, Pssd., 239

Local Law amend. City Charter with respect to Roch. Environmental Commission, Tr. letter, 243, Pssd., 244

Local Law amend. City Charter in relation to sale of delinquent tax liens, Tr. letter, 331, Held, 335, Pssd., 363

Local Law amend. Charter of City in relation to purchase of parcels at tax foreclosure sales, Tr. letter, 363, Pssd., 363

CITY CLERK

Reso. for selection and appt. of City Clerk, Adpt., 1

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CITY DEVELOPMENT FUND

Approp. of funds for City Dev. Fund, Tr. letter, 167, Pub. hear., 158, Pssd., 169

Amend. Ord. No. 2008-173, relating to City Dev. Fund, Tr. letter, 208, Pssd., 209

Auth. amend. 2005-06 Community Dev. Program and City Dev. Fund Plans and agree. for extension of loans for HUD Asset Control Area Partnership Program, Tr. letter, 314, Pub. hear., 304, Pssd., 314

CITY ENGINEER

Amend. Mun. Code with respect to fees for permits from City Engineer, Tr. letter, 190, Pssd., 200

CITY HALL

Bond ord. auth. issuance of \$300,000 bonds to finance cost of implementing elevator upgrades in City Hall "A" Bldg., Tr. letter, 139, Pssd., 140

Auth. application and agree. for City Hall Stonework Restoration Proj., Tr. letter, 211, Pssd., 212

Bond ord. auth. issuance of \$7,300,000 bonds to finance cost of implementing repairs to City Hall "A" Building, Tr. letter, 292, Pssd., 293

CITY LIVING

Establishing max. comp. for professional svcs. agree. for Cit Living Promotion and amend. 2008-09 Budget, Tr. letter, 367, Pssd., 368

CITY NEWSPAPER

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CITY OF ROCHESTER EMPIRE ZONE

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CITY PLANNING COMMISSION

Reso. approving reappointments to City Planning Commission, Tr. letter, 132, Adpt., 133

CITY SCHOOL DISTRICT

Amend. Ord. No. 2007-322 relating to acq. of former Heritage Charter School parcels, Tr. letter, 9, Pssd., 9

Bond ord. auth. issuance of \$12,155,500 bonds to finance cost of constr. and renovation of various public school bldgs., Tr. letter, 9, Pssd., 10

Amend. Bond Ord. no. 2007-323 relating to acq. of former Heritage Charter School parcels to reduce amount of bonds auth. and approp. therein, Tr. letter, 9, Pssd., 10

2007-08 debt resolution for City School District, Tr. letter, 42, Pssd., 43

Auth. agree. for School #28 After School Program and amend. 2007-08 Budget, Tr. letter, 70, Pssd., 70

Auth. application and agree. for 2008 Summer Food Service Program For Children, Tr. letter, 154, Pssd., 154

Auth. amend. agree. for 2007 Summer Food Service Program For Children, Tr. letter, 154, Pssd., 155

Auth. agree. for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Addition and Renovations Proj. and amend. Ord. No. 2006-62 and 2006-226, Tr. letter, 170, Pssd., 170

Auth. agree., approp. funds and amend. Ord. No. 2008-101, relating to Bremen St. Group Improvement Proj., Tr. letter, 173, Pssd., 174

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Auth. agree. for health insurance collaborative feasibility study, Tr. letter, 183, Pssd., 184

Adoption of budget estimates for school purposes for fiscal year commencing July 1, 2008 and expiring June 30, 2009, and approp. of sums set forth therein, Tr. letter, 190, Pssd., 193

Levying taxes for school purposes for fiscal year commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 193

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

Auth. agree. with Roch. City School District for refuse collection, Tr. letter, 248, Pssd., 248

Auth. agree. and amend. 2008-09 Budget for Roch. Re-Entry Program, Tr. letter, 324, Pssd., 324

Auth. agree. for Hillside Work Scholarship Connection Program, Tr. letter, 329, Pssd., 329

Auth. agree. for COPS Secure Our Schools Grant Program and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 391

Auth. amend. 2004-05, 2005-06, 2006-07 and 2007-08 Community Dev. Program Plans, amend. ord. and amend. 2008-09 Budget for School #28 After School Program, Tr. letter, 393, Pub. hear., 353, Held, 394

Approving 2008-09 Debt Reso. for City School Dist., Tr. letter, 404, Adpt., 404

Bond ord. auth. issuance of \$12,958,000 bonds to finance cost of constr. and renovation of various public school bldgs., Tr. letter, 404, Pssd., 406

CIVIL SERVICE

Reso. approving reappointments to Mun. Civil Service Commission, Tr. letter, 181, Adpt., 181

CLARISSA STREET REUNION

Auth. agree. for Clarissa St. Reunion and amend. 2008-09 Budget, Tr. letter, 302, Pssd., 302

CLARK PATTERSON ENGINEERS, SURVEY & ARCHITECTS, P.C.

Establishing max. comp. for professional svcs. agree. for Bull's Head Physical Dev. Plan, Tr. letter, 409, Pssd., 410

CLARK, WILLIAM G.

Reso. approving reappointments to City Planning Commission, Tr. letter, 132, Adpt., 133

CLAY, MARANNE MCDADE

Establishing max. comp. for amend. professional svcs. agree. for grant writer, Tr. letter, 177, Pssd., 178

COALITION OF NORTH EAST ASSOCIATIONS

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

COLEBOURNE ROAD

Establishing max. comp. for professional svcs. agree. for Colebourne Rd. Drainage Study, Tr. letter, 138, Pssd., 138

COLLEGETOWN VILLAGE

Changing zoning class. of 1256-1510 and

1325-1521 Mt. Hope Ave., 30 E. Henrietta Rd., 683 and 793-797 Elmwood Ave. from C-2 Community Ctr., and 35 Crittenden Blvd. and 22 and 25 Raleigh St. from R-1 Low Density Residential, to C-V Collegetown Village, Tr. letter, 368, Pub. hear., 353, Pssd., 371

Amend. Chapter 120 of Mun. Code, Zoning Code, with respect to adoption of C-V Collegetown Village District, Tr. letter, 368, Pub. hear., 353, Pssd., 384

COLUMBIA ANALYTICAL SERVICES, INC.

Approving sale of land in Roch. Science Park to CAS Real Estate, Inc. and repealing Ord. No. 2008-62, Tr. letter, 298, Pub. hear., 263, Pssd., 298

COMMERCIAL PLANNING

Establishing max. comp. for professional svcs. agree. for neighborhood commercial planning svcs., Tr. letter, 166, Pssd., 166

COMMERCIAL TRAVELER LICENSE

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COMMISSIONERS OF DEEDS

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Auth. amend. 2006-07 and 2007-08 Comm. Dev. Program Plans to provide loans for Roch. Housing Dev. Fund Corp., Tr. letter, 14, Pub. hear., 6, Pssd., 15

Auth. amend. 1999-2000, 2003-04, 2004-05 and 2005-06 Comm. Dev. Program Plans and auth. agree. for Roch. Regional Comm. Design Ctr., Tr. letter, 16, Pub. hear., 6, Pssd., 16

Auth. amend. 2003-04 Comm. Dev. Program Plan to provide loan for Roch. Housing Dev. Fund Corp. and amend. Ord. No. 2003-338, Tr. letter, 87, Pub. hear., 77, Pssd., 88

Auth. amend. Comm. Dev. and HOME Program Plans, transferring funds, amend. Ord. and auth. agree. for redevelopment of River Park Commons, Tr. letter, 88, Pub. hear., 77, Pssd., 89

Approving Consolidated Comm. Dev. Plan/2008-09 Annual Action Plan, Tr. letter, 167, Pub. hear., 158, Pssd., 169

Auth. submission of Consolidated Comm. Dev. Plan/2008-09 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 167, Pub. hear., 158, Pssd., 169

Approp. of funds for City Dev. Fund, Tr. letter, 167, Pub. hear., 158, Pssd., 169

Auth. amend. 2004-05 and 2005-06 Comm. Dev. Program Plans to transfer and approp. funds for smoke and carbon monoxide detectors, Tr. letter, 210, Pub. hear., 179, Pssd., 211

Auth. amend. 2006-07 Community Dev. Program Plans to transfer funds for Challenged Streets Initiative, Tr. letter, 241, Pub. hear., 231,

Pssd., 247

Auth. amend. 2005-06 Community Dev. Program and City Dev. Fund Plans and agree. for extension of loans for HUD Asset Control Area Partnership Program, Tr. letter, 314, Pub. hear., 304, Pssd., 314

Auth. amend. 1997-98, 1999-2000 and 2000-01 Community Dev. Program Plans, Amend. Ord. and auth. agree. for Slater's Raiders for Peace Initiative, Tr. letter, 327, Pub. hear., 304, Pssd., 327

Auth. amend. 2004-05, 2005-06, 2006-07 and 2007-08 Community Dev. Program Plans, amend. ord. and amend. 2008-09 Budget for School #28 After School Program, Tr. letter, 393, Pub. hear., 353, Held, 394

Auth. amend. 2007-08 and 2008-09 Community Dev. Program Plans and auth. agree. for Emergency Assistance Repair Program, Tr. letter, 411, Pub. hear., 395, Held, 412

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

Auth. agree. relating to Roch. After School Academy 4 Program and amend. Proposed 2008-09 Budget, Tr. letter, 227, Pssd., 229

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

COMPREHENSIVE PLAN

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COMPUTERS

Establishing max. comp. for professional svcs. agree. for police data svcs. and amend. Ord. No. 2007-328, Tr. letter, 7, Pssd., 8

Establishing max. comp. for amend. professional svcs. agree. for information tech. svcs., Tr. letter, 8, Pssd., 8

Establishing max. comp. for professional svcs. agree. for computer replacement svcs., Tr. letter, 45, Pssd., 46

Establishing max. comp. for professional svcs. agree. for information technology advisory svcs., Tr. letter, 77, Pssd., 78

Auth. agree. for NET Electronic Document Management System and amend. 2007-8 Budget, Tr. letter, 84, Pssd., 85

Establishing max. comp. for professional svcs. agree. for Auto Pound Records Management System, Tr. letter, 102, Pssd., 102

Establishing max. comp. for amend. professional svcs. agree. for automation of City's business processes, Tr. letter, 182, Pssd., 183

Establishing max. comp. for professional svcs. agree. for Police Records Management System, Tr. letter, 221, Pssd., 222

Establishing max. comp. for professional svcs. agree. for Police MDT fleet standardization, Tr. letter, 222, Pssd., 222

Establishing max. comp. for amend. professional svcs. agree. for Customer Relationship Management System, Tr. letter, 233, Pssd., 233

Establishing max. comp. for professional svcs. agree. for information technology assistance, Tr. letter, 233, Pssd., 234

Auth. cooperation agree. for library content management system, Tr. letter, 240, Pssd., 241

Approving library grant and amend. 2008-09 Budget, Tr. letter, 274, Pssd., 275

Establishing max. comp. for professional svcs. agree. for route optimization software, Tr. letter, 291, Pssd., 291

Establishing max. comp. for professional svcs. agree. for web dev. svcs., Tr. letter, 307, Pssd., 307

Establishing max. comp. for agree. for One City Connection and amend. 2008-09 Budget, Tr. letter, 308, Pssd., 308

Establishing max. comp. for professional svcs. agree. for virtual private network for parking garages, Tr. letter, 387, Pssd., 387

Establishing max. comp. for professional svcs. agree. for emergency response software, Tr. letter, 391, Pssd., 392

Establishing max. comp. for professional svcs. agree. for information tech. svcs., Tr. letter, 406, Pssd., 406

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See "Music"

CONIFER REALTY LLC

Auth. amend. Comm. Dev. and HOME Program Plans, transferring funds, amend. Ord. and auth. agree. for redevelopment of River Park Commons, Tr. letter, 88, Pub. hear., 77, Pssd., 89

CONKLIN, CAROLEE A., COUNCILMEMBER

Motion to amend Int. No. 69, Adpt., 47

Amend. Mun. Code, in relation to creating disclosure requirements for income tax preparers who offer income tax refund anticipation loans, Tr. letter, 49, Pssd., 50

Establishing max. comp. for professional svcs. agree. with General Code Publishers relating to publication of City Charter and Code, Tr. letter, 180, Pssd., 180

Amend. proposed 2008-09 Budget in regard to Downtown Community Forum - \$5,000, Tr. letter, 188, Pssd., 188

Reso. of budgetary intent - Fire Dept. response times, Tr. letter, 187, Adpt., 188

Amend. 2008-09 Budget in regard to exercise equipment, Tr. letter, 189, Pssd., 189

Amend. Mun. Code with respect to taxicab rates of fare, Tr. letter, 266, Pssd., 266

Establishing max. comp. for professional svcs. agree. with WXXI Public Broadcasting Council for broadcast of City Council meetings, Tr. letter, 268, Pssd., 269

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COONAN, JAMES

Auth. acq. of 4576 Lake Ave. and amend. Ord. No. 2007-268, Tr. letter, 407, Pssd., 408

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COURTSIDE SCOUTING SERVICE PROGRAM

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Auth. agree. for Biz Kid\$ and Beyond Program, Tr. letter, 36, Pssd., 37

CRESTWOOD CHILDREN'S CENTER

Auth. agree. for Youth Services Programs, Tr. letter, 328, Pssd., 329

CRIME

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2007-08 Budget, Tr. letter, 33, Pssd., 34

Establishing max. comp. for agree. with respect to Proj. IMPACT IV and amend. 2007-08 Budget, Tr. letter, 38, Pssd., 39

Establishing max. comp. for professional svcs. agree. for design and implementation of video surveillance camera system, Tr. letter, 44, Pssd., 44

Establishing max. comp. for agree. with Camp Day Dreams and amend. Ord. No. 2007-426, Tr. letter, 70, Pssd., 71

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Changing zoning class. of 1256-1510 and 1325-1521 Mt. Hope Ave., 30 E. Henrietta Rd., 683 and 793-797 Elmwood Ave. from C-2 Community Ctr., and 35 Crittenden Blvd. and 22 and 25 Raleigh St. from R-1 Low Density Residential, to C-V Collegetown Village, Tr. letter, 368, Pub. hear., 353, Pssd., 371

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Auth. amend. lease agree. with Monroe County Pure Waters District for VanLare Treatment Plant, Tr. letter, 166, Pssd., 167

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-D-**DAILY RECORD**

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DAISY MARQUIS JONES FOUNDATION

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DANFORTH COMMUNITY CENTER

Bond ord. auth. issuance of \$203,000 bonds to finance cost of design and constr. of repairs to Danforth Community Ctr., Tr. letter, 115, Pssd., 120

DATA PROCUREMENT SERVICES

Establishing max. comp. for agree. for data procurement svcs., Tr. letter, 310, Pssd., 311

DAVID MAYER ASSOCIATES

Establishing max. comp. for professional svcs. agree. for computer replacement svcs., Tr. letter, 45, Pssd., 46

DAZZLE THEATER

Auth. agree. for Youth Services Programs, Tr. letter, 103, Pssd., 104

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DECCAN INTERNATIONAL

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DENISE ROAD

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

DEPAUL WEST MAIN STREET PROJECT

Approving property tax exemption and auth. in lieu of tax agree. for DePaul W. Main St. Proj., Tr. letter, 354, Pssd., 355

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Establishing max. comp. for amend. professional svcs. agree. for University Ave. Improvements and ARTWalk 2 Enhancements Proj., Tr. letter, 95, Pssd., 96

Establishing max. comp. for amend. professional svcs. agree. for Broad & Allen Firehouse renovations, Tr. letter, 96, Pssd., 96

Establishing max. comp. for professional svcs. agree. for design of Brooks Ave. Improvement Proj., Tr. letter, 99, Pssd., 100

Establishing max. comp. for amend. professional svcs. agree. for Crossroads Garage HVAC System Optimization Proj., Tr. letter, 139, Pssd., 139

Auth. amend. agree. for design svcs. for Durand Eastman Park Beach Improvements and amend. Ord. No. 2007-454, Tr. letter, 141, Pssd., 142

Auth. participation in Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 174, Pssd., 174

Establishing max. comp. for amend. professional svcs. agree. for engineering design svcs. for Broad St. Tunnel Proj. and approp. funds, Tr. letter, 249, Pssd., 250

Establishing max. comp. for amend. professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj. and amend. Ord. No. 2008-64

Establishing max. comp. for professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 290, Pssd., 291

Establishing max. comp. for professional svcs. agree. for PAETEC Park Renovation Proj., Tr. letter, 311, Pssd., 311

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Holly Water Main Ext. Pub. Improvement Proj., Tr. letter, 319, Pssd., 320

Establishing max. comp. for professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 320, Pssd., 320

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 342, Pssd., 342

Auth. agree. for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 342, Pssd., 343

Establishing max. comp. for professional svcs. agree. for Rundel Library Structural Repairs Proj., Tr. letter, 356, Pssd., 357

DEWBERRY-GOODKIND, INC.

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Holly Water Main Ext. Pub. Improvement Proj., Tr. letter, 319, Pssd., 320

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 342, Pssd., 342

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Auth. municipal cooperation agree. for Dewey Ave. Corridor Traffic Calming Study, Tr. letter, 211, Pssd., 211

Approval of conditions analysis and designating add. areas for urban renewal as part of Driving Park Urban Renewal District and new Dewey Urban Renewal District, Tr. letter, 423, Pssd., 424

DEWS, DONNA

Auth. acq. of 419 Orange St. as part of Challenged Streets Program, Tr. letter, 242, Pssd., 243

DICKSON CONSULTING

Establishing max. comp. for professional svcs. agree. for Mayor's Literacy Initiative, Tr. letter, 164, Held, 164

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Establishing max. comp. for professional svcs. agree. for Digital Studio Program, Tr. letter, 36, Pssd., 36

DIMITRI HOUSE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

DIPISA OLD WORLD SUBMARINES

Auth. lease agree. for space in Court St. Parking Garage, Tr. letter, 322, Pssd., 322

DO THE RIGHT THING

Auth. application and agree. for Do the Right Thing Program, Tr. letter, 351, Held, 352

DOGS

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

Amend. Mun. Code with respect to sterilization of cats and dogs, Tr. letter, 425, Pssd., 426

DOUGLASS, FREDERICK, APARTMENTS PROJECT

Auth. loan agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

Approving property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

DOWNTOWN COMMUNITY FORUM

Amend. proposed 2008-09 Budget in regard

to Downtown Community Forum - \$5,000, Tr. letter, 188, Pssd., 188

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Reso. approving reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 26, Adpt., 27

Establishing max. comp. for professional svcs. agree. for Big Picture Roch., Tr. letter, 100, Pssd., 101

L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 175, Pub. hear., 158, Pssd., 176

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L.I.O. - Establishing cost of special work and svcs. related to Downtown Special Svcs. and auth. agree., Tr. letter, 176, Pub. hear., 158, Pssd., 177

DOYLE, MOLLY

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 243, Adpt., 244

DRAINAGE STUDY

Establishing max. comp. for professional svcs. agree. for Colebourne Rd. Drainage Study, Tr. letter, 138, Pssd., 138

DREDGING SERVICES

Establishing max. comp. for agree. for dredging svcs. in Genesee River, Tr. letter, 95, Pssd., 95

DRIVING PARK URBAN RENEWAL DISTRICT

Establishing max. comp. for professional svcs. agree. for expansion of Driving Park Urban Renewal District, Tr. letter, 215, Pssd., 216

Approval of conditions analysis and designating add. areas for urban renewal as part of Driving Park Urban Renewal District and new Dewey Urban Renewal District, Tr. letter, 423, Pssd., 424

DRUG AND ALCOHOL TESTING PROGRAM

Establishing max. comp. for professional svcs. agree. for Drug and Alcohol Testing Program, Tr. letter, 398, Pssd., 398

DURAND EASTMAN BEACH/PARK

Auth. amend. agree. for design svcs. for Durand Eastman Park Beach Improvements and amend. Ord. No. 2007-454, Tr. letter, 141, Pssd., 142

Bond ord. auth. issuance of \$310,000 bonds to finance cost of planning for Phase One of Durand Eastman Park Beach Improvements Proj., Tr. letter, 141, Pssd., 143

Auth. agree. with County of Monroe for water testing svcs. at Durand Eastman Beach, Tr. letter, 171, Pssd., 172

Auth. applications and agree. for grant funds, Tr. letter, 252, Pssd., 253

DUCHSHERER, WENDELL, ARCHITECTS AND ENGINEERS

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EAP OF ROCHESTER

Establishing max. comp. for professional svcs. agree. for Employee Assistance Program, Tr. letter, 397, Pssd., 398

ECC TECHNOLOGIES

Establishing max. comp. for professional svcs. agree. for design and implementation of video surveillance camera system, Tr. letter, 44, Pssd., 44

Establishing max. comp. for professional svcs. agree. for virtual private network for parking garages, Tr. letter, 387, Pssd., 387

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ESL FEDERAL CREDIT UNION

Approving sale by Roch. Urban Renewal Agency to ESL Federal Credit Union of 225 and 255 Chestnut St. in Southeast Loop Urban Renewal Proj., Tr. letter, 151, Pub. hear., 109, Pssd., 153

Approving sale of 280 S. Clinton Ave., Tr. letter, 151, Pssd., 153

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Auth. easements and rights for new ESL Federal Credit Union Proj., Tr. letter, 214, Pssd., 215

Auth. pedestrian bridges for new ESL Federal Credit Union Headquarters bldg., Tr. letter, 214, Pssd., 215

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Auth. easements and rights for new ESL Federal Credit Union Proj., Tr. letter, 214, Pssd., 215

Auth. acq. of permanent easement for Broad St. Tunnel Proj., Tr. letter, 249, Pssd., 250

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

Auth. acceptance of easement for public access at 431 W. Main St., Tr. letter, 272, Pssd., 273

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Auth. acq. by negotiation or condemnation of permanent easement at 671 Brooks Ave. for street purposes, Tr. letter, 416, Pssd., 417

EAST AVENUE AUTO, INC.

Auth. agree. for towing svcs., Tr. letter, 429, Held, 430

EAST HENRIETTA ROAD

Changing zoning class. of 1256-1510 and 1325-1521 Mt. Hope Ave., 30 E. Henrietta Rd., 683 and 793-797 Elmwood Ave. from C-2 Community Ctr., and 35 Crittenden Blvd. and 22 and 25 Raleigh St. from R-1 Low Density Residential, to C-V Collegetown Village, Tr.

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ELECTRICAL EXAMINING BOARD

Reso. approving appt. to Electrical Examining Board, Tr. letter, 239, Adpt., 240

ELEVATORS

Bond ord. auth. issuance of \$300,000 bonds to finance cost of implementing elevator upgrades in City Hall "A" Bldg., Tr. letter, 139, Pssd., 140

ELMWOOD AVENUE

Changing zoning class. of 1256-1510 and 1325-1521 Mt. Hope Ave., 30 E. Henrietta Rd., 683 and 793-797 Elmwood Ave. from C-2 Community Ctr., and 35 Crittenden Blvd. and 22 and 25 Raleigh St. from R-1 Low Density Residential, to C-V Collegetown Village, Tr. letter, 368, Pub. hear., 353, Pssd., 371

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EMERGENCY ASSISTANCE REPAIR PROGRAM

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EMERGENCY COMMUNICATIONS CENTER

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr., Tr. letter, 101, Pssd., 102

Establishing max. annual comp. for professional svcs. agree. for 911 Center telephone systems, Tr. letter, 155, Pssd., 156

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr. security systems, Tr. letter, 156, Pssd., 156

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EMERGENCY TRAINING AND INFORMATION NETWORK

Establishing max. comp. for professional svcs. agree. for Emergency Training and Information

Network, Tr. letter, 68, Pssd., 68

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Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

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Reso. approving relocation to Wayne County Empire Zone, Tr. letter, 255, Pub. hear., 231, Adpt., 255

Local Law adding Acro Industries, Inc. facilities to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 387, Pssd., 388

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 389, Pub. hear., 353, Adpt., 389

EMPLOYEE ASSISTANCE PROGRAM

Establishing max. comp. for professional svcs. agree. for Employee Assistance Program, Tr. letter, 397, Pssd., 398

ENGINEERING SERVICES

Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 54, Pssd., 55

Establishing max. comp. for amend. professional svcs. agree. for water quality model, Tr. letter, 56, Pssd., 57

Establishing max. comp. for professional svcs. agree. for Erie Canal Aqueduct Redevelopment Proj., Tr. letter, 57, Pssd., 58

Establishing max. comp. for professional svcs. agree. for North St. Rec. Ctr. Aquatic Park Proj. and approp. funds, Tr. letter, 60, Pssd., 60

Establishing max. comp. for professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj., Tr. letter, 66, Pssd., 67

Bond ord. auth. issuance of \$250,000 bonds to finance cost of design and engineering svcs. for repairs and add. to Hudson Ave. Firehouse, Tr. letter, 66, Pssd., 67

Establishing max. comp. for professional svcs. agree. for design of Brooks Ave. Improvement Proj., Tr. letter, 99, Pssd., 100

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 137, Pssd., 138

Auth. participation in Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 174, Pssd., 174

Establishing max. comp. for amend. professional svcs. agree. for engineering design svcs. for Broad St. Tunnel Proj. and approp. funds, Tr. letter, 249, Pssd., 250

Establishing max. comp. for amend. professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj. and amend. Ord. No. 2008-64

Establishing max. comp. for professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 290, Pssd., 291

Establishing max. comp. for amend. profes-

sional svcs. agree. for South Ave. Holly Water Main Ext. Pub. Improvement Proj., Tr. letter, 319, Pssd., 320

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 342, Pssd., 342

Auth. agree. for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 342, Pssd., 343

Establishing max. comp. for professional svcs. agree. for Rundel Library Structural Repairs Proj., Tr. letter, 356, Pssd., 357

ENRICHE HOUSE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

ENTERPRISE COMMUNITY PARTNERS, INC.

Approving housing dev. fund programs and repealing Ord. No. 2006-233, Tr. letter, 241, Pssd., 242

ENTERTAINMENT CENTER LICENSE

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

ENVIRONMENTAL CLEAN-UP/INVESTIGATION

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 425 and 435 Mt. Hope Ave., Tr. letter, 295, Pssd., 296

Bond ord. auth. issuance of \$850,000 bonds to finance cost of environmental clean-up at City-owned parcels at 425 and 435 Mt. Hope Ave. and 562 Ford St., Tr. letter, 295, Pssd., 297

Bond ord. auth. issuance of \$107,300 bonds to finance cost of environmental clean-up of the City-owned parcel at 1030 Jay St., Tr. letter, 346, Pssd., 347

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 1030 Jay St., Tr. letter, 346, Pssd., 347

Establishing max. comp. for amend. professional svcs. agree. for environmental investigation of 24 Seneca Ave., Tr. letter, 420, Pssd., 421

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 399 Gregory St., Tr. letter, 421, Pssd., 422

Bond Ord. auth. issuance of \$60,000 bonds to finance cost of environmental clean-up of City-owned parcel at 399 Gregory St., Tr. letter, 421, Pssd., 423

ENVIRONMENTAL EDUCATION ASSOCIATES

Approp. funds and auth. agree. for 2007 Lead-Based Paint Hazard Control Grant Program, Tr. letter, 82, Pssd., 83

ENVIRONMENTAL IMPACT STATEMENT

Auth. amend. agree. for design svcs. for Durand Eastman Park Beach Improvements and amend. Ord. No. 2007-454, Tr. letter, 141, Pssd., 142

Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

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Establishing max. comp. for amend. professional svcs. agree. for legal svcs. for Vacuum Oil site remediation, Tr. letter, 253, Pssd., 254

ENVIRONMENTAL SITE ASSESSMENT SERVICES

Auth. agree. for environmental site assessment svcs., Tr. letter, 28, Pssd., 29

ENVIRONMENTAL TESTING & CONSULTING, INC.

Approp. funds and auth. agree. for 2007 Lead-Based Paint Hazard Control Grant Program, Tr. letter, 82, Pssd., 83

ENVOY ENVIRONMENTAL CONSULTANTS

Approp. funds and auth. agree. for 2007 Lead-Based Paint Hazard Control Grant Program, Tr. letter, 82, Pssd., 83

ERDMAN, ANTHONY & ASSOCIATES, INC.

Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 54, Pssd., 55

ERIE CANAL

Establishing max. comp. for professional svcs. agree. for Erie Canal Aqueduct Redevelopment Proj., Tr. letter, 57, Pssd., 58

Bond Ord. auth. issuance of \$90,000 bonds to finance cost of planning svcs. related to Erie Canal Aqueduct Redevelopment Proj., Tr. letter, 57, Pssd., 60

Auth. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 290, Pssd., 290

ERIE CANAL URBAN RENEWAL PROJECT

Approving lease to Adirondack Sports Club LLC of soccer stadium parcels, Tr. letter, 125, Pub. hear., 109, Pssd., 126

ERIE HARBOR

Auth. applications and agree. for grant funds, Tr. letter, 252, Pssd., 253

ESKAY CONCERTS

Establishing max. comp. for professional svcs. agree. for "Bands on the Bricks" concerts, Tr. letter, 106, Pssd., 106

EXCEL SERVICE GROUP, INC.

Auth. agree. for towing svcs., Tr. letter, 429, Held, 430

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Amend. 2008-09 Budget in regard to exercise equipment, Tr. letter, 189, Pssd., 189

EXPORT FINANCE AND INSURANCE CORPORATION

Auth. payment of portion of fast ferry loan and amend. Ord. No. 2006-84, Tr. letter, 47, Pssd., 48

Auth. payment of Fast Ferry loan, Tr. letter, 234, Pssd., 235

Establishing max. comp. for professional svcs.

agree. for appraisal svcs. and amend. Ord. No. 2008-250 relating to payment of fast ferry loan, Tr. letter, 270, Pssd., 271

EXTRADEV

Establishing max. comp. for amend. professional svcs. agree. for information tech. svcs., Tr. letter, 8, Pssd., 8

Auth. agree. for NET Electronic Document Management System and amend. 2007-8 Budget, Tr. letter, 84, Pssd., 85

-F-**FRA ENGINEERING AND ARCHITECTURE, P.C.**

Establishing max. comp. for professional svcs. agree. for Erie Canal Aqueduct Redevelopment Proj., Tr. letter, 57, Pssd., 58

Establishing max. comp. for professional svcs. agree. for Kendrick Rd./I-390 interchanges feasibility study and amend. Ord. No. 2005-240, Tr. letter, 94, Pssd., 94

Establishing max. comp. for amend. professional svcs. agree. for Broad & Allen Firehouse renovations, Tr. letter, 96, Pssd., 96

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 137, Pssd., 138

Establishing max. comp. for professional svcs. agree. for Colebourne Rd. Drainage Study, Tr. letter, 138, Pssd., 138

Establishing max. comp. for amend. professional svcs. agree. for Crossroads Garage HVAC System Optimization Proj., Tr. letter, 139, Pssd., 139

Establishing max. comp. for amend. professional svcs. agree. for engineering design svcs. for Broad St. Tunnel Proj. and approp. funds, Tr. letter, 249, Pssd., 250

Establishing max. comp. for professional svcs. agree. for Brooks Landing Revitalization Proj., Tr. letter, 415, Pssd., 416

FAMILY TALK PROGRAM

Auth. agree. for Youth Services Programs, Tr. letter, 328, Pssd., 329

FAMILY VIOLENCE PROGRAM

Approving applications, agree. and 2008 admin. and program budgets of Roch.-Monroe County Youth Bur. and amend. Ord. No. 2007-398, relating to Pre-K transportation, Tr. letter, 34, Pssd., 35

FASHION SHOW

Amend. proposed 2008-09 Budget in regard to fashion show - \$4,000, Tr. letter, 186, Pssd., 187

FEASIBILITY STUDIES

Establishing max. comp. for professional svcs. agree. for Marina Market and Feasibility Study, Tr. letter, 93, Pssd., 93

Establishing max. comp. for professional svcs. agree. for Kendrick Rd./I-390 interchanges feasibility study and amend. Ord. No. 2005-240, Tr. letter, 94, Pssd., 94

FEES

Amend. Chapter 90 of Mun. Code, Property Conservation Code, and amend. Ord. No. 2008-26, Tr. letter, 85, Pssd., 86

Adoption of the budget estimates for municipal purposes for 2008-09 fiscal year, approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 190, Pssd., 192

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

Amend. Mun. Code with respect to fees for permits from City Engineer, Tr. letter, 190, Pssd., 200

Amend. Chapter 23 of Mun. code, Waterworks, Tr. letter, 317, Pssd., 319

FERGUSON GROUP LLC

Establishing max. comp. for amend. professional svcs. agree. for Federal lobbying svcs. and auth. amend. agree., Tr. letter, 181, Pssd., 182

Establishing max. comp. for Federal lobbying svcs. and amend. Ord. No. 2008-184, Tr. letter, 398, Pssd., 399

FERNWOOD AVENUE

Amend. Ord. No. 2007-375 relating to sale of real estate, Tr. letter, 165, Pssd., 166

FERO, MATTHEW J.

Reso. nominating various persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 400, Adpt. 401

FERRY

Auth. payment of portion of fast ferry loan and amend. Ord. No. 2006-84, Tr. letter, 47, Pssd., 48

Reso. auth. exception to City debt limit to provide funding for Fast Ferry debt repayment, Tr. letter, 115, Adpt., 116

Auth. agree. with Maplestar Dev. Co., LLC, Tr. letter, 160, Pssd., 160

Auth. payment of Fast Ferry loan, Tr. letter, 234, Pssd., 235

Establishing max. comp. for professional svcs. agree. for appraisal svcs. and amend. Ord. No. 2008-250 relating to payment of fast ferry loan, Tr. letter, 270, Pssd., 271

FESTIVALS

Establishing max. comp. for professional svcs. agree. for film festival celebrating work of women, Tr. letter, 71, Pssd., 71

Establishing max. comp. for agree. for 2008 Roch. International Jazz Festival, Tr. letter, 75, Pssd., 76

Establishing max. comp. for agree. for 2008 Roch. MusicFest, Tr. letter, 75, Held, 76, Pssd., 108

Establishing max. comp. for agree. for Puerto Rican Festival, Tr. letter, 225, Pssd., 225

Establishing max. comp. for professional svcs. agree. for Ribbin' on the River Rib Festival and Riverside Festival Site management, Tr. letter, 227, Pssd., 227

Auth. agree. for Clarissa St. Reunion and amend. 2008-09 Budget, Tr. letter, 302, Pssd., 302

Establishing max. comp. for professional svcs.

agree. for film festival, Tr. letter, 349, Pssd., 350

FIBER TECHNOLOGIES NETWORKS, LLC

Auth. easements at Roch. Science Park, Tr. letter, 297, Pssd., 298

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FINANCE DIRECTOR

Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 402, Pssd., 403

FINANCIAL DISCLOSURE STATEMENT

Local Law amend. City Charter with respect to financial disclosure statements, Tr. letter, 160, Pssd., 162

FINCH STREET

Changing traffic flow of Finch St. between Driving Park Ave. and Lexington Ave. from two-way to one-way southbound, Tr. letter, 251, Pub. hear., 231, Pssd., 252

FIRE DEPARTMENT

Establishing max. comp. for professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj., Tr. letter, 66, Pssd., 67

Bond ord. auth. issuance of \$250,000 bonds to finance cost of design and engineering svcs. for repairs and add. to Hudson Ave. Firehouse, Tr. letter, 66, Pssd., 67

Establishing max. comp. for amend. professional svcs. agree. for Broad & Allen Firehouse renovations, Tr. letter, 96, Pssd., 96

Bond ord. auth. issuance of \$1,006,100 bonds to finance cost of design and constr. of repairs to South Ave. Firehouse, Tr. letter, 115, Pssd., 119

Bond ord. auth. issuance of \$168,600 bonds to finance cost of design and engineering svcs. and construction of repairs and an add. to Hudson Ave. Firehouse and amend. Bond Ord. No. 2008-65 relating to said purpose, Tr. letter, 115, Pssd., 122

Bond ord. auth. issuance of \$482,000 bonds to finance cost of design and constr. of repairs to Broad and Allen Firehouse, Tr. letter, 115, Pssd., 123

Bond ord. auth. issuance of \$400,000 bonds to finance cost of repairs to HVAC system of Chestnut St. Firehouse, Tr. letter, 115, Pssd., 124

Auth. acq. of 720 Hudson Ave., Tr. letter, 128, Pssd., 128

Petition, Roch. firefighters on reorganization of Fire Dept., 13 signatures, 179

Reso. of budgetary intent - Fire Dept. response times, Tr. letter, 187, Adpt., 188

Establishing max. comp. for amend. professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj. and amend. Ord. No. 2008-64

Auth. grant agree. and amend. 2008-09 Budget for fire prevention, Tr. letter, 257, Pssd.,

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Establishing max. comp. for professional svcs. agree. for emergency response software, Tr. letter, 391, Pssd., 392

Establishing max. comp. for professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj., Tr. letter, 413, Pssd., 413

FIRE INVESTIGATOR

Auth. agree. for reimbursement for fire investigator overtime, Tr. letter, 68, Pssd., 69

FIREFIGHTING APPARATUS

Bond ord. auth. issuance of \$3,993,000 bonds to finance cost of acq. of new fire fighting apparatus, Tr. letter, 115, Pssd., 118

FIREWORKS

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 226, Pssd., 227

Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 226, Pssd., 227

FIRST CONSULTING, INC.

Establishing max. comp. for amend. professional svcs. agree. for automation of City's business processes, Tr. letter, 182, Pssd., 183

Establishing max. comp. for professional svcs. agree. for information tech. svcs., Tr. letter, 406, Pssd., 406

FISCAL ADVISOR SERVICES

Establishing max. comp. for professional svcs. agree. for fiscal advisor svcs., Tr. letter, 111, Pssd., 112

FITZHUGH ASSOCIATES LLC

Auth. agree. and amend. 2007-08 Budget for Restore NY Communities Initiative Program, Tr. letter, 51, Pssd., 52

FLOOD DAMAGE PREVENTION

Amend. Chapter 120 of Mun. Code, Zoning Code, with respect to flood damage prevention, Tr. letter, 275, Pub. hear., 263, Pssd., 275

Amend. Mun. Code by adoption of new Chapter 56, Flood Damage Prevention, Tr. letter, 275, Pssd., 287

FLOWER CITY HABITAT FOR HUMANITY

Approving housing dev. fund programs and repealing Ord. No. 2006-233, Tr. letter, 241, Pssd., 242

FORD STREET

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 425 and 435 Mt. Hope Ave., Tr. letter, 295, Pssd., 296

Bond ord. auth. issuance of \$850,000 bonds to finance cost of environmental clean-up at City-owned parcels at 425 and 435 Mt. Hope Ave. and 562 Ford St., Tr. letter, 295, Pssd., 297

FORECLOSURE RESEARCH

Establishing max. comp. for agree. for foreclosure research, Tr. letter, 206, Pssd., 206

FORFEITURE FUNDS

Amend. 2007-08 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 69, Pssd., 70

Amend. 2008-09 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 259, Pssd., 260

Amend. 2008-09 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 350, Pssd., 351

FOUNDATION DESIGN, PC

Establishing max. comp. for professional svcs. agree. for professional geotechnical svcs., Tr. letter, 293, Pssd., 293

FREDERICK DOUGLASS APARTMENTS PROJECT

Auth. loan agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

Approving property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

FREED MAXICK & BATTAGLIA, PC

Establishing max. comp. for professional svcs. agree. for audit svcs. - \$724,375, Tr. letter, 112, Pssd., 113

FREEDOM SCHOOL

Establishing max. comp. for amend. professional svcs. agree. for Freedom School, Tr. letter, 156, Pssd., 157

FRIENDS AND FAMILIES OF MURDERED CHILDREN/VICTIMS OF VIOLENCE

Establishing max. comp. for professional svcs. agree. for support svcs. for victims of violence and amend. 2008-09 Budget, Tr. letter, 304, Pssd., 305

FRIENDS OF MT. HOPE CEMETERY

Auth. agree. and amend. 2007-08 Budget for Mt. Hope Cemetery study, Tr. letter, 222, Pssd., 223

FRONTIER TELEPHONE

Establishing max. annual comp. for professional svcs. agree. for 911 Center telephone systems, Tr. letter, 155, Pssd., 156

Auth. easements at Roch. Science Park, Tr. letter, 297, Pssd., 298

FUEL

Auth. agree. with RGRTA for fueling of vehicles, Tr. letter, 172, Pssd., 172

FUTURE BOXING CLUB

Amend. 2008-09 Budget in regard to Future Boxing Club - \$5,000, Tr. letter, 188, Pssd., 189

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GANGS

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GARTLAND, EUGENE

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 243, Adpt., 244

GARTNER, INC.

Establishing max. comp. for professional svcs. agree. for information technology advisory svcs., Tr. letter, 77, Pssd., 78

GATES FOUNDATION

Approving library grant and amend. 2008-09 Budget, Tr. letter, 274, Pssd., 275

GATES, TOWN OF

Auth. agree. with Town of Gates for bldg. plan and inspection svcs., Tr. letter, 336, Pssd., 337

GATEWAY HOUSES, INC.

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

GEIGER & ROTHENBERG

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. and amend. 2007-08 Budget, Tr. letter, 44, Pssd., 45

Establishing max. comp. for amend. professional svcs. agree. for Federal lobbying svcs. and auth. amend. agree., Tr. letter, 181, Pssd., 182

GENERAL CODE

Establishing max. comp. for professional svcs. agree. with General Code Publishers relating to publication of City Charter and Code, Tr. letter, 180, Pssd., 180

GENESEE CROSSROADS GARAGE

Establishing max. comp. for amend. professional svcs. agree. for Crossroads Garage HVAC System Optimization Proj., Tr. letter, 139, Pssd., 139

Establishing max. comp. for professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 290, Pssd., 291

GENESEE PARK BOULEVARD

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to corner of Brooks Ave. and Genesee Park Blvd., Tr. letter, 417, Pub. hear., 395, Pssd., 418

GENESEE RIVER

Establishing max. comp. for agree. for dredging svcs. in Genesee River, Tr. letter, 95, Pssd., 95

Establishing max. comp. for professional svcs. agree. for Genesee Riverway Trail Signage and Street Crossing Proj. and approp. funds, Tr. letter, 137, Pssd., 137

GENESEE VALLEY PARK

Bond ord. auth. issuance of \$218,900 bonds to finance cost of replacement of HVAC system at Genesee Valley Park Ice Rink Bldg., Tr. letter, 115, Pssd., 121

Auth. applications and agree. for grant funds, Tr. letter, 252, Pssd., 253

GENESEE WATERWAYS CENTER

Reso. endorsing improvements to Genesee Waterways Center, Tr. letter, 25, Adpt., 25

GEOTECHNICAL SERVICES

Establishing max. comp. for professional svcs. agree. for professional geotechnical svcs., Tr. letter, 293, Pssd., 293

GLENDALE PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

GO-KART PROJECT

Auth. agree. for Youth Services Programs, Tr. letter, 103, Pssd., 104

GOLF

Establishing max. comp. for agree. for 2008 Senior PGA Championship Golf Tournament, Tr. letter, 43, Pssd., 44

GOVERNOR'S TRAFFIC SAFETY COMMITTEE

Auth. application and agree. for Selective Traffic Enforcement Program and amend. 2007-08 Budget, Tr. letter, 69, Pssd., 69

GRACE URBAN MINISTRIES

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

GRAFFITI

Amend. Chapter 90 of Mun. Code, Property Conservation Code, with respect to graffiti, Tr. letter, 134, Pssd., 135

Auth. grant agree. for graffiti removal and amend. 2008-09 Budget, Tr. letter, 289, Pssd., 290

GRANT WRITER

Establishing max. comp. for amend. professional svcs. agree. for grant writer, Tr. letter, 177, Pssd., 178

GRANTS

Auth. grant agree. and amend. 2007-08 Budget for PAC-TAC, Tr. letter, 33, Pssd., 33

Auth. application and agree. for Selective Traffic Enforcement Program and amend. 2007-08 Budget, Tr. letter, 69, Pssd., 69

Approp. funds and auth. agree. for 2007 Lead-Based Paint Hazard Control Grant Program, Tr. letter, 82, Pssd., 83

Auth. agree. for NET Electronic Document Management System and amend. 2007-8 Budget, Tr. letter, 84, Pssd., 85

Reso. endorsing grant appl. for New York Main St. Program, Tr. letter, 86, Adpt., 87

Auth. application and agree. for grant for High Falls, Tr. letter, 93, Pssd., 94

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 102, Pssd., 103

Approving Midtown Business Relocation Grant Program, Tr. letter, 146, Pssd., 150

Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

Auth. submission of Consolidated Comm. Dev. Plan/2008-09 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 167, Pub. hear., 158, Pssd., 169

Auth. competitive grant applications, Tr. letter, 180, Pssd., 181

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

Auth. agree. for Tauck Foundation Grant and amend. 2007-08 Budget, Tr. letter, 224, Pssd., 224

Auth. applications and agree. for grant funds, Tr. letter, 252, Pssd., 253

Auth. grant agree. and amend. 2008-09 Budget for fire prevention, Tr. letter, 257, Pssd., 257

Auth. grant agree. and amend. 2008-09 Budget for Bomb Squad, Tr. letter, 257, Pssd., 258

Auth. grant agree. and amend. 2008-09 Budget for homeland security, Tr. letter, 257, Pssd., 258

Auth. grant agree. and amend. 2008-09 Budget for PAC-TAC, Tr. letter, 257, Pssd., 258

Auth. agree. for funding for 2008 Justice Assistance Grant Program, Tr. letter, 259, Pssd., 259

Approving library grant and amend. 2008-09 Budget, Tr. letter, 274, Pssd., 275

Auth. grant agree. for graffiti removal and amend. 2008-09 Budget, Tr. letter, 289, Pssd., 290

Auth. grant agree. and amend. 2008-09 Budget for gang suppression, Tr. letter, 300, Pssd., 300

Auth. agree. and approp. funds for Lead Hazard Control Grant Program, Tr. letter, 367, Pssd., 367

Auth. agree. for Urban Area Security Initiative Grant and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 390

Auth. agree. for COPS Secure Our Schools Grant Program and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 391

GREATER ROCHESTER AREA NARCOTICS ENFORCEMENT TEAM

Amend. 2008-09 Budget by approp. forfeiture funds for Greater Rochester Area Narcotics Enforcement Team, Tr. letter, 259, Pssd., 260

GREATER ROCHESTER HEALTH FOUNDATION

Auth. agree. and amend. 2008-09 Budget for Rochester HeLP, Tr. letter, 393, Pssd., 393

GREECE, TOWN OF

Auth. municipal cooperation agree. for Dewey Ave. Corridor Traffic Calming Study, Tr. letter, 211, Pssd., 211

GREGORY STREET

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 399 Gregory St., Tr. letter, 421, Pssd., 422

Bond Ord. auth. issuance of \$60,000 bonds to finance cost of environmental clean-up of City-owned parcel at 399 Gregory St., Tr. letter, 421, Pssd., 423

GRIPPO, ROBERT SCOTT

Reso. approving reappointments to Downtown Enhancement District Advisory Comm.,

Tr. letter, 26, Adpt., 27

GROUP 14621 COMMUNITY ASSOCIATION

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

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HH WARNER ASSOCIATES II

Auth. agree. and amend. 2007-08 Budget for Restore NY Communities Initiative Program, Tr. letter, 51, Pssd., 52

HOK SPORTS FACILITIES ARCHITECTS P.C.

Establishing max. comp. for professional svcs. agree. for PAETEC Park Renovation Proj., Tr. letter, 311, Pssd., 311

HVAC

Bond ord. auth. issuance of \$218,900 bonds to finance cost of replacement of HVAC system at Genesee Valley Park Ice Rink Bldg., Tr. letter, 115, Pssd., 121

Bond ord. auth. issuance of \$400,000 bonds to finance cost of repairs to HVAC system of Chestnut St. Firehouse, Tr. letter, 115, Pssd., 124

Establishing max. comp. for amend. professional svcs. agree. for Crossroads Garage HVAC System Optimization Proj., Tr. letter, 139, Pssd., 139

HAHN AUTOMOTIVE

Auth. acceptance of easement for public access at 431 W. Main St., Tr. letter, 272, Pssd., 273

HALL, JUDITH

Reso. approving appts. to Roch. Public Library Board of Trustees, Tr. letter, 132, Adpt., 132

HAMILTON APARTMENTS

Approving property tax exemption and auth. in-lieu-of tax agreement for Hamilton Apts. Proj., Tr. letter, 203, Pssd., 204

Amend. Ord. No. 2005-377 and 2008-90 relating to redevelopment of River Park Commons, Tr. letter, 244, Pssd., 245

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

HARTER SECREST & EMERY LLP

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. for Vacuum Oil site remediation, Tr. letter, 253, Pssd., 254

HAUSER, SUSAN L.

Reso. appointing temp. members to Board of Assessment Review, Tr. letter, 403, Adpt., 404

HEALTH FAIR

Amend. 2008-09 Budget in regard to Health Fair in Southeast Quadrant - \$10,000, Tr. letter, 185, Pssd., 186

HEBARD STREET

Auth. participation in Trinidad St. and Hebard St. Improvement Proj., Tr. letter, 22, Pssd., 23

Amend. 2008-09 Budget for expanded parking at Pub. Mkt. and amend. Ord. No. 2008-16, Tr. letter, 320, Pssd., 321

HEMLOCK LAKE WATER FILTRATION PLANT

Establishing max. comp. for lease and service agree. for granular activated carbon filter media, Tr. letter, 172, Pssd., 173

HENNESSEY, ROSEANNE

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 132, Adpt., 134

HERITAGE CHARTER SCHOOL

Amend. Ord. No. 2007-322 relating to acq. of former Heritage Charter School parcels, Tr. letter, 9, Pssd., 9

Amend. Bond Ord. no. 2007-323 relating to acq. of former Heritage Charter School parcels to reduce amount of bonds auth. and approp. therein, Tr. letter, 9, Pssd., 10

HERRICK-SAYLOR ENGINEERS, P.C.

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 137, Pssd., 138

Establishing max. comp. for professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 290, Pssd., 291

Establishing max. comp. for professional svcs. agree. for Rundel Library Structural Repairs Proj., Tr. letter, 356, Pssd., 357

HIGH FALLS

Auth. application and agree. for grant for High Falls, Tr. letter, 93, Pssd., 94

L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 151, Pub. hear., 109, Pssd., 151

Establishing max. comp. for amend. professional svcs. agree. for High Falls Centers, Tr. letter, 216, Pssd., 217

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 226, Pssd., 227

Amend. 2007-08 Budget for emergency repairs at High Falls, Tr. letter, 248, Pssd., 248

Establishing max. comp. for professional svcs. agree. for High Falls Centers, Tr. letter, 343, Pssd., 344

Auth. residential parking program in High Falls Garage, Tr. letter, 420, Pssd., 420

HIGHLAND PARK

Auth. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 290, Pssd., 290

HIGHLAND PARKWAY

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

HIGHLAND RESERVOIR

Establishing max. comp. for professional svcs. agree. for professional geotechnical svcs., Tr. letter, 293, Pssd., 293

HILLSIDE AVENUE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

HILLSIDE CHILDREN'S CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

Auth. extension of professional svcs. agree. for curfew ctr., Tr. letter, 303, Pssd., 304; Tr. letter, 326, Pssd., 326

Auth. agree. for Hillside Work Scholarship Connection Program, Tr. letter, 329, Pssd., 329

HISTORY

Establishing max. comp. for history of The Protectives, Inc., Tr. letter, 155, Pssd., 155

HOBART STREET

Auth. sale of additional parcel of real estate through Reinvest in Rochester Program, Tr. letter, 312, Pssd., 313

HOLIDAY SHOPPER AND SPECIAL EVENTS FREE PARKING PROGRAM

Auth. Holiday Shopper and Special Events Free Parking Program at mun. parking garages, Tr. letter, 388, Pssd., 389

HOME PROGRAM

Auth. amend. Comm. Dev. and HOME Program Plans, transferring funds, amend. Ord. and auth. agree. for redevelopment of River Park Commons, Tr. letter, 88, Pub. hear., 77, Pssd., 89

Auth. amend. 2003-04, 2004-05, 2006-07, 2007-08 and 2008-09 HOME Program Plans, amend. ord. and approp. funds for Homebuyer Assistance Program, Tr. letter, 338, Pub. hear., 330, Pssd., 339

HOME ROCHESTER PROGRAM

Approp. funds and auth. agree. for housing development subsidies, Tr. letter, 81, Pssd., 81

HOMEBUYER ASSISTANCE PROGRAM

Approp. funds and auth. agree. for Homebuyer Assist. Program, Tr. letter, 52, Pssd., 53

Auth. amend. 2003-04, 2004-05, 2006-07, 2007-08 and 2008-09 HOME Program Plans, amend. ord. and approp. funds for Homebuyer Assistance Program, Tr. letter, 338, Pub. hear., 330, Pssd., 339

HOTEL/MOTEL COURTESY VEHICLE LICENSE

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

HOUSING

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

Auth. amend. 2006-07 and 2007-08 Comm. Dev. Program Plans to provide loans for Roch.

Housing Dev. Fund Corp., Tr. letter, 14, Pub. hear., 6, Pssd., 15

Approp. funds and auth. agree. for Homebuyer Assist. Program, Tr. letter, 52, Pssd., 53

Approp. funds and auth. agree. for housing development subsidies, Tr. letter, 81, Pssd., 81

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No 2006-40, Tr. letter, 83, Pssd., 84

Auth. amend. 2003-04 Comm. Dev. Program Plan to provide loan for Roch. Housing Dev. Fund Corp. and amend. Ord. No. 2003-338, Tr. letter, 87, Pub. hear., 77, Pssd., 88

Auth. amend. Comm. Dev. and HOME Program Plans, transferring funds, amend. Ord. and auth. agree. for redevelopment of River Park Commons, Tr. letter, 88, Pub. hear., 77, Pssd., 89

Adopting Housing Policy and amend. Chapter 130 of Mun. Code, Comprehensive Plan, Tr. letter, 90, Pub. hear., 77, Pssd., 90

Auth. agree. for Aging In Place Home Modification Program, Tr. letter, 130, Pssd., 131

Approving property tax exemption and auth. in-lieu-of tax agreement for Hamilton Apts. Proj., Tr. letter, 203, Pssd., 204

Approving loan agree. for Marketview Heights Assn. Rental Housing Proj., Tr. letter, 205, Pssd., 206

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

Approving Consolidated Plan Housing Programs, Tr. letter, 208, Pssd., 209; Tr. letter, 337, Pssd., 337

Approving housing dev. fund programs and repealing Ord. No. 2006-233, Tr. letter, 241, Pssd., 242

Amend. Ord. No. 2005-377 and 2008-90 relating to redevelopment of River Park Commons, Tr. letter, 244, Pssd., 245

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

Bond ord. auth. issuance of \$535,000 bonds to finance cost of demolition of two City-owned apartments at Valley Court Apartments, Tr. letter, 273, Pssd., 274

Auth. amend. 2003-04, 2004-05, 2006-07, 2007-08 and 2008-09 HOME Program Plans, amend. ord. and approp. funds for Homebuyer Assistance Program, Tr. letter, 338, Pub. hear., 330, Pssd., 339

Approving property tax exemption and auth. in lieu of tax agree. for DePaul W. Main St. Proj., Tr. letter, 354, Pssd., 355

Auth. agree. and approp. funds for Lead Hazard Control Grant Program, Tr. letter, 367, Pssd., 367

Auth. amend. 2007-08 and 2008-09 Community Dev. Program Plans and auth. agree. for Emergency Assistance Repair Program, Tr. letter, 411, Pub. hear., 395, Held, 412

Auth. agree. for Landlord and Tenant Svcs. Program, Tr. letter, 411, Pssd., 412

HOUSING COUNCIL IN THE MONROE COUNTY AREA, INC.

Approp. funds and auth. agree. for 2007 Lead-Based Paint Hazard Control Grant Pro-

gram, Tr. letter, 82, Pssd., 83

Establishing max. comp. for agree. for foreclosure research, Tr. letter, 206, Pssd., 206

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No 2006-40, Tr. letter, 83, Pssd., 84

HOUSING POLICY

Adopting Housing Policy and amend. Chapter 130 of Mun. Code, Comprehensive Plan, Tr. letter, 90, Pub. hear., 77, Pssd., 90

HUDSON AVENUE

Approving sale of 45 and 65 Hudson Ave., Tr. letter, 27, Pssd., 27

Auth. acq. of 720 Hudson Ave., Tr. letter, 128, Pssd., 128

HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C.

Establishing max. comp. for professional svcs. agree. for design of Brooks Ave. Improvement Proj., Tr. letter, 99, Pssd., 100

HUNT, ERROL

Reso. approving appts. to Roch. Public Library Board of Trustees, Tr. letter, 132, Adpt., 132

HUNTINGTON PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

HYATT CORPORATION

Auth. new agree. for lease of space in South Ave. Parking Garage, Tr. letter, 386, Held, 387

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Establishing max. comp. for professional svcs. agree. for Kendrick Rd./I-390 interchanges feasibility study and amend. Ord. No. 2005-240, Tr. letter, 94, Pssd., 94

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Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

IBERO-AMERICAN DEVELOPMENT CORPORATION

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IGLESIA EDUCATIONAL CENTERS

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Auth. agree. and amend. 2008-09 Budget for Records Management, Tr. letter, 399, Pssd., 400

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Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2007-08 Budget, Tr. letter, 33, Pssd., 34

Establishing max. comp. for professional svcs. agree. for health insurance study, Tr. letter, 46, Pssd., 47

Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

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Establishing max. comp. for professional svcs. agree. for investigative svcs., Tr. letter, 234, Pssd., 235

JAY ADVERTISING

Establishing max. comp. for professional svcs. agree. for City's 175th Anniversary Celebration, Tr. letter, 264, Pssd., 264

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Bond ord. auth. issuance of \$107,300 bonds to finance cost of environmental clean-up of the City-owned parcel at 1030 Jay St., Tr. letter, 346, Pssd., 347

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 1030 Jay St., Tr. letter, 346, Pssd., 347

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JOE BENSON'S SERVICE

Auth. agree. for towing svcs., Tr. letter, 429, Held, 430

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JOHN T. REYNOLDS, INC.

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Reso. nominating various persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 400, Adpt. 401

JONES, DAISY MARQUIS, FOUNDATION

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-K-**KABLACK, WILLIAM**

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-L-**LCG ACQUISITIONS LLC**

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Auth. agree. for environmental site assessment svcs., Tr. letter, 28, Pssd., 29
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Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 54, Pssd., 55
Establishing max. comp. for amend. professional svcs. agree. for parks and recreation center improvements and approp. funds, Tr. letter, 104, Pssd., 106
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Auth. agree. for architectural svcs. for bldg. renovations proj., Tr. letter, 341, Pssd., 342

LAFAYETTE PARK

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districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

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Auth. acq. of 4576 Lake Ave. and amend. Ord. No. 2007-268, Tr. letter, 407, Pssd., 408

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Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 54, Pssd., 55

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Establishing max. comp. for professional svcs. agree. for Genesee Riverway Trail Signage and Street Crossing Proj. and approp. funds, Tr. letter, 137, Pssd., 137

Establishing max. comp. for professional svcs. agree. for Brooks Landing Revitalization Proj., Tr. letter, 415, Pssd., 416

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Approving changes in pav. width of Lawn St., Tr. letter, 419, Pub. hear., 395, Pssd., 419

Changing traffic flow of Lawn St. between Chestnut St. and Broadway from two-way to one-way eastbound, Tr. letter, 419, Pub. hear., 395, Pssd., 419

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Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 30, Pssd., 30

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Approp. funds and auth. agree. for 2007 Lead-Based Paint Hazard Control Grant Program, Tr. letter, 82, Pssd., 83

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Auth. application and agree. for Lead Hazard Control Program, Tr. letter, 245, Pssd., 246

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LEADER'S INSTITUTE

Auth. agree. for Youth Svs. Programs, Tr. letter, 261, Pssd., 262

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Establishing max. comp. for professional svcs. agree. for Lean Six Sigma Training, Tr. letter, 114, Pssd., 115

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Auth. agree. for temp. lease of space for Webster Community Ctr., Tr. letter, 53, Pssd., 54

Auth. agree. with Selden P. Chase for lease of farmland, Tr. letter, 56, Pssd., 56

Approving lease to Adirondack Sports Club LLC of soccer stadium parcels, Tr. letter, 125, Pub. hear., 109, Pssd., 126

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 128, Pssd., 129

Auth. amend. lease agree. with Monroe County Pure Waters District for VanLare Treatment Plant, Tr. letter, 166, Pssd., 167

Establishing max. comp. for lease and service agree. for granular activated carbon filter media, Tr. letter, 172, Pssd., 173

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 298, Pub. hear., 263, Pssd., 299

Auth. lease agree. for space in Court St. Parking Garage, Tr. letter, 322, Pssd., 322

Auth. agree. for lease of space in Rundel Memorial Library Bldg., Tr. letter, 354, Pssd., 354

Auth. new agree. for lease of space in South Ave. Parking Garage, Tr. letter, 386, Held, 387

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 408, Pssd., 408

Auth. agree. for lease of Mun. Lot #4, Tr. letter, 424, Held, 425

LECHASE CONSTRUCTION

Establishing max. comp. for professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj., Tr. letter, 413, Pssd., 413

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Auth. agree. for Landlord and Tenant Svs. Program, Tr. letter, 411, Pssd., 412

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Establishing max. comp. for amend. professional svcs. agree. for legal svcs. and amend. 2007-08 Budget, Tr. letter, 44, Pssd., 45; Tr. letter, 235, Pssd., 236

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. for Vacuum Oil

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Amend. 2007-08 Budget for library Teen Centers, Tr. letter, 241, Pssd., 241

Approving library grant and amend. 2008-09 Budget, Tr. letter, 274, Pssd., 275

Auth. agree. for lease of space in Rundel Memorial Library Bldg., Tr. letter, 354, Pssd., 354

Establishing max. comp. for professional svcs. agree. for Rundel Library Structural Repairs Proj., Tr. letter, 356, Pssd., 357

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Auth. amend. lease agree. with Monroe County Pure Waters District for VanLare Treatment Plant, Tr. letter, 166, Pssd., 167

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LIMA, TOWN OF

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LITERACY

Establishing max. comp. for professional svcs. agree. for Mayor's Literacy Initiative, Tr. letter, 164, Held, 164

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Auth. agree. for Youth Services Programs, Tr. letter, 103, Pssd., 104

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Auth. amend. 2006-07 and 2007-08 Comm. Dev. Program Plans to provide loans for Roch. Housing Dev. Fund Corp., Tr. letter, 14, Pub. hear., 6, Pssd., 15

Auth. amend. 2003-04 Comm. Dev. Program Plan to provide loan for Roch. Housing Dev. Fund Corp. and amend. Ord. No. 2003-338, Tr. letter, 87, Pub. hear., 77, Pssd., 88

Auth. loan agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

Auth. submission of Section 108 loan application and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 167, Pub. hear., 158, Pssd., 169

Approving loan agree. for Marketview Heights Assn. Rental Housing Proj., Tr. letter, 205, Pssd., 206

Auth. payment of Fast Ferry loan, Tr. letter, 234, Pssd., 235

Auth. amend. 2005-06 Community Dev. Program and City Dev. Fund Plans and agree. for extension of loans for HUD Asset Control Area Partnership Program, Tr. letter, 314, Pub. hear., 304, Pssd., 314

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Establishing max. comp. for amend. professional svcs. agree. for Federal lobbying svcs. and auth. amend. agree., Tr. letter, 181, Pssd., 182

Establishing max. comp. for Federal lobbying svcs. and amend. Ord. No. 2008-184, Tr. letter, 398, Pssd., 399

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1582 - L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

1583 - L.I.O. - Snow removal at Public Mkt., Tr. letter, 106, Pub. hear., 77, Pssd., 107

1584 - L.I.O. - Security at Public Mkt., Tr. letter, 106, Pub. hear., 77, Pssd., 107

1585 - L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District and auth. agree., Tr. letter, 135, Pub. hearing, 109, Pssd., 136

1586 - L.I.O. - Upgrading of sidewalk as part of Bond St. Group Curb Replacement Proj., Tr. letter, 143, Pub. hear., 109, Pssd., 144

1587 - L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

1588 - L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 144, Pub. hear., 109, Pssd., 146

1589 - L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 151, Pub. hear., 109, Pssd., 151

1590 - L.I.O. - Establishing operating and maintenance costs of neighborhood or residential parking areas, Tr. letter, 163, Pub. hear., 158, Pssd., 164

1591 - L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 175, Pub. hear., 158, Pssd., 176

1592 - L.I.O. - Establishing cost of special work and svcs. related to Downtown Special Svcs. and auth. agree., Tr. letter, 176, Pub. hear., 158, Pssd., 177

1593 - L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 194

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1 - Local Law amend. City Charter with respect to issuance of appearance tickets, Tr. letter, 131, Pssd., 132

2 - Local Law amend. City Charter with respect to financial disclosure statements, Tr. letter, 160, Pssd., 162

3 - Local Law amend. City Charter with respect to fire insurance liens, Tr. letter, 190, Pssd., 201

4 - Local Law adding Zeller Corp. Facilities to City of Rochester Empire Zone as regionally significant proj., Tr. letter, 216, Pssd., 216

5 - Local Law amend. City Charter with respect to Neighborhood Empowerment Team, Tr. letter, 238, Pssd., 239

6 - Local Law amend. City Charter with respect to Roch. Environmental Commission, Tr. letter, 243, Pssd., 244

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8 - Local Law amend. City Charter in relation to sale of delinquent tax liens, Tr. letter, 331, Held, 335, Pssd., 363

9 - Local Law amend. Charter of City in relation to purchase of parcels at tax foreclosure sales, Tr. letter, 363, Pssd., 363

10 - Local Law adding Acro Industries, Inc. facilities to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 387, Pssd., 388

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Auth. amend. agree. for design svcs. for Durand Eastman Park Beach Improvements and amend. Ord. No. 2007-454, Tr. letter, 141,

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Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 54, Pssd., 55

MRA ARCHITECTURE P.C.

Auth. agree. for architectural svcs. for bldg. renovations proj., Tr. letter, 341, Pssd., 342

MAIN STREET

Approving changes in pav. width of Broad, Brown, Campbell, Allen, Canal and Main St. as part of Broad St. Tunnel Proj., Tr. letter, 249, Pub. hear., 231, Pssd., 251

MALCOLM PIRNIE

Establishing max. comp. for amend. professional svcs. agree. for water quality model, Tr. letter, 56, Pssd., 57

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Reso. approving appt. to Board of Assessment Review, Tr. letter, 403, Adpt., 403

MAPLESTAR DEVELOPMENT COMPANY, LLC

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MARINA

Establishing max. comp. for professional svcs. agree. for Marina Market and Feasibility Study, Tr. letter, 93, Pssd., 93

MARKETVIEW HEIGHTS ASSOCIATION

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

Approving loan agree. for Marketview Heights Assn. Rental Housing Proj., Tr. letter, 205, Pssd., 206

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Reso. approving reappointments to City Planning Commission, Tr. letter, 132, Adpt., 133

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Establishing max. comp. for professional svcs. agree. for master planning for Midtown Plaza Revitalization Proj., Tr. letter, 31, Pssd., 31

MAUSER, RICHARD A., ARCHITECTS

Auth. agree. for architectural svcs. for bldg. renovations proj., Tr. letter, 341, Pssd., 342

MAXIMUM COX LLC

Auth. agree. and amend. 2007-08 Budget for Restore NY Communities Initiative Program, Tr. letter, 51, Pssd., 52

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Reso. confirming appt. of Chief Information Officer, Tr. letter, 352, Pssd., 352

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Establishing max. comp. for professional svcs. agree. for computer replacement svcs., Tr. letter, 45, Pssd., 46

MAYOR'S LITERACY INITIATIVE

Establishing max. comp. for professional svcs. agree. for Mayor's Literacy Initiative, Tr. letter,

164, Held, 164

MCANDREW, PAUL

Reso. approving reappointments to Roch. Preservation Board, Tr. letter, 132, Adpt., 133

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Establishing max. comp. for professional svcs. agree. for North St. Rec. Ctr. Aquatic Park Proj. and approp. funds, Tr. letter, 60, Pssd., 60

Establishing max. comp. for professional svcs. agree. for Genesee Riverway Trail Signage and Street Crossing Proj. and approp. funds, Tr. letter, 137, Pssd., 137

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Amend. proposed 2008-09 Budget in regard to fashion show - \$4,000, Tr. letter, 186, Pssd., 187

Amend. 2008-09 Budget in regard to Future Boxing Club - \$5,000, Tr. letter, 188, Pssd., 189

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Auth. extension of professional svcs. agree. for curfew ctr., Tr. letter, 326, Pssd., 326

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

METRO COUNCIL FOR TEEN POTENTIAL

Auth. agree. for Youth Voice One Vision, Tr. letter, 324, Pssd., 325

Establishing max. comp. for professional svcs. agree. for Substance Abuse Program, Tr. letter, 351, Pssd., 351

METZGER, BERNARD

Reso. approving appts. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 409, Adpt., 409

MIDLAND APPRAISAL ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agree. for appraisal svcs. for parking garages, Tr.

letter, 27, Pssd., 27

Establishing max. comp. for professional svcs. agree. for appraisal svcs. and amend. Ord. No. 2008-250 relating to payment of fast ferry loan, Tr. letter, 270, Pssd., 271

MIDTOWN PLAZA

Establishing max. comp. for professional svcs. agree. for master planning for Midtown Plaza Revitalization Proj., Tr. letter, 31, Pssd., 31

Bond ord. auth. issuance of \$4,216,000 bonds to finance cost of acq. of Midtown Plaza properties, Tr. letter, 61, Pssd., 62

Amend. 2007-08 Budget relating to acq. of Midtown Plaza properties, Tr. letter, 61, Pssd., 62

Establishing price for acq. of Midtown Plaza parcels to further Midtown Urban Renewal Plan and Center City Master Plan, Tr. letter, 61, Pssd., 63

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Bond ord. auth. issuance of \$1,704,000 bonds to finance add. cost of acq. of Midtown Plaza properties to effectuate the Midtown Urban Renewal Plan and amend. Bond Ord. No. 2008-59 relating to said acq., Tr. letter, 146, Pssd., 149

Bond ord. auth. issuance of \$3,296,000 bonds to finance cost of relocation of Midtown Plaza tenants to effectuate Midtown Urban Renewal Plan, Tr. letter, 146, Pssd., 150

Approving Midtown Business Relocation Grant Program, Tr. letter, 146, Pssd., 150

Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

Auth. agree. for temporary relocation of Midtown Plaza Bus Terminal, Tr. letter, 219, Pssd., 220

Amend. Ord. No. 2008-61, relating to compensation for acq. of Midtown Plaza properties, Tr. letter, 254, Pssd., 255

Approving agree. for Midtown Plaza Revitalization Proj., Tr. letter, 294, Pssd., 295

Establishing max. comp. for amend. professional svcs. agree. for Midtown Plaza management, Tr. letter, 322, Pssd., 323

MILLER, DANA K., COUNCILMEMBER

Amend. proposed 2008-09 Budget in regard to Downtown Community Forum - \$5,000, Tr. letter, 188, Pssd., 188

Amend. 2008-09 Budget in regard to planning charette - \$5,000, Tr. letter, 186, Pssd., 186

Amend. 2008-09 Budget in regard to Future Boxing Club - \$5,000, Tr. letter, 188, Pssd., 189

Motion to amend Int. No. 265, Adpt., 219

Negative vote, Ord. No. 2008-262, Pssd., 247; Ord. No. 2008-298, Pssd., 288; Motion to amend Int. No. 346, Adpt., 302; Ord. No. 2008-316, Pssd., 303; Motion to discharge Int. No. 401 from Committee, Adpt., 339; Ord. No. 2008-356, Pssd., 339

Motion to amend Int. No. 332, Adpt., 297

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MILLING AND RESURFACING PROGRAM
See "Streets".

MR. AND MS. TRENDSETTER FASHION SHOW

Amend. proposed 2008-09 Budget in regard to fashion show - \$4,000, Tr. letter, 186, Pssd., 187

MR. TOW, INC.

Auth. agree. for towing svcs., Tr. letter, 429, Held, 430

MONROE #2-ORLEANS BOCES

Establishing max. comp. for amend. professional svcs. agree. for City employee training, Tr. letter, 114, Pssd., 114

MONROE AVENUE

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

L.I.O. - Establishing operating and maintenance costs of neighborhood or residential parking areas, Tr. letter, 163, Pub. hear., 158, Pssd., 164

MONROE COMMUNITY COLLEGE

Establishing max. comp. for professional svcs. agree. for Lean Six Sigma Training, Tr. letter, 114, Pssd., 115

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

Establishing max. comp. for agree. for AmeriCorps Program, Tr. letter, 392, Pssd., 392

MONROE COUNTY

Amend. Ord. No. 2007-342 and 2007-08 Budget, relating to lead poisoning prevention, Tr. letter, 130, Pssd., 130

Auth. agree. with County of Monroe for water testing svcs. at Durand Eastman Beach, Tr. letter, 171, Pssd. 172

Auth. agree. for health insurance collaborative feasibility study, Tr. letter, 183, Pssd., 184

Auth. agree. with County of Monroe for funding for police programs, Tr. letter, 221, Pssd., 221

Auth. grant agree. and amend. 2008-09 Budget for homeland security, Tr. letter, 257, Pssd., 258

Auth. agree. for funding for 2008 Justice Assistance Grant Program, Tr. letter, 259, Pssd., 259

Auth. grant agree. and amend. 2008-09 Budget for gang suppression, Tr. letter, 300, Pssd., 300

Auth. agree. with County of Monroe for disposal of solid waste and processing of recyclable materials, Tr. letter, 316, Pssd., 316

Auth. agree. with County of Monroe for Tobacco Sales Enforcement Program, Tr. letter, 349, Pssd., 349

MONROE COUNTY BROADCASTING CO., LTD

Establishing max. comp. for agree. for WDKX anniversary concert, Tr. letter, 75, Held,

76; Amended, 230; Establishing max. comp. for [WDKX anniversary] free concert, Pssd., 231

MONROE COUNTY EMPIRE ZONE

See "Empire Zones"

MONROE COUNTY LIBRARY SYSTEM

Auth. cooperation agree. for library content management system, Tr. letter, 240, Pssd., 241

MONROE COUNTY PURE WATERS DISTRICT

Auth. amend. lease agree. with Monroe County Pure Waters District for VanLare Treatment Plant, Tr. letter, 166, Pssd., 167

MONROE COUNTY PURE WATERS DIVISION

Auth. easement for North St. Rec. Ctr. Aquatic Park, Tr. letter, 414, Pssd., 415

MONROE COUNTY WATER AUTHORITY

Auth. ext. of agree. with Monroe County Water Auth., Tr. letter, 57, Pssd., 57

Amend. Ord. No. 2008-55, relating to amend. agree. with Monroe County Water Auth., Tr. letter, 143, Pssd., 143

Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs., Tr. letter, 316, Pssd., 317

Auth. amend. agree. with Monroe County Water Auth., Tr. letter, 416, Pssd., 416

MONROE TITLE INSURANCE CORPORATION

Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

MONTGOMERY NEIGHBORHOOD CENTER

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

MONTGOMERY STREET

Approving changes in pav. width of Aldine St. and Montgomery St., auth. agree. and amend. 2008-09 Budget, Tr. letter, 418, Pub. hear., 395, Pssd., 418

MORATORIUM

Establishing moratorium on bldg. permits and certificates of zoning compliance for Mt. Hope Ave. between Elmwood Ave. and Raleigh St., Tr. letter, 91, Pub. hear., 77, Pssd., 92

Extending moratorium on bldg. permits and certificates of zoning compliance for Mt. Hope Ave. between Elmwood Ave. and Raleigh St., Tr. letter, 315, Pub. hear., 304, Pssd., 315

MORSE, WILLIAM B., LUMBER COMPANY

Auth. acq. of permanent easement for Broad St. Tunnel Proj., Tr. letter, 249, Pssd., 250

MORTIMER STREET PARKING GARAGE

Auth. agree. for operation of Mortimer St. Parking Garage and approp. funds, Tr. letter, 218, Pssd., 219

Amend. Ord. No. 2008-228 relating to increased appropriation for Mortimer St. Parking

Garage reopening, Tr. letter, 323, Pssd., 323

MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2007-08 Budget, Tr. letter, 33, Pssd., 34

MT. HOPE AVENUE

Petition, Mt. Hope moratorium, 324 signature, 77

Establishing moratorium on bldg. permits and certificates of zoning compliance for Mt. Hope Ave. between Elmwood Ave. and Raleigh St., Tr. letter, 91, Pub. hear., 77, Pssd., 92

Establishing max. comp. for professional svcs. agree. for neighborhood commercial planning svcs., Tr. letter, 166, Pssd., 166

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 425 and 435 Mt. Hope Ave., Tr. letter, 295, Pssd., 296

Bond ord. auth. issuance of \$850,000 bonds to finance cost of environmental clean-up at City-owned parcels at 425 and 435 Mt. Hope Ave. and 562 Ford St., Tr. letter, 295, Pssd., 297

Extending moratorium on bldg. permits and certificates of zoning compliance for Mt. Hope Ave. between Elmwood Ave. and Raleigh St., Tr. letter, 315, Pub. hear., 304, Pssd., 315

Changing zoning class. of 1256-1510 and 1325-1521 Mt. Hope Ave., 30 E. Henrietta Rd., 683 and 793-797 Elmwood Ave. from C-2 Community Ctr., and 35 Crittenden Blvd. and 22 and 25 Raleigh St. from R-1 Low Density Residential, to C-V Collegetown Village, Tr. letter, 368, Pub. hear., 353, Pssd., 371

Changing zoning class. of 171-405 Mt. Hope Ave. from O-S Open Space to CCD-R Ctr. City-Riverfront, Tr. letter, 410, Pub. hear., 395, Pssd., 411

MT. HOPE CEMETERY

Auth. agree. and amend. 2007-08 Budget for Mt. Hope Cemetery study, Tr. letter, 222, Pssd., 223

Amend. Ord. No. 2008-233, which amended 2007-08 Budget, Tr. letter, 266, Pssd., 268

MUNICIPAL CIVIL SERVICE COMMISSION

Reso. approving reappointments to Mun. Civil Service Commission, Tr. letter, 181, Adpt., 181

MUNICIPAL CODE

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Canal-side Business Ctr. as Planned Dev. District #9, Tr. letter, 17, Pub. hear., 6, Pssd., 21

Amend. Mun. Code relating to short term parking at Mun. Parking Garages, Tr. letter, 31, Pssd., 32

Amend. Mun. Code, in relation to creating disclosure requirements for income tax preparers who offer income tax refund anticipation loans, Tr. letter, 49, Pssd., 50

Amend. Chapter 90 of Mun. Code, Property Conservation Code, and amend. Ord. No. 2008-26, Tr. letter, 85, Pssd., 86

Adopting Housing Policy and amend. Chapter 130 of Mun. Code, Comprehensive Plan, Tr. letter, 90, Pub. hear., 77, Pssd., 90

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 111, Pssd., 111

Amend. Chapter 75 of Mun. Code, Noise, with respect to special events, Tr. letter, 113, Pssd., 114

Amend. Chapter 90 of Mun. Code, Property Conservation Code, with respect to graffiti, Tr. letter, 134, Pssd., 135

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 140, Pssd., 141

Establishing max. comp. for professional svcs. agree. with General Code Publishers relating to publication of City Charter and Code, Tr. letter, 180, Pssd., 180

Amend. Mun. Code with respect to water rates, Tr. letter, 190, Pssd., 196

Amend. Mun. Code with respect to municipal parking garages and parking rates, Tr. letter, 190, Pssd., 197

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

Amend. Mun. Code with respect to fees for permits from City Engineer, Tr. letter, 190, Pssd., 200

Amend. Mun. Code with respect to Neighborhood Empowerment Team, Tr. letter, 238, Pssd., 239

Amend. Mun. Code with respect to taxicab rates of fare, Tr. letter, 266, Pssd., 266

Amend. Chapter 120 of Mun. Code, Zoning Code, with respect to flood damage prevention, Tr. letter, 275, Pub. hear., 263, Pssd., 275

Amend. Mun. Code by adoption of new Chapter 56, Flood Damage Prevention, Tr. letter, 275, Pssd., 287

Amend. Chapter 120 of Mun. Code, Zoning Code, relating to standards for Planned Dev. District #6 - Roch. General Hospital, Tr. letter, 288, Pub. hear., 263, Held, 289, Pssd., 314

Amend. Chapter 23 of Mun. code, Waterworks, Tr. letter, 317, Pssd., 319

Amend. Mun. Code relating to parking meter rates for parking station meters, Tr. letter, 355, Pssd., 356

Amend. Mun. Code relating to use of parking boots, Tr. letter, 355, Pssd., 356

Amend. Chapter 120 of Mun. Code, Zoning Code, with respect to adoption of C-V Collegetown Village District, Tr. letter, 368, Pub. hear., 353, Pssd., 384

Amend. Mun. Code with respect to sterilization of cats and dogs, Tr. letter, 425, Pssd., 426

MUNICIPAL COOPERATION AGREEMENT

Auth. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 290, Pssd., 290

MUNICIPAL PARKING SERVICES

Establishing max. comp. for amend. professional svcs. agree. for mun. parking svcs., Tr. letter, 345, Pssd., 345

MURRAY STREET

Amend. Official Map by abandonment of portion of Murray St., Tr. letter, 321, Pub. hear.,

304, Pssd., 321

MUSIC

Establishing max. comp. for agree. for 2008 Roch. International Jazz Festival, Tr. letter, 75, Pssd., 76

Establishing max. comp. for agree. for 2008 Roch. MusicFest, Tr. letter, 75, Held, 76, Pssd., 108

Establishing max. comp. for agree. for WDKX anniversary concert, Tr. letter, 75, Held, 76; Amended, 230; Establishing max. comp. for [WDKX anniversary] free concert, Pssd., 231

Establishing max. comp. for professional svcs. agree. for "Bands on the Bricks" concerts, Tr. letter, 106, Pssd., 106

Establishing max. comp. for agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 392, Pssd., 393

Establishing max. comp. for amend. agree. for 2008 Roch. MusicFest, Tr. letter, 394, Held, 395

Establishing max. comp. for agree. for 2009 Xerox Roch. International Jazz Festival, Tr. letter, 427, Pssd., 427

Establishing max. comp. for amend. agree. for 2008 Roch. MusicFest, Tr. letter, 429, Pssd., 429

MYERS, CATHERINE AND L. VICTOR

Auth. sale of real estate in Town of Lima, Tr. letter, 313, Pssd., 313

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NET

See "Neighborhood Empowerment Team"

NY TRAILWAYS

Auth. agree. for lease of Mun. Lot #4, Tr. letter, 424, Held, 425

NAU, LOUIS

Reso. approving reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 26, Adpt., 27

NAVINT CONSULTING, LLC

Establishing max. comp. for amend. professional svcs. agree. for Customer Relationship Management System, Tr. letter, 233, Pssd., 233

NAZARETH COLLEGE

Auth. agree. for Youth Voice One Vision, Tr. letter, 324, Pssd., 325

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Reports of, 11; 50; 79; 126; 164; 202; 236; 271; 311; 335; 365; 406

NEIGHBORHOOD COMMERCIAL PLANNING

Establishing max. comp. for professional svcs. agree. for neighborhood commercial planning svcs., Tr. letter, 166, Pssd., 166

NEIGHBORHOOD EMPOWERMENT TEAM

Auth. agree. for NET Electronic Document

Management System and amend. 2007-8 Budget, Tr. letter, 84, Pssd., 85

Local Law amend. City Charter with respect to Neighborhood Empowerment Team, Tr. letter, 238, Pssd., 239

Amend. Mun. Code with respect to Neighborhood Empowerment Team, Tr. letter, 238, Pssd., 239

NEIGHBORHOOD SERVICE CENTERS

Local Law amend. City Charter with respect to Neighborhood Empowerment Team, Tr. letter, 238, Pssd., 239

Amend. Mun. Code with respect to Neighborhood Empowerment Team, Tr. letter, 238, Pssd., 239

NEIGHBORS BUILDING NEIGHBORHOODS PROGRAM

Auth. agree. for Neighbors Building Neighborhoods Program, Tr. letter, 274, Pssd., 274

NEW YORK MAIN STREET PROGRAM

Reso. endorsing grant appl. for New York Main St. Program, Tr. letter, 86, Adpt., 87

NEW YORK STATE

Auth. application and agree. for City Hall Stonework Restoration Proj., Tr. letter, 211, Pssd., 212

Auth. grant agree. and amend. 2008-09 Budget for PAC-TAC, Tr. letter, 257, Pssd., 258

Auth. acq. of Culver Rd. Armory from State of New York, Tr. letter, 310, Pssd., 311

NEW YORK STATE ARCHIVES AND RECORDS ADMINISTRATION

Auth. agree. and amend. 2008-09 Budget for Records Management, Tr. letter, 399, Pssd., 400

NEW YORK STATE DEPARTMENT OF EDUCATION

Auth. agree. for NET Electronic Document Management System and amend. 2007-8 Budget, Tr. letter, 84, Pssd., 85

Auth. application and agree. for 2008 Summer Food Service Program For Children, Tr. letter, 154, Pssd., 154

Auth. amend. agree. for 2007 Summer Food Service Program For Children, Tr. letter, 154, Pssd., 155

Auth. agree. relating to Roch. After School Academy 4 Program and amend. Proposed 2008-09 Budget, Tr. letter, 227, Pssd., 229

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Auth. agree. and amend. 2008-09 Budget for Sebastian Park trees, Tr. letter, 385, Pssd., 385

NEW YORK STATE DEPARTMENT OF STATE

Establishing max. comp. for professional svcs. agree. for Genesee Riverway Trail Signage and Street Crossing Proj. and approp. funds, Tr. letter, 137, Pssd., 137

Auth. agree. and amend. 2007-08 Budget for Mt. Hope Cemetery study, Tr. letter, 222, Pssd., 223

Auth. applications and agree. for grant funds, Tr. letter, 252, Pssd., 253

Auth. agree. for Clarissa St. Reunion and amend. 2008-09 Budget, Tr. letter, 302, Pssd., 302

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Auth. participation in Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 174, Pssd., 174

Auth. application for funding for ARTWalk 2 - Urban Art Trail Extension Proj., Tr. letter, 340, Pssd., 340

Auth. application and agree. and approp. funds for 2008 Safe Routes to School Program, Tr. letter, 340, Held, 341, Pssd., 386

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 384, Pssd., 385

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

Auth. appl. and agree. for STOP Violence Against Women Program, Tr. letter, 33, Pssd., 33

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2007-08 Budget, Tr. letter, 33, Pssd., 34

Auth. agree. with respect to Proj. IMPACT IV and amend. 2008-09 Budget, Tr. letter, 300, Pssd., 301

Auth. application and agree. for Do the Right Thing Program, Tr. letter, 351, Held, 352

NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL

Reso. endorsing grant appl. for New York Main St. Program, Tr. letter, 86, Adpt., 87

NEW YORK STATE DIVISION OF MILITARY AND NAVAL AFFAIRS

Auth. acq. of real estate from State of New York, Tr. letter, 209, Pssd., 210

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 102, Pssd., 103

NEW YORK STATE OFFICE OF HOMELAND SECURITY

Auth. grant agree. and amend. 2008-09 Budget for Bomb Squad, Tr. letter, 257, Pssd., 258

Auth. agree. for Urban Area Security Initiative Grant and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 390

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Auth. application and agree. for grant for High Falls, Tr. letter, 93, Pssd., 94

NEW YORK STATE URBAN DEVELOPMENT CORPORATION

Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

Approving agree. for Midtown Plaza Revi-

talization Proj., Tr. letter, 294, Pssd., 295

NEWPORT ALLIANCE FOR BUSINESS HEALTH

Establishing max. comp. for professional svcs. agree. for Drug and Alcohol Testing Program, Tr. letter, 398, Pssd., 398

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NOISE

Amend. Chapter 75 of Mun. Code, Noise, with respect to special events, Tr. letter, 113, Pssd., 114

NORTH CLINTON AVENUE

Approving option to Tower Rochester LLC for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 63, Pub. hear., 41, Pssd., 64

Approving assignment of option for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 347, Pub. hear., 330, Pssd., 349

NORTH EAST AREA DEVELOPMENT

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

Establishing max. comp. for amend. professional svcs. agree. for Freedom School, Tr. letter, 156, Pssd., 157

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

Approving housing dev. fund programs and repealing Ord. No. 2006-233, Tr. letter, 241, Pssd., 242

NORTH STREET

L.I.O. - Establishing operating and maintenance costs of neighborhood or residential parking areas, Tr. letter, 163, Pub. hear., 158, Pssd., 164

NORTH STREET RECREATION CENTER

Establishing max. comp. for professional svcs. agree. for North St. Rec. Ctr. Aquatic Park Proj. and approp. funds, Tr. letter, 60, Pssd., 60

Auth. agree. for Tauck Foundation Grant and amend. 2007-08 Budget, Tr. letter, 224, Pssd., 224

Auth. easement for North St. Rec. Ctr. Aquatic Park, Tr. letter, 414, Pssd., 415

NORTH UNION STREET

Changing zoning class. of 115 N. Union St. and portions of 271, 275-277 and 283 Lyndhurst St. from R-2 Medium Density Residential to CCD-M City Center District Main St., Tr. letter, 246, Pub. hear., 231, Pssd., 247

NORTHEASTERN PRODUCTION SYSTEMS, INC.

Establishing max. comp. for amend. professional svcs. agree. for sound and lighting svcs., Tr. letter, 225, Pssd., 226

NORTHWEST COMMUNITY SERVICES

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

NORTON STREET

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

NUNDA BOULEVARD

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

NYE PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

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O'BRIEN & GERE ENGINEERS, INC.

Auth. agree. for environmental site assessment svcs., Tr. letter, 28, Pssd., 29

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 425 and 435 Mt. Hope Ave., Tr. letter, 295, Pssd., 296

Establishing max. comp. for amend. professional svcs. agree. for environmental investigation of 24 Seneca Ave., Tr. letter, 420, Pssd., 421

OBUCK ENTERPRISES, INC.

Auth. lease agree. for space in Court St. Parking Garage, Tr. letter, 322, Pssd., 322

O'DONNELL, JOSEPH

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 132, Adpt., 134

OFFICIAL MAP

Amend. Official Map by dedicating parcels to street purposes and adding said parcels to Rau St. and corners of Seneca Ave. and Rau St. and Seneca Ave. and Reliance St., Tr. letter, 96, Pub. hear., 77, Pssd., 98

Amend. Official Map by abandonment of portion of Murray St., Tr. letter, 321, Pub. hear., 304, Pssd., 321

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to corner of Brooks Ave. and Genesee Park Blvd., Tr. letter, 417, Pub. hear., 395, Pssd., 418

OFFICIAL NEWSPAPERS

Designating Official Newspapers of City of Roch. for Years 2008-09, Pssd., 5

OLEAN & KENNEDY REVITALIZATION PROJECT

Auth. sale of real estate and amend. Ordinances No. 2007-377 and 378, relating to sale of real estate and property tax exemption for Olean & Kennedy Revitalization Proj., Tr. letter, 11, Pssd., 13

ONE CITY CONNECTION

Establishing max. comp. for agree. for One

City Connection and amend. 2008-09 Budget, Tr. letter, 308, Pssd., 308

OPTIMATION TECHNOLOGY, INC.

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 389, Pub. hear., 353, Adpt., 389

ORANGE STREET

Auth. acq. of 419 Orange St. as part of Challenged Streets Program, Tr. letter, 242, Pssd., 243

ORDINANCES AMENDED

Amend. Ord. No. 2007-120 relating to management training, Tr. letter, 7, Pssd., 7

Establishing max. comp. for professional svcs. agree. for police data svcs. and amend. Ord. No. 2007-328, Tr. letter, 7, Pssd., 8

Amend. Ord. No. 2007-322 relating to acq. of former Heritage Charter School parcels, Tr. letter, 9, Pssd., 9

Amend. Bond Ord. no. 2007-323 relating to acq. of former Heritage Charter School parcels to reduce amount of bonds auth. and approp. therein, Tr. letter, 9, Pssd., 10

Auth. sale of real estate and amend. Ordinances No. 2007-377 and 378, relating to sale of real estate and property tax exemption for Olean & Kennedy Revitalization Proj., Tr. letter, 11, Pssd., 13

Amend. Bond Ord. No. 2007-265 relating to street improvements as part of 2007 Street Improvement Program to reduce amount of bonds auth. and approp. therein, Tr. letter, 22, Pssd., 23

Approving applications, agree. and 2008 admin. and program budgets of Roch.-Monroe County Youth Bur. and amend. Ord. No. 2007-398, relating to Pre-K transportation, Tr. letter, 34, Pssd., 35

Auth. payment of portion of fast ferry loan and amend. Ord. No. 2006-84, Tr. letter, 47, Pssd., 48

Establishing max. comp. for agree. with Camp Day Dreams and amend. Ord. No. 2007-426, Tr. letter, 70, Pssd., 71

Amend. 2007-08 Budget for wages and benefits and cash capital and amend. Ord. No. 2008-46, Tr. letter, 78, Pssd., 79

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2006-40, Tr. letter, 83, Pssd., 84

Amend. Chapter 90 of Mun. Code, Property Conservation Code, and amend. Ord. No. 2008-26, Tr. letter, 85, Pssd., 86

Auth. amend. 2003-04 Comm. Dev. Program Plan to provide loan for Roch. Housing Dev. Fund Corp. and amend. Ord. No. 2003-338, Tr. letter, 87, Pub. hear., 77, Pssd., 88

Auth. amend. Comm. Dev. and HOME Program Plans, transferring funds, amend. Ord. and auth. agree. for redevelopment of River Park Commons, Tr. letter, 88, Pub. hear., 77, Pssd., 89

Establishing max. comp. for professional svcs. agree. for Kendrick Rd./I-390 interchanges feasibility study and amend. Ord. No. 2005-240, Tr. letter, 94, Pssd., 94

Bond ord. auth. issuance of \$168,600 bonds

to finance cost of design and engineering svcs. and construction of repairs and an add. to Hudson Ave. Firehouse and amend. Bond Ord. No. 2008-65 relating to said purpose, Tr. letter, 115, Pssd., 122

Amend. Ord. No. 2007-342 and 2007-08 Budget, relating to lead poisoning prevention, Tr. letter, 130, Pssd., 130

Auth. amend. agree. for design svcs. for Durand Eastman Park Beach Improvements and amend. Ord. No. 2007-454, Tr. letter, 141, Pssd., 142

Amend. Ord. No. 2008-55, relating to amend. agree. with Monroe County Water Auth., Tr. letter, 143, Pssd., 143

Bond ord. auth. issuance of \$1,704,000 bonds to finance add. cost of acq. of Midtown Plaza properties to effectuate the Midtown Urban Renewal Plan and amend. Bond Ord. No. 2008-59 relating to said acq., Tr. letter, 146, Pssd., 149

Amend. Ord. No. 2007-375 relating to sale of real estate, Tr. letter, 165, Pssd., 166

Auth. agree. for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Addition and Renovations Proj. and amend. Ord. No. 2006-62 and 2006-226, Tr. letter, 170, Pssd., 170

Auth. agree., approp. funds and amend. Ord. No. 2008-101, relating to Bremen St. Group Improvement Proj., Tr. letter, 173, Pssd., 174

Amend. Ord. No. 2008-154 relating to sale of 280 S. Clinton Ave., Tr. letter, 175, Pssd., 175

Amend. Ord. No. 2008-173, relating to City Dev. Fund, Tr. letter, 208, Pssd., 209

Amend. Ord. No. 2005-377 and 2008-90 relating to redevelopment of River Park Commons, Tr. letter, 244, Pssd., 245

Amend. Ord. No. 2008-61, relating to compensation for acq. of Midtown Plaza properties, Tr. letter, 254, Pssd., 255

Establishing max. comp. for amend. professional svcs. agree. for Hudson Ave. Firehouse Renovation and Expansion Proj. and amend. Ord. No. 2008-64

Amend. Ord. No. 2008-233, which amended 2007-08 Budget, Tr. letter, 266, Pssd., 268

Amend. Ord. No. 2008-198, the 2008-09 Budget, Tr. letter, 266, Pssd., 268

Establishing max. comp. for professional svcs. agree. for appraisal svcs. and amend. Ord. No. 2008-250 relating to payment of fast ferry loan, Tr. letter, 270, Pssd., 271

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

Amend. 2008-09 Budget for expanded parking at Pub. Mkt. and amend. Ord. No. 2008-16, Tr. letter, 320, Pssd., 321

Amend. Ord. No. 2008-228 relating to increased appropriation for Mortimer St. Parking Garage reopening, Tr. letter, 323, Pssd., 323

Auth. amend. 1997-98, 1999-2000 and 2000-01 Community Dev. Program Plans, Amend. Ord. and auth. agree. for Slater's Raiders for Peace Initiative, Tr. letter, 327, Pub. hear., 304, Pssd., 327

Auth. amend. 2003-04, 2004-05, 2006-07, 2007-08 and 2008-09 HOME Program Plans, amend. ord. and approp. funds for Homebuyer

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2008-13 - Reso. approving reappointments to Roch. Preservation Board, Tr. letter, 132, Adpt., 133

2008-14 - Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 132, Adpt., 134

2008-15 - Reso. auth. exception to City debt limit for Midtown Plaza acq. and relocation costs, Tr. letter, 146, Adpt., 148

2008-16 - Reso. continuing tax-exempt policy for privately-financed parking garages, Tr. letter, 151, Adpt., 153

2008-17 - Reso. approving participation in Urban/Technical Search and Rescue Team, Tr. letter, 157, Pub. hear., 109, Adpt., 157

2008-18 - Reso. approving reappointments to Mun. Civil Service Commission, Tr. letter, 181, Adpt., 181

2008-19 - Reso. of budgetary intent - Fire Dept. response times, Tr. letter, 187, Adpt., 188

2008-20 - Reso. approving 2008-09 debt limit for general municipal purposes, Tr. letter, 201, Adpt., 202

2008-21 - Reso. approving appt. to Electrical Examining Board, Tr. letter, 239, Adpt., 240

2008-22 - Reso. approving appt. to Roch. Public Library Board of Trustees, Tr. letter, 240, Adpt., 240

2008-23 - Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 243, Adpt., 244

2008-24 - Reso. approving relocation to Wayne County Empire Zone, Tr. letter, 255, Pub. hear., 231, Adpt., 255

2008-25 - Reso. amend. schedule for regular Council meetings during 2008, Tr. letter, 269, Adpt., 269

2008-26 - Res. approving appt. to Roch. Economic Dev. Corp., Tr. letter, 297, Adpt., 297

2008-27 - Reso. establishing schedule for regular Council meetings during 2009, Tr. letter, 306, Adpt., 307

2008-28 - Reso. confirming appt. of Chief Information Officer, Tr. letter, 352, Pssd., 352

2008-29 - Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 389, Pub. hear., 353, Adpt., 389

2008-30 - Reso. establishing max. number of Commissioners of Deeds, Tr. letter, 400, Adpt., 400

2008-31 - Reso. nominating various persons

for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 400, Adpt. 401

2008-32 - Reso. approving reappointment to Roch. Public Library Board of Trustees, Tr. letter, 401, Adpt., 402

2008-33 - Reso. approving appt. to Board of Assessment Review, Tr. letter, 403, Adpt., 403

2008-34 - Reso. appointing temp. members to Board of Assessment Review, Tr. letter, 403, Adpt., 404

2008-35 - Approving 2008-09 Debt Reso. for City School Dist., Tr. letter, 404, Adpt., 404

2008-36 - Reso. approving appts. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 409, Adpt., 409

RESTORE NY COMMUNITIES INITIATIVE PROGRAM

Auth. agree. and amend. 2007-08 Budget for Restore NY Communities Initiative Program, Tr. letter, 51, Pssd., 52

REVIVE PROCESS

Establishing max. comp. for professional svcs. agree. for neighborhood commercial planning svcs., Tr. letter, 166, Pssd., 166

REYNOLDS, JOHN T., INC.

Auth. agree. for auctioneer svcs., Tr. letter, 42, Pssd., 42

RIBBIN' ON THE RIVER RIB FESTIVAL

Establishing max. comp. for professional svcs. agree. for Ribbin' on the River Rib Festival and Riverside Festival Site management, Tr. letter, 227, Pssd., 227

RICHARD A. MAUSER ARCHITECTS

Auth. agree. for architectural svcs. for bldg. renovations proj., Tr. letter, 341, Pssd., 342

RIDGEWAY AVENUE

Auth. participation in Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 174, Pssd., 174

Auth. agree. for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 342, Pssd., 343

rites of Passage Program

Establishing max. comp. for professional svcs. agree. for Rites of Passage Program, Tr. letter, 39, Pssd., 40

RIVER PARK COMMONS

Auth. amend. Comm. Dev. and HOME Program Plans, transferring funds, amend. Ord. and auth. agree. for redevelopment of River Park Commons, Tr. letter, 88, Pub. hear., 77, Pssd., 89

Amend. Ord. No. 2005-377 and 2008-90 relating to redevelopment of River Park Commons, Tr. letter, 244, Pssd., 245

RIVER STREET WATERFRONT IMPROVEMENT PROJECT

Auth. agree. for River St. Waterfront Improvement Proj., Tr. letter, 414, Pssd., 414

RIVERSIDE FESTIVAL SITE

Establishing max. comp. for professional svcs. agree. for Ribbin' on the River Rib Festival and Riverside Festival Site management, Tr. letter, 227, Pssd., 227

RIVERVIEW LOFTS, LLC

Auth. sale of 244 South Ave., Tr. letter, 344, Pssd., 345

ROBERTSON, PATSY

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 243, Adpt., 244

ROCHESTER AFTER SCHOOL ACADEMY

Auth. agree. relating to Roch. After School Academy 4 Program and amend. Proposed 2008-09 Budget, Tr. letter, 227, Pssd., 229

ROCHESTER AREA COMMUNITY FOUNDATION

Approving applications, agree. and 2008 admin. and program budgets of Roch.-Monroe County Youth Bur. and amend. Ord. No. 2007-398, relating to Pre-K transportation, Tr. letter, 34, Pssd., 35

Auth. agree. for School #28 After School Program and amend. 2007-08 Budget, Tr. letter, 70, Pssd., 70

Establishing max. comp. for amend. professional svcs. agree. for Pre-K transportation, Tr. letter, 232, Pssd., 233

Auth. agree. for Neighbors Building Neighborhoods Program, Tr. letter, 274, Pssd., 274

Auth. agree. for Youth Voice One Vision and amend. 2008-09 Budget, Tr. letter, 301, Pssd., 302

Establishing max. comp. for agree. for child care svcs., Tr. letter, 428, Pssd., 428

ROCHSTER AREA INTERFAITH HOSPITALITY NETWORK

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

ROCHESTER CEMETERY HERITAGE FOUNDATION

Auth. agree. and amend. 2007-08 Budget for Mt. Hope Cemetery study, Tr. letter, 222, Pssd., 223

ROCHESTER COMMUNITY TV, INC.

Auth. agree. for Youth Svcs. Programs, Tr. letter, 427, Pssd., 428

ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Res. approving appt. to Roch. Economic Dev. Corp., Tr. letter, 297, Adpt., 297

ROCHESTER ENVIRONMENTAL COMMISSION

Local Law amend. City Charter with respect to Roch. Environmental Commission, Tr. letter, 243, Pssd., 244

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 243, Adpt., 244

ROCHESTER FATHERHOOD RESOURCE INITIATIVE

Establishing max. comp. for professional svcs. agree. for Rites of Passage Program, Tr. letter, 39, Pssd., 40

Establishing max. comp. for agree. with Roch. Fatherhood Resource Initiative and amend. 2007-08 Budget, Tr. letter, 74, Pssd., 75

ROCHESTER GAS & ELECTRIC CORPORATION

Auth. easements at Roch. Science Park, Tr. letter, 297, Pssd., 298

ROCHESTER GENERAL HOSPITAL

Amend. Chapter 120 of Mun. Code, Zoning Code, relating to standards for Planned Dev. District #6 - Roch. General Hospital, Tr. letter, 288, Pub. hear., 263, Held, 289, Pssd., 314

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

Auth. agree. with RGRTA for fueling of vehicles, Tr. letter, 172, Pssd., 172

Auth. agree. for temporary relocation of Midtown Plaza Bus Terminal, Tr. letter, 219, Pssd., 220

Reso. nominating various persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 400, Adpt. 401

ROCHESTER HELP

Auth. agree. and amend. 2008-09 Budget for Rochester HeLP, Tr. letter, 393, Pssd., 393

ROCHESTER/HIGH FALLS INTERNATIONAL FILM FESTIVAL

Establishing max. comp. for professional svcs. agree. for film festival celebrating work of women, Tr. letter, 71, Pssd., 71

ROCHESTER HISTORICAL SOCIETY

Auth. agree. for lease of space in Rundel Memorial Library Bldg., Tr. letter, 354, Pssd., 354

ROCHESTER HOUSING AUTHORITY

Auth. loan agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

Approving property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION

Auth. amend. 2006-07 and 2007-08 Comm. Dev. Program Plans to provide loans for Roch. Housing Dev. Fund Corp., Tr. letter, 14, Pub. hear., 6, Pssd., 15

Approp. funds and auth agree. for housing development subsidies, Tr. letter, 81, Pssd., 81

Auth. amend. 2003-04 Comm. Dev. Program Plan to provide loan for Roch. Housing Dev. Fund Corp. and amend. Ord. No. 2003-338, Tr. letter, 87, Pub. hear., 77, Pssd., 88

ROCHESTER INDUSTRIES EDUCATION FUND INC.

Amend. Ord. No. 2007-120 relating to man-

agement training, Tr. letter, 7, Pssd., 7

ROCHESTER INSTITUTE OF TECHNOLOGY

Establishing max. comp. for agree. with respect to Proj. IMPACT IV and amend. 2007-08 Budget, Tr. letter, 38, Pssd., 39

Auth. grant agree. and amend. 2008-09 Budget for gang suppression, Tr. letter, 300, Pssd., 300

Auth. agree. with respect to Proj. IMPACT IV and amend. 2008-09 Budget, Tr. letter, 300, Pssd., 301

ROCHESTER INTERNATIONAL JAZZ FESTIVAL

Establishing max. comp. for agree. for 2008 Roch. International Jazz Festival, Tr. letter, 75, Pssd., 76

Establishing max. comp. for amend. agree. for 2008 Roch. MusicFest, Tr. letter, 394, Held, 395

Establishing max. comp. for agree. for 2009 Xerox Roch. International Jazz Festival, Tr. letter, 427, Pssd., 427

Establishing max. comp. for amend. agree. for 2008 Roch. MusicFest, Tr. letter, 429, Pssd., 429

ROCHESTER LANDSCAPE TECHNICIANS PROGRAMS, INC.

Establishing max. comp. for agree. for lot maintenance jobs training program, Tr. letter, 55, Pssd., 55

ROCHESTER LESBIAN AND GAY FILM FESTIVAL, INC.

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 349, Pssd., 350

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Approving applications, agree. and 2008 admin. and program budgets of Roch.-Monroe County Youth Bur. and amend. Ord. No. 2007-398, relating to Pre-K transportation, Tr. letter, 34, Pssd., 35

ROCHESTER MUSICFEST

Establishing max. comp. for agree. for 2008 Roch. MusicFest, Tr. letter, 75, Held, 76, Pssd., 108

Establishing max. comp. for amend. agree. for 2008 Roch. MusicFest, Tr. letter, 429, Pssd., 429

ROCHESTER PHILHARMONIC ORCHESTRA

Establishing max. comp. for agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 392, Pssd., 393

ROCHESTER PRESERVATION BOARD

Reso. approving appt. to Roch. Preservation Board, Tr. letter, 53, Adpt., 53

Reso. approving reappointments to Roch. Preservation Board, Tr. letter, 132, Adpt., 133

ROCHESTER PUBLIC LIBRARY BOARD OF TRUSTEES

Reso. approving appts. to Roch. Public Library Board of Trustees, Tr. letter, 132, Adpt., 132; Tr. letter, 240, Adpt., 240

ROCHESTER RE-ENTRY PROGRAM

Auth. agree. and amend. 2008-09 Budget for Roch. Re-Entry Program, Tr. letter, 324, Pssd., 324

ROCHESTER REGIONAL DESIGN CENTER

Auth. amend. 1999-2000, 2003-04, 2004-05 and 2005-06 Comm. Dev. Program Plans and auth. agree. for Roch. Regional Comm. Design Ctr., Tr. letter, 16, Pub. hear., 6, Pssd., 16

Amend. 2008-09 Budget in regard to planning charette - \$5,000, Tr. letter, 186, Pssd., 186

ROCHESTER RIVERSIDE CONVENTION CENTER

Auth. agree. for management of Port Terminal Bldg., Tr. letter, 213, Pssd., 213

Auth. ext. of agree. for management of Port Terminal Bldg., Tr. letter, 416, Pssd., 416

ROCHESTER SCIENCE PARK

Approving sale of land in Roch. Science Park to 250 Science Parkway, LLC, Tr. letter, 63, Pub. hear., 41, Pssd., 63

Auth. easements at Roch. Science Park, Tr. letter, 297, Pssd., 298

Approving sale of land in Roch. Science Park to CAS Real Estate, Inc. and repealing Ord. No. 2008-62, Tr. letter, 298, Pub. hear., 263, Pssd., 298

ROCHESTER URBAN RENEWAL AGENCY

Approving sale by Roch. Urban Renewal Agency to ESL Federal Credit Union of 225 and 255 Chestnut St. in Southeast Loop Urban Renewal Proj., Tr. letter, 151, Pub. hear., 109, Pssd., 153

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 298, Pub. hear., 263, Pssd., 299

ROTH STREET

Changing traffic flow of Roth St. between Ave. A and Clifford Ave. from two-way to one-way southbound, Tr. letter, 293, Pub. hear., 263, Pssd., 294

ROUTESMART TECHNOLOGIES, INC.

Establishing max. comp. for professional svcs. agree. for route optimization software, Tr. letter, 291, Pssd., 291

ROY TEITSWORTH, INC.

Auth. agree. for auctioneer svcs., Tr. letter, 42, Pssd., 42

RUGG, MARIA

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

RULES OF COUNCIL

Reso. adopting Rules of Council, Adpt., 5

RUNDEL PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

RYAN, THOMAS P., JR. COMMUNITY CENTER

Auth. agree. for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Addition and Renovations Proj. and amend. Ord. No. 2006-62 and 2006-226, Tr. letter, 170, Pssd., 170

-S-

S.E. BAKER & COMPANY

Establishing max. comp. for professional svcs. agree. for High Falls Centers, Tr. letter, 343, Pssd., 344

SMG

Establishing max. comp. for professional svcs. agree. for Ribbin' on the River Rib Festival and Riverside Festival Site management, Tr. letter, 227, Pssd., 227

Auth. extension of agree. for management of Blue Cross Arena at War Memorial, Tr. letter, 308, Pssd., 310

SAFE ROUTES TO SCHOOL PROGRAM

Auth. application and agree. and approp. funds for 2008 Safe Routes to School Program, Tr. letter, 340, Held, 341, Pssd., 386

ST. JOSEPH'S AREA URBAN RENEWAL PROJECT

Approving option to Tower Rochester LLC for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 63, Pub. hear., 41, Pssd., 64

Approving assignment of option for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 347, Pub. hear., 330, Pssd., 349

ST. MARTIN'S PLACE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

ST. PAUL STREET

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

SALARIES

See "Wage and Benefits"

SALVATION ARMY

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

SANTIAGO, GLADYS, COUNCIL PRESIDENT

Reso. for the nomination and selection of President for Roch. City Council, Adpt., 1

Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 30, Pssd., 30

Amend. Mun. Code, in relation to creating disclosure requirements for income tax preparers who offer income tax refund anticipation loans, Tr. letter, 49, Pssd., 50

Establishing max. comp. for professional svcs. agree. for audit svcs. - \$724,375, Tr. letter, 112, Pssd., 113

Establishing max. comp. for professional svcs. agree. with General Code Publishers relating to publication of City Charter and Code, Tr. letter, 180, Pssd., 180

Amend. proposed 2008-09 Budget in regard to Downtown Community Forum - \$5,000, Tr. letter, 188, Pssd., 188

Amend. proposed 2008-09 Budget in regard to fashion show - \$4,000, Tr. letter, 186, Pssd., 187

Amend. Mun. Code with respect to taxicab rates of fare, Tr. letter, 266, Pssd., 266

Establishing max. comp. for professional svcs. agree. with WXXI Public Broadcasting Council for broadcast of City Council meetings, Tr. letter, 268, Pssd., 269

Reso. amend. schedule for regular Council meetings during 2008, Tr. letter, 269, Adpt., 269

Reso. establishing schedule for regular Council meetings during 2009, Tr. letter, 306, Adpt., 307

Reso. establishing max. number of Commissioners of Deeds, Tr. letter, 400, Adpt., 400

Reso. nominating various persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 400, Adpt. 401

Reso. approving appt. to Board of Assessment Review, Tr. letter, 403, Adpt., 403

Reso. appointing temp. members to Board of Assessment Review, Tr. letter, 403, Adpt., 404

SATO, KENICHIRO

Establishing max. comp. for professional svcs. agree. for Big Picture Roch., Tr. letter, 100, Pssd., 101

SCHICK, JON

Reso. approving appt. to Roch. Preservation Board, Tr. letter, 53, Adpt., 53

SEBASTIAN PARK

Auth. agree. and amend. 2008-09 Budget for Sebastian Park trees, Tr. letter, 385, Pssd., 385

SECONDHAND DEALER LICENSE

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

SECTION 108 BUSINESS LOAN PROGRAM

Auth. submission of Section 108 loan application and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 167, Pub. hear., 158, Pssd., 169

SECURITY

L.I.O. - Security at Public Mkt., Tr. letter, 106, Pub. hear., 77, Pssd., 107

Establishing max. comp. for amend. profes-

sional svcs. agree. for water system security study, Tr. letter, 141, Pssd., 141

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr. security systems, Tr. letter, 156, Pssd., 156

Auth. grant agree. and amend. 2008-09 Budget for homeland security, Tr. letter, 257, Pssd., 258

Auth. agree. for Urban Area Security Initiative Grant and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 390

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

Auth. application and agree. for Selective Traffic Enforcement Program and amend. 2007-08 Budget, Tr. letter, 69, Pssd., 69

SENECA AVENUE

Amend. Official Map by dedicating parcels to street purposes and adding said parcels to Rau St. and corners of Seneca Ave. and Rau St. and Seneca Ave. and Reliance St., Tr. letter, 96, Pub. hear., 77, Pssd., 98

Establishing max. comp. for amend. professional svcs. agree. for environmental investigation of 24 Seneca Ave., Tr. letter, 420, Pssd., 421

SENECA PARKWAY

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

SEXUALLY ORIENTED BUSINESS LICENSE

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

SHAMROCK TRAINING AND CONSULTING

Establishing max. comp. for amend. professional svcs. agree. for mun. parking svcs., Tr. letter, 345, Pssd., 345

SIBLEY PLACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

SIDEWALKS

L.I.O. - Upgrading of sidewalk as part of Bond St. Group Curb Replacement Proj., Tr. letter, 143, Pub. hear., 109, Pssd., 144

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 194

SIGNAGE

Establishing max. comp. for professional svcs. agree. for Ctr. City Signage Proj and appropriating funds, Tr. letter, 28, Pssd., 28

Establishing max. comp. for professional svcs. agree. for Genesee Riverway Trail Signage and Street Crossing Proj. and approp. funds, Tr. letter, 137, Pssd., 137

SIMPLEXGRINNELL LP

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr. security systems, Tr. letter, 156, Pssd., 156

SISTERS TOGETHER ACHIEVING RESULTS

Auth. agree. for Youth Svcs. Programs, Tr. letter, 261, Pssd., 262

SLATER'S RAIDERS FOR PEACE

Auth. amend. 1997-98, 1999-2000 and 2000-01 Community Dev. Program Plans, Amend. Ord. and auth. agree. for Slater's Raiders for Peace Initiative, Tr. letter, 327, Pub. hear., 304, Pssd., 327

Auth. agree. for Slater's Raiders for Peace Initiative and amend. 2008-09 Budget, Tr. letter, 426, Pssd., 426

SMOKE DETECTORS

Auth. amend. 2004-05 and 2005-06 Comm. Dev. Program Plans to transfer and approp. funds for smoke and carbon monoxide detectors, Tr. letter, 210, Pub. hear., 179, Pssd., 211

SNOW REMOVAL

L.I.O. - Snow removal at Public Mkt., Tr. letter, 106, Pub. hear., 77, Pssd., 107

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 194

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 384, Pssd., 385

Auth. mun. cooperation agree. for sidewalk snow removal in Town of Brighton, Tr. letter, 415, Pssd., 415

SOCCER

Auth. agree. for Tauck Foundation Grant and amend. 2007-08 Budget, Tr. letter, 224, Pssd., 224

SOCCER STADIUM

Approving lease to Adirondack Sports Club LLC of soccer stadium parcels, Tr. letter, 125, Pub. hear., 109, Pssd., 126

Establishing max. comp. for professional svcs. agree. for PAETEC Park Renovation Proj., Tr. letter, 311, Pssd., 311

SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN

Approving applications, agree. and 2008 admin. and program budgets of Roch.-Monroe County Youth Bur. and amend. Ord. No. 2007-398, relating to Pre-K transportation, Tr. letter, 34, Pssd., 35

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 102, Pssd., 103

Auth. agree. for Youth Services Programs, Tr. letter, 328, Pssd., 329

SOFTWARE

See "Computers"

SOJOURNER HOUSE

Auth. agree. for Emergency Shelter Grant

Program, Tr. letter, 206, Pssd., 208

SOLICITOR LICENSE

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

SOLID WASTE

See "Refuse".

SOUND SERVICES

Establishing max. comp. for amend. professional svcs. agree. for sound and lighting svcs., Tr. letter, 225, Pssd., 226

SOUTH AVENUE

L.I.O. - Establishing operating and maintenance costs of neighborhood or residential parking areas, Tr. letter, 163, Pub. hear., 158, Pssd., 164

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Holly Water Main Ext. Pub. Improvement Proj., Tr. letter, 319, Pssd., 320

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 342, Pssd., 342

Auth. sale of 244 South Ave., Tr. letter, 344, Pssd., 345

SOUTH AVENUE/ALEXANDER STREET OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District and auth. agree., Tr. letter, 135, Pub. hearing, 109, Pssd., 136

SOUTH AVENUE PARKING GARAGE

Auth. new agree. for lease of space in South Ave. Parking Garage, Tr. letter, 386, Held, 387

SOUTH CLINTON AVENUE

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 128, Pssd., 129

Approving sale of 280 S. Clinton Ave., Tr. letter, 151, Pssd., 153

Amend. Ord. No. 2008-154 relating to sale of 280 S. Clinton Ave., Tr. letter, 175, Pssd., 175

Auth. easements and rights for new ESL Federal Credit Union Proj., Tr. letter, 214, Pssd., 215

Auth. pedestrian bridges for new ESL Federal Credit Union Headquarters bldg., Tr. letter, 214, Pssd., 215

Establishing max. comp. for professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 320, Pssd., 320

SOUTH EAST AREA COALITION

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

SOUTH WEDGE PLANNING COMMITTEE

Auth. amend. agree. for Residential Asst. Program, Tr. letter, 13, Pssd., 14

L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District and auth. agree., Tr. letter, 135, Pub. hearing, 109, Pssd., 136

SOUTHEAST LOOP URBAN RENEWAL PROJECT

Approving sale by Roch. Urban Renewal Agency to ESL Federal Credit Union of 225 and 255 Chestnut St. in Southeast Loop Urban Renewal Proj., Tr. letter, 151, Pub. hear., 109, Pssd., 153

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 298, Pub. hear., 263, Pssd., 299

SPAULL, ELAINE M., COUNCILMEMBER

Abstentions, Ord. No. 2008-34, Pssd., 37; Ord. No. 2008-213, Pssd., 208; Ord. No. 2008-242, Pssd., 229

Negative vote, Ord. No. 2008-112, Pssd., 108; Motion to amend Int. No. 346, Adpt., 302; Ord. No. 2008-316, Pssd., 303; Ord. No. 2008-345, Pssd., 326; Ord. No. 2008-346, Pssd., 326; Reso. No. 2008-31, Adpt., 401

Amend. proposed 2008-09 Budget in regard to South Ave. Rec. Ctr. - \$21,700, Tr. letter, 184, Pssd., 184

Amend. 2008-09 Budget in regard to Health Fair in Southeast Quadrant - \$10,000, Tr. letter, 185, Pssd., 186

Amend. proposed 2008-09 budget in regard to Courtside Scouting Service Program - \$2,000, Tr. letter, 188, Pssd., 188

SPECIAL EVENTS

Amend. Chapter 75 of Mun. Code, Noise, with respect to special events, Tr. letter, 113, Pssd., 114

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198

Establishing max. comp. for amend. professional svcs. agree. for sound and lighting svcs., Tr. letter, 225, Pssd., 226

Auth. Holiday Shopper and Special Events Free Parking Program at mun. parking garages, Tr. letter, 388, Pssd., 389

SPENCER, H. ALLEN, PH.D.

Reso. approving appt. to Roch. Public Library Board of Trustees, Tr. letter, 240, Adpt., 240

SPIRITUS CHRISTI

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

STAFFORD SPORTS, LLC

Establishing max. comp. for professional svcs. agree. for Blue Cross Arena at War Memorial, Tr. letter, 47, Pssd., 47

STANTEC CONSULTING SERVICES, INC.

Auth. agree. for environmental site assessment svcs., Tr. letter, 28, Pssd., 29

Establishing max. comp. for professional svcs. agree. for Rau St. Improvement Proj., Tr. letter, 96, Pssd., 99

Auth. agree., approp. funds and amend. Ord. No. 2008-101, relating to Bremen St. Group Improvement Proj., Tr. letter, 173, Pssd., 174

Auth. participation in Ridgeway Ave. Trans-

portation Improvement Proj., Tr. letter, 174, Pssd., 174

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 399 Gregory St., Tr. letter, 421, Pssd., 422

STATIONARY ENGINEERS AND REFRIGERATION OPERATORS, BOARD OF

Reso. approving appts. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 409, Adpt., 409

STEVENS, MARK

Reso. approving reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 26, Adpt., 27

STOP VIOLENCE AGAINST WOMEN PROGRAM

Auth. appl. and agree. for STOP Violence Against Women Program, Tr. letter, 33, Pssd., 33

STREET CLEANING

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 194

STREET LIGHTING

See "Streets".

STREET MALLS

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

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Auth. participation in Trinidad St. and Hebard St. Improvement Proj., Tr. letter, 22, Pssd., 23

Amend. Bond Ord. No. 2007-265 relating to street improvements as part of 2007 Street Improvement Program to reduce amount of bonds auth. and approp. therein, Tr. letter, 22, Pssd., 23

Establishing max. comp. for professional svcs. agree. for Kendrick Rd./I-390 interchanges feasibility study and amend. Ord. No. 2005-240, Tr. letter, 94, Pssd., 94

Establishing max. comp. for amend. professional svcs. agree. for University Ave. Improvements and ARTWalk 2 Enhancements Proj., Tr. letter, 95, Pssd., 96

Approving changes in pav. width of Rau St., Tr. letter, 96, Pub. hear., 77, Pssd., 97

Amend. Official Map by dedicating parcels to street purposes and adding said parcels to Rau St. and corners of Seneca Ave. and Rau St. and Seneca Ave. and Reliance St., Tr. letter, 96, Pub. hear., 77, Pssd., 98

Establishing max. comp. for professional svcs. agree. for Rau St. Improvement Proj., Tr. letter, 96, Pssd., 99

Approving Brooks Ave. Improvement Proj. between Genesee Park Blvd. and West City Line and changes in pav. width of Brooks Ave., Tr. letter, 99, Pub. hear., 77, Pssd., 100

Establishing max. comp. for professional svcs. agree. for design of Brooks Ave. Improvement

Proj., Tr. letter, 99, Pssd., 100

Bond ord. auth. issuance of \$1,452,000 bonds to finance reconstruction of certain streets related to 2008 Milling and Resurfacing and Residential Street Improvement Programs, Tr. letter, 115, Pssd., 116

Bond ord. auth. issuance of \$1,100,000 bonds to finance cost of acq., constr. and reconstruction of add. to street lighting system, Tr. letter, 115, Pssd., 125

Establishing max. comp. for professional svcs. agree. for Colebourne Rd. Drainage Study, Tr. letter, 138, Pssd., 138

L.I.O. - Upgrading of sidewalk as part of Bond St. Group Curb Replacement Proj., Tr. letter, 143, Pub. hear., 109, Pssd., 144

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

Auth. agree., approp. funds and amend. Ord. No. 2008-101, relating to Bremen St. Group Improvement Proj., Tr. letter, 173, Pssd., 174

Auth. participation in Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 174, Pssd., 174

Auth. municipal cooperation agree. for Dewey Ave. Corridor Traffic Calming Study, Tr. letter, 211, Pssd., 211

Approving changes in pav. width of Broad, Brown, Campbell, Allen, Canal and Main St. as part of Broad St. Tunnel Proj., Tr. letter, 249, Pub. hear., 231, Pssd., 251

Changing traffic flow of Finch St. between Driving Park Ave. and Lexington Ave. from two-way to one-way southbound, Tr. letter, 251, Pub. hear., 231, Pssd., 252

Changing traffic flow of Roth St. between Ave. A and Clifford Ave. from two-way to one-way southbound, Tr. letter, 293, Pub. hear., 263, Pssd., 294

Amend. 2008-09 Budget for expanded parking at Pub. Mkt. and amend. Ord. No. 2008-16, Tr. letter, 320, Pssd., 321

Amend. Official Map by abandonment of portion of Murray St., Tr. letter, 321, Pub. hear., 304, Pssd., 321

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 342, Pssd., 342

Auth. agree. for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 342, Pssd., 343

Auth. acq. by negotiation or condemnation of permanent easement at 671 Brooks Ave. for street purposes, Tr. letter, 416, Pssd., 417

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to corner of Brooks Ave. and Genesee Park Blvd., Tr. letter, 417, Pub. hear., 395, Pssd., 418

Approving changes in pav. width of Aldine St. and Montgomery St., auth. agree. and amend. 2008-09 Budget, Tr. letter, 418, Pub. hear., 395, Pssd., 418

Approving changes in pav. width of Lawn St., Tr. letter, 419, Pub. hear., 395, Pssd., 419

Changing traffic flow of Lawn St. between Chestnut St. and Broadway from two-way to one-way eastbound, Tr. letter, 419, Pub. hear.,

395, Pssd., 419

STREETSCAPES

See "Streets".

SUBSTANCE ABUSE PROGRAM

Establishing max. comp. for professional svcs. agree. for Substance Abuse Program, Tr. letter, 351, Pssd., 351

SUCHY, DONNA P.

Reso. approving reappointments to City Planning Commission, Tr. letter, 132, Adpt., 133

SUMMER CAMP

Establishing max. comp. for agree. with Camp Day Dreams and amend. Ord. No. 2007-426, Tr. letter, 70, Pssd., 71

SUMMER FOOD SERVICE PROGRAM

Auth. application and agree. for 2008 Summer Food Service Program For Children, Tr. letter, 154, Pssd., 154

Auth. amend. agree. for 2007 Summer Food Service Program For Children, Tr. letter, 154, Pssd., 155

SUMMER OF OPPORTUNITY PROGRAM

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

SUMNER PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

SURVEILLANCE CAMERAS

See "Cameras"

SWILLBURG NEIGHBORHOOD ASSOCIATION

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 128, Pssd., 129

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TAIT, ROBERT C.

Reso. approving reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 26, Adpt., 27

TAUCK FOUNDATION

Auth. agree. for Tauck Foundation Grant and amend. 2007-08 Budget, Tr. letter, 224, Pssd., 224

TAX PREPARERS

Amend. Mun. Code, in relation to creating disclosure requirements for income tax preparers who offer income tax refund anticipation loans, Tr. letter, 49, Pssd., 50

TAXES AND CHARGES

Administrative cancellation or refund of, 5
Cancellation of taxes and charges, Tr. letter, 6, Pssd., 7; Tr. letter, 45, Pssd., 45; Tr. letter, 110, Pssd., 110; Tr. letter, 232, Pssd., 232; Tr.

letter, 265, Pssd., 265; Tr. letter, 305, Pssd., 306; Tr. letter, 331, Held, 331, Pssd., 402; Tr. letter, 396, Pssd., 397

Auth. sale of real estate and amend. Ordinances No. 2007-377 and 378, relating to sale of real estate and property tax exemption for Olean & Kennedy Revitalization Proj., Tr. letter, 11, Pssd., 13

Approving property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apartments Proj., Tr. letter, 129, Pssd., 130

Reso. continuing tax-exempt policy for privately-financed parking garages, Tr. letter, 151, Adpt., 153

Approving apportionment of taxes and charges, Tr. letter, 159, Pssd., 160

Determining and certifying base proportions, current percentages, and base percentages for 2008 assessment roll, Tr. letter, 162, Pssd., 163

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for 2008 assessment roll, Tr. letter, 162, Pssd., 163

Levying taxes for municipal purposes for fiscal year commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 193

Levying taxes for school purposes for fiscal year commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 193

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2008 and expiring June 30, 2009, Tr. letter, 190, Pssd., 195

Local Law amend. City Charter with respect to fire insurance liens, Tr. letter, 190, Pssd., 201

Approving property tax exemption and auth. in-lieu-of tax agreement for Hamilton Apts. Proj., Tr. letter, 203, Pssd., 204

Establishing max. comp. for professional svcs. agree. for audit svcs., Tr. letter, 234, Pssd., 234

Local Law amend. City Charter with respect to adoption of tax exemption for Cold War Veterans, Tr. letter, 269, Pub. hear., 263, Pssd., 270

Auth. sale of real estate and amend. Ord. No. 2007-445 and 2008-208, Tr. letter, 271, Pssd., 272

Local Law amend. City Charter in relation to sale of delinquent tax liens, Tr. letter, 331, Held, 335, Pssd., 363

Approving property tax exemption and auth. in lieu of tax agree. for DePaul W. Main St. Proj., Tr. letter, 354, Pssd., 355

Local Law amend. Charter of City in relation to purchase of parcels at tax foreclosure sales, Tr. letter, 363, Pssd., 363

Auth. agree. for bulk sale of delinquent tax liens and approp. funds, Mayor transmittal letter, 363, Councilmember Conklin amendment transmittal letter, 364, Pssd., 365

Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 402, Pssd., 403

TAXICAB

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Petition, Taxi drivers requesting fare increase, 35 signatures, 179

Amend. Mun. Code with respect to fees for

licenses and permits, Tr. letter, 190, Pssd., 198
 Amend. Mun. Code with respect to taxicab rates of fare, Tr. letter, 266, Pssd., 266

TEEN AGE PARENT SUPPORT SERVICES

Auth. agree. for Youth Services Programs, Tr. letter, 328, Pssd., 329

TEEN EMPOWERMENT

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

TEITSWORTH, ROY, INC.

Auth. agree. for auctioneer svcs., Tr. letter, 42, Pssd., 42

TELEPHONE

Establishing max. annual comp. for professional svcs. agree. for 911 Center telephone systems, Tr. letter, 155, Pssd., 156

THOMAS P. RYAN, JR. COMMUNITY CENTER

Auth. agree. for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Addition and Renovations Proj. and amend. Ord. No. 2006-62 and 2006-226, Tr. letter, 170, Pssd., 170

TITLE INSURANCE

Approving agree. for Midtown Plaza and approp. funds, Tr. letter, 146, Pssd., 151

TOBACCO SALES ENFORCEMENT PROGRAM

Auth. agree. with County of Monroe for Tobacco Sales Enforcement Program, Tr. letter, 349, Pssd., 349

TORCHIA STRUCTURAL ENGINEERING & DESIGN, P.C.

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 137, Pssd., 138

TOWER ROCHESTER, LLC

Approving option to Tower Rochester LLC for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 63, Pub. hear., 41, Pssd., 64

Approving assignment of option for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 347, Pub. hear., 330, Pssd., 349

TOWING

Amend. Mun. Code with respect to fees for licenses and permits, Tr. letter, 190, Pssd., 198
 Auth. agree. for towing svcs., Tr. letter, 429, Held, 430

TRAFFIC FLOW CHANGES

See "Streets".

TRAILS

Establishing max. comp. for professional svcs. agree. for Genesee Riverway Trail Signage and Street Crossing Proj. and approp. funds, Tr. letter, 137, Pssd., 137

Auth. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 290, Pssd., 290

TRAINING

Amend. Ord. No. 2007-120 relating to management training, Tr. letter, 7, Pssd., 7

Establishing max. comp. for agree. for lot maintenance jobs training program, Tr. letter, 55, Pssd., 55

Establishing max. comp. for amend. professional svcs. agree. for City employee training, Tr. letter, 114, Pssd., 114

Establishing max. comp. for professional svcs. agree. for Lean Six Sigma Training, Tr. letter, 114, Pssd., 115

TRANSPORTATION

Approving applications, agree. and 2008 admin. and program budgets of Roch.-Monroe County Youth Bur. and amend. Ord. No. 2007-398, relating to Pre-K transportation, Tr. letter, 34, Pssd., 35

Establishing max. comp. for amend. professional svcs. agree. for Pre-K transportation, Tr. letter, 232, Pssd., 233

TREES

Auth. agree. and amend. 2007-08 Budget for Mt. Hope Cemetery study, Tr. letter, 222, Pssd., 223

Auth. agree. and amend. 2008-09 Budget for Sebastian Park trees, Tr. letter, 385, Pssd., 385

TRINIDAD STREET

Auth. participation in Trinidad St. and Hebard St. Improvement Proj., Tr. letter, 22, Pssd., 23

Amend. 2008-09 Budget for expanded parking at Pub. Mkt. and amend. Ord. No. 2008-16, Tr. letter, 320, Pssd., 321

TRIVENI DIGITAL INC.

Establishing max. comp. for professional svcs. agree. for Emergency Training and Information Network, Tr. letter, 68, Pssd., 68

TROTT, DALE K.

Res. approving appt. to Roch. Economic Dev. Corp., Tr. letter, 297, Adpt., 297

TROWBRIDGE STREET

Auth. acq. of permanent easement for Broad St. Tunnel Proj., Tr. letter, 249, Pssd., 250

TUORI, THOMAS

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 243, Adpt., 244

TWILIGHT CRITERUM

Auth. agree. for 2008 Twilight Criterium and Amend. 2007-08 Budget, Tr. letter, 40, Held, 40, Pssd., 75

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UNION CITY CONTRACTORS, INC.

Approving sale of 45 and 65 Hudson Ave., Tr. letter, 27, Pssd., 27

UNITED WAY OF GREATER ROCHESTER INC.

Establishing max. comp. for agree. for One City Connection and amend. 2008-09 Budget, Tr. letter, 308, Pssd., 308

UNITED STATES ARMY CORPS OF ENGINEERS

Establishing max. comp. for agree. for dredging svcs. in Genesee River, Tr. letter, 95, Pssd., 95

Establishing max. comp. for agree. for Port of Roch. Study, Tr. letter, 212, Pssd., 212

UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Auth. agree. for reimbursement for fire investigator overtime, Tr. letter, 68, Pssd., 69

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Auth. grant agree. and amend. 2008-09 Budget for fire prevention, Tr. letter, 257, Pssd., 257

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Auth. submission of Consolidated Comm. Dev. Plan/2008-09 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 167, Pub. hear., 158, Pssd., 169

Auth. submission of Section 108 loan application and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 167, Pub. hear., 158, Pssd., 169

Auth. application and agree. for Lead Hazard Control Program, Tr. letter, 245, Pssd., 246

Auth. amend. 2005-06 Community Dev. Program and City Dev. Fund Plans and agree. for extension of loans for HUD Asset Control Area Partnership Program, Tr. letter, 314, Pub. hear., 304, Pssd., 314

Auth. agree. and approp. funds for Lead Hazard Control Grant Program, Tr. letter, 367, Pssd., 367

UNITED STATES DEPARTMENT OF JUSTICE

Auth. agree. for funding for 2008 Justice Assistance Grant Program, Tr. letter, 259, Pssd., 259

Auth. agree. for COPS Secure Our Schools Grant Program and amend. 2008-09 Budget, Tr. letter, 390, Pssd., 391

UNIVERSITY AVENUE

Establishing max. comp. for amend. professional svcs. agree. for University Ave. Improvements and ARTWalk 2 Enhancements Proj., Tr. letter, 95, Pssd., 96

UP ALL NIGHT

Establishing max. comp. for professional svcs. agree. for "Bands on the Bricks" concerts, Tr. letter, 106, Pssd., 106

UPSTATE BUSINESS SUMMIT MEETING

Establishing max. comp. for professional svcs. agree. for Upstate Business Summit Meetings, Tr. letter, 330, Pssd., 331

URBAN RENEWAL

Establishing price for acq. of Midtown Plaza parcels to further Midtown Urban Renewal Plan and Center City Master Plan, Tr. letter, 61, Pssd., 63

Approving option to Tower Rochester LLC for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 63, Pub. hear., 41, Pssd., 64

Approving lease to Adirondack Sports Club LLC of soccer stadium parcels, Tr. letter, 125, Pub. hear., 109, Pssd., 126

Bond ord. auth. issuance of \$1,704,000 bonds to finance add. cost of acq. of Midtown Plaza properties to effectuate the Midtown Urban Renewal Plan and amend. Bond Ord. No. 2008-59 relating to said acq., Tr. letter, 146, Pssd., 149

Bond ord. auth. issuance of \$3,296,000 bonds to finance cost of relocation of Midtown Plaza tenants to effectuate Midtown Urban Renewal Plan, Tr. letter, 146, Pssd., 150

Approving sale by Roch. Urban Renewal Agency to ESL Federal Credit Union of 225 and 255 Chestnut St. in Southeast Loop Urban Renewal Proj., Tr. letter, 151, Pub. hear., 109, Pssd., 153

Establishing max. comp. for professional svcs. agree. for expansion of Driving Park Urban Renewal District, Tr. letter, 215, Pssd., 216

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 298, Pub. hear., 263, Pssd., 299

Approving assignment of option for sale of 58-72 N. Clinton Ave. in St. Joseph's Area Urban Renewal Proj., Tr. letter, 347, Pub. hear., 330, Pssd., 349

Approval of conditions analysis and designating add. areas for urban renewal as part of Driving Park Urban Renewal District and new Dewey Urban Renewal District, Tr. letter, 423, Pssd., 424

URBAN/TECHNICAL SEARCH AND RESCUE TEAM

Reso. approving participation in Urban/Technical Search and Rescue Team, Tr. letter, 157, Pub. hear., 109, Adpt., 157

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VACUUM OIL

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. for Vacuum Oil site remediation, Tr. letter, 253, Pssd., 254

VALLEY COURT APARTMENTS

Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 81, Pssd., 82

Amend. 2007-08 Budget for demolition of Valley Court Apts., Tr. letter, 170, Held, 171

Bond ord. auth. issuance of \$535,000 bonds to finance cost of demolition of two City-owned

apartments at Valley Court Apartments, Tr. letter, 273, Pssd., 274

VANDAMME ASSOCIATES

Establishing max. comp. for professional svcs. agree. for web dev. svcs., Tr. letter, 307, Pssd., 307

VAN DUSEN, ERIC

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 132, Adpt., 134

VAN HEE HEATING

Reso. approving relocation to Wayne County Empire Zone, Tr. letter, 255, Pub. hear., 231, Adpt., 255

VANLARE TREATMENT PLANT

Auth. amend. lease agree. with Monroe County Pure Waters District for VanLare Treatment Plant, Tr. letter, 166, Pssd., 167

VARGAS ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agree. for office relocation management, Tr. letter, 158, Pssd., 159

Establishing max. comp. for amend. professional svcs. agree. for Auto Pound svcs., Tr. letter, 350, Pssd., 350

VETERANS

Local Law amend. City Charter with respect to adoption of tax exemption for Cold War Veterans, Tr. letter, 269, Pub. hear., 263, Pssd., 270

VETERAN'S OUTREACH CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

VETERINARY SERVICES

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 260, Pssd., 261

VIDEOGRAPHY

Establishing max. comp. for professional svcs. agree. for videography and editing svcs., Tr. letter, 401, Pssd., 401

VOLUNTEERS OF AMERICA

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

Auth. agree. relating to 2008 Summer of Opportunity Program, Tr. letter, 229, Pssd., 230

VOYAGER BOAT SALES, INC.

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 408, Pssd., 408

VOYAGER SYSTEMS, INCORPORATED

Establishing max. comp. for professional svcs. agree. for Police Records Management System, Tr. letter, 221, Pssd., 222

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WDKX

Establishing max. comp. for agree. for WDKX anniversary concert, Tr. letter, 75, Held,

76; Amended, 230; Establishing max. comp. for [WDKX anniversary] free concert, Pssd., 231

WNYG HOUSING DEVELOPMENT FUND COMPANY

Approving property tax exemption and auth. in lieu of tax agree. for DePaul W. Main St. Proj., Tr. letter, 354, Pssd., 355

WXXI PUBLIC BROADCASTING COUNCIL

Establishing max. comp. for professional svcs. agree. with WXXI Public Broadcasting Council for broadcast of City Council meetings, Tr. letter, 268, Pssd., 269

Establishing max. comp. for professional svcs. agree. for videography and editing svcs., Tr. letter, 401, Pssd., 401

WADSWORTH SQUARE PARKING LOT

Auth. agree. for operation of Washington Sq. Garage and Wadsworth Sq. Parking Lot, Tr. letter, 29, Pssd., 30

WAGES AND BENEFITS

Amend. 2007-08 Budget for wages and benefits and cash capital and amend. Ord. No. 2008-46, Tr. letter, 78, Pssd., 79

Amend. 2008-09 Budget, Tr. letter, 357, Pssd., 359

Establishing max. comp. for professional svcs. agree. for Employee Assistance Program, Tr. letter, 397, Pssd., 398

WALKER, SHERRY

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 132, Adpt., 134

WAR MEMORIAL

See "Blue Cross Arena at the War Memorial"

WARD, RUTH BROOKS

Reso. appointing temp. members to Board of Assessment Review, Tr. letter, 403, Adpt., 404

WARFIELD, MICHAEL

Reso. approving reappointments to Roch. Preservation Board, Tr. letter, 132, Adpt., 133

WARNER, HH, ASSOCIATES II

Auth. agree. and amend. 2007-08 Budget for Restore NY Communities Initiative Program, Tr. letter, 51, Pssd., 52

WARREN, LOVELY A., COUNCILMEMBER

Amend. Mun. Code, in relation to creating disclosure requirements for income tax preparers who offer income tax refund anticipation loans, Tr. letter, 49, Pssd., 50

Motion to discharge Int. No. 95 from Committee, Adpt., 90

Motion to amend Int. No. 95, Adpt., 91

Negative vote, Ord. No. 2008-112, Pssd., 108; Ord. No. 2008-244, Pssd., 231; Ord. No. 2008-345, Pssd., 326; Ord. No. 2008-346, Pssd., 326; Ord. No. 2008-435, Pssd., 429

Motion to discharge Int. No. 169 from Committee, Adpt., 169

Amend. proposed 2008-09 Budget in regard to South Ave. Rec. Ctr. - \$21,700, Tr. letter,

184, Pssd., 184
 Amend. proposed 2008-09 Budget in regard to Children's Festival - \$1,000, Tr. letter, 189, Pssd., 190
 Abstained, Ord. No. 2008-261, Pssd., 247
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WASHINGTON SQUARE GARAGE

Auth. agree. for operation of Washington Sq. Garage and Wadsworth Sq. Parking Lot, Tr. letter, 29, Pssd., 30

WATER

Bond ord. auth. issuance of \$424,000 bonds to finance reconstruction of var. water mains related to 2008 Water Main Extension and Improvements Program, Tr. letter, 23, Pssd., 25
 Establishing max. comp. for amend. professional svcs. agree. for water quality model, Tr. letter, 56, Pssd., 57
 Auth. ext. of agree. with Monroe County Water Auth., Tr. letter, 57, Pssd., 57
 Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 140, Pssd., 141
 Establishing max. comp. for amend. professional svcs. agree. for water system security study, Tr. letter, 141, Pssd., 141
 Auth. agree. with County of Monroe for water testing svcs. at Durand Eastman Beach, Tr. letter, 171, Pssd. 172
 Establishing max. comp. for lease and service agree. for granular activated carbon filter media, Tr. letter, 172, Pssd., 173
 Amend. Mun. Code with respect to water rates, Tr. letter, 190, Pssd., 196
 Establishing max. comp. for professional svcs. agree. for professional geotechnical svcs., Tr. letter, 293, Pssd., 293
 Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs., Tr. letter, 316, Pssd., 317
 Amend. Chapter 23 of Mun. code, Waterworks, Tr. letter, 317, Pssd., 319
 Establishing max. comp. for amend. professional svcs. agree. for South Ave. Holly Water Main Ext. Pub. Improvement Proj., Tr. letter, 319, Pssd., 320
 Establishing max. comp. for professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 320, Pssd., 320
 Auth. amend. agree. with Monroe County Water Auth., Tr. letter, 416, Pssd., 416

WATSON, DAVID

Reso. approving reappointments to City Planning Commission, Tr. letter, 132, Adpt., 133

WAYNE COUNTY EMPIRE ZONE

See "Empire Zones".

WEBSITE REDESIGN AND IMPLEMENTATION PROJECT

Establishing max. comp. for professional svcs.

agree. for web dev. svcs., Tr. letter, 307, Pssd., 307

WEBSTER COMMUNITY CENTER

Auth. agree. for temp. lease of space for Webster Community Ctr., Tr. letter, 53, Pssd., 54

WENDELL DUCHSHERER ARCHITECTS AND ENGINEERS

Auth. agree. and amend. 2007-08 Budget for Mt. Hope Cemetery study, Tr. letter, 222, Pssd., 223

WERNER PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2008-09, Tr. letter, 37, Pub. hear., 6, Pssd., 38

WEST MAIN STREET

Auth. acceptance of easement for public access at 431 W. Main St., Tr. letter, 272, Pssd., 273

WILLIAM B. MORSE LUMBER COMPANY

Auth. acq. of permanent easement for Broad St. Tunnel Proj., Tr. letter, 249, Pssd., 250

WILSON BOULEVARD

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 144, Pub. hear., 109, Pssd., 145

WILSON COMMENCEMENT PARK

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208

WINSLOW, SALLY WOOD

Establishing max. comp. for amend. professional svcs. agree. for High Falls Centers, Tr. letter, 216, Pssd., 217

WISE GUYS

Auth. agree. for Youth Svcs. Programs, Tr. letter, 427, Pssd., 428

WOODS OVIATT GILMAN LLP

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. and amend. 2007-08 Budget, Tr. letter, 235, Pssd., 236

WOODSIDE/GOODWILL PARKING LOT

L.I.O. - Establishing operating and maintenance costs of neighborhood or residential parking areas, Tr. letter, 163, Pub. hear., 158, Pssd., 164

WYCHE, ANNIE

Amend. Ord. No. 2007-375 relating to sale of real estate, Tr. letter, 165, Pssd., 166

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(No Entries)

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YWCA OF ROCHESTER & MONROE COUNTY

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 102, Pssd., 103
 Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 206, Pssd., 208
 Auth. agree. for Youth Svs. Programs, Tr. letter, 261, Pssd., 262

YOUNG AUDIENCES

Auth. agree. for Youth Svs. Programs, Tr. letter, 261, Pssd., 262

YOUNG, DAVID

Reso. approving appt. to Electrical Examining Board, Tr. letter, 239, Adpt., 240

YOUNG EXPLOSIVES

Establishing max. comp. for professional svs. agree. for High Falls laser shows, Tr. letter, 226, Pssd., 227
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