

**PROCEEDINGS  
OF THE  
COUNCIL  
OF THE  
CITY OF ROCHESTER  
2012**

**ROCHESTER, NEW YORK**

# Officials 2012

Thomas S. Richards  
Mayor

Leonard E. Redon  
Deputy Mayor

Darryl Porter  
Assistant to the Mayor

William J. Ansbrow <sup>(1)</sup>  
Director of Management & Budget

Robert J. Bergin  
Corporation Counsel

Lisa M. Bobo  
Chief of Information Technology

Luis Burgos  
Commissioner of Recreation & Youth Services

R. Carlos Carballada  
Commissioner of Neighborhood &  
Business Development

John D. Caufield <sup>(2)</sup>  
Fire Chief

Tassie R. Demps  
Director of Human Resource Management

Alinda Drury  
Director of Special Projects

Paul M. Holahan  
Commissioner of Environmental Services

George Markert  
Director of Office of Public Integrity

John M. Merklinger  
Emergency Communications Center Director

Salvatore Mitrano, III <sup>(3)</sup>  
Fire Chief

Brian L. Roulin  
Director of Finance

James M. Sheppard  
Police Chief

Patricia Uttaro  
Library Director

Christopher M. Wagner <sup>(4)</sup>  
Director of Management & Budget

Gary Walker  
Director of Communications

(1) Resigned September 1, 2012.

(2) Resigned April 27, 2012.

(3) As of April 28, 2012.

(4) As of September 2, 2012

# Members of Council 2012

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

# City Clerk's Office 2012

Daniel B. Karin ..... City Clerk  
Hazel L. Washington..... Deputy City Clerk  
Birth A. Manigault ..... Senior Legislative Assistant  
Rebecca M. McNamara..... Senior Legislative Assistant  
Betsy P. Indivino..... Legislative Assistant  
Bernard J. Christopher ..... Legislative Aide Part-time  
Candice A. Bianchi ..... Senior Legislative Clerk  
Michael Ann Flynn ..... Receptionist  
Lisa M. Alexander..... Legislative Clerk  
Darlene T. LaBoy<sup>(1)</sup> ..... Legislative Clerk  
Maria D. Ramos<sup>(2)</sup> ..... Legislative Clerk

# City Council Office 2012

Andrea M. Guzzetta ..... Chief of Staff  
Bridget A. Monroe ..... Associate Legislative Analyst  
Carmen L. Aponte-Merced ..... Secretary to City Council

(1) Resigned effective September 19, 2012.  
(2) As of November 19, 2012.

# **Standing Committees of The City Council 2012**

**Art & Culture in the Center City**  
Spaull, McFadden, Ortiz

**Finance**  
Conklin, Palumbo, Scott

**Jobs, Parks & Public Works**  
Scott, Haag, Spaull

**Neighborhood & Business Development**  
Palumbo, Conklin, Ortiz

**Public Safety, Youth & Recreation**  
McFadden, Haag, Scott

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

Regular meetings of the Council shall be held at 7:30 p.m. in the Council Chamber, Room 302-A, City Hall.

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



ORGANIZATION MEETING  
JANUARY 3, 2012  
4:00 P.M.

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

Absent - 0.

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

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

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

By Councilmember Conklin

Resolution No. 2012-1

**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 hereby nominates and selects Lovely A. Warren as President of the Council for the years 2012-13.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Scott

Resolution No. 2012-2

**Resolution For The Nomination And Selection Of A Vice President Of 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 Dana K. Miller as Vice President of the Council for the years 2012-13.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Conklin

Resolution No. 2012-3

**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 2012-13.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Spaul

Resolution No. 2012-4

**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 2012-13.

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 7:30 P.M., on the following dates in 2012:

- January 24
- February 21
- March 27
- April 24
- May 22
- June 19
- July 24
- August 21
- September 19
- October 16
- November 13
- December 18

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2013 shall be established in a resolution adopted in 2012. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

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

III. EXECUTIVE MEETINGS - Whenever the Council or a duly constituted committee

thereof shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the Open Meetings Law, and the presiding officer shall direct all persons except members and designated officers of the City to withdraw.

IV. QUORUM - The majority of the Councilmembers shall constitute a quorum; but a smaller number may adjourn from day to day.

V. PRESIDING OFFICER - The President of the Council, and in the President's absence, the Vice President, shall preside over the meetings of the Council. In the absence of both the President and the Vice President, the City Clerk shall call the meeting to order and the Council shall appoint as presiding officer a President *pro tempore*.

VI. ORDER OF BUSINESS - The following shall be the order of business at regular meetings:

1. Roll Call.
2. Moment of Silence & Pledge of Allegiance.
3. Approval of the minutes of the preceding meeting or meetings.
4. Communications to the Council from the Mayor, President of the Council, other corporate officers, boards and departments and miscellaneous communications.
5. Presentation and reference of petitions and remonstrances.
6. Public Hearings.
7. Introduction of and action upon local laws, ordinances and resolutions.
8. Reports of standing committees and action thereon.
9. Reports of special committees.
10. Miscellaneous business.
11. Adjournment.

VII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL - For one hour prior to roll call at the commencement of a Council meeting, the President of the Council may allow any person to speak to the Council upon the following terms and conditions:

1. In order to speak, a citizen must notify the Clerk's Office before 5:30 p.m. on Council meeting nights.

2. The citizen must specify to the Clerk the subject of his or her remarks.

3. The Clerk will prepare two lists of scheduled speakers:

A. Those wishing to speak on items which are on the agenda for that Council meeting and which are not the subject of a public hearing.

B. All other speakers.

4. The lists shall be in the order that citizens notified the Clerk's Office.

5. Each speaker will be allotted no less than two (2) minutes and no more than three (3) minutes. The President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted to each speaker.

6. The President will call the speakers in order as listed on List A, and after completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.

7. If there are any speakers on List A not reached by 7:30 p.m., the time for Speak to Council will be extended to allow all speakers on that List to be heard. If there are any speakers on List B who have not had the opportunity to speak before the Council Meeting begins, they will be invited either to speak at the conclusion of the Council Meeting or to return to the next Council session when their names will be placed at the top of the appropriate List.

8. Speakers must relinquish the podium at the end of their allotted time.

9. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Any person may also speak at meetings of duly constituted committees of the Council at the invitation of the Chairperson and upon such terms and conditions as the Chairperson may, from time to time, prescribe.

VIII. ROLL CALL VOTE - On the passage of every ordinance which is not adopted by unanimous vote, on the passage of any ordinance authorizing the issuance of bonds and notes, on the selection of any officer other than by unanimous vote, and on the enactment of any local law, the individual

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

- IX. PRECEDENCE OF MOTIONS - When a question is before the Council no motion shall be entertained except: First, to adjourn; second, to fix the hour of adjournment; third, for the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer; eighth, to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to vote without debate.
- X. PREVIOUS QUESTION - The previous question shall be put as follows: "Shall the main question be now put?" If this question is decided in the negative, the main question remains before the Council.
- XI. DIVISION OF QUESTIONS - If the question contains two or more divisible propositions, the presiding officer shall, upon the request of any member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.
- XII. RECONSIDERATION - After the decision of any question, a member who voted in the majority may move its reconsideration at the same or a subsequent meeting. If a motion for reconsideration be lost, it shall not be renewed without unanimous consent of the members present and no question shall a second time be reconsidered without similar unanimous consent. After a local law or ordinance has been signed by the Mayor, or has been presented to the Mayor and more than thirty (30) days have expired, during which time the Mayor neither approved it nor returned it to the Clerk with objections, it shall not be reconsidered, but such local law or ordinance may be repealed, or amended.
- XIII. WITHDRAWAL OF MOTION - Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.
- XIV. PROCEDURE ON RESOLUTIONS - All resolutions of the Council shall be adopted by the affirmative vote of a majority of the members present at the meeting at which action is taken thereon. Any member of the Council may introduce a resolution into the Council either (a) at any meeting of the Council, at which time the presiding officer shall refer the resolution to the appropriate standing committee, or (b) at any time until 5:00 p.m. the day before a com-

mittee 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 amend-

ment is so substantial as to constitute a new local law or ordinance. The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XVII of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

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

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

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

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

Finance; Jobs, Parks & Public Works; Neighborhood & Business Development; Public Safety, Youth & Recreation; Arts & Culture in the Center City.

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 McFadden

Ordinance No. 2012-1

**Designating The Official Newspapers Of The City Of Rochester For The Years 2012-13**

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 2012-13: the *Democrat & Chronicle*, the *Daily Record*, the *Rochester Business Journal*, and *City Newspaper*.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

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

DANIEL B. KARIN  
City Clerk

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**REGULAR MEETING  
JANUARY 24, 2012**

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services  
\*David J. Petrie  
Emergency Communications  
Michael Missell  
Finance Department  
Jesse Dudley  
Information Technology  
\*Frances M. Friday  
Fire Department  
\*Charles L. Scinta  
Police Department  
\*Robert R. Britton  
\*Did not attend meeting.

**APPROVAL OF THE MINUTES**

By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of December 13, 2011 and the Special Meeting of December 29, 2011 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 - CDBG Participation 4068-12
  - Public Disclosure - HOME Participation 4069-12
- The Director of Zoning submits a Notice of Environmental Determination (2) 4070-12, 4071-12

**PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.**

56 signatures opposing and 1 signature in favor of the rezoning of 414 Lexington Avenue, presented by Councilmember Palumbo. Petition No. 1659

**PUBLIC HEARINGS.**

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

Authorizing The Acquisition By Negotiation Or Condemnation Of 236 University Avenue For The Facilities Modernization Program Int. No. 10 No speakers.

Changing The Zoning Classification Of 414 Lexington Avenue From R-1 Low Density Residential To R-3 High Density Residential Int. No. 14 8 speakers: Kathy LaBue, Marty Maxwell, John Young, Frank Shepardson, Ray Troutman, Judith Borrelli, Carol Wynne, Tom Palumbo.

Changing The Zoning Classification Of 178, 184, 184.5 And 190 South Goodman Street And 265 Park Avenue From R-2 Medium Density Residential To R-2 Medium Density Residential/Overlay Boutique (R-2/O-B) Int. No. 47

3 speakers: Enrique Puron, Anthony Carter, Vic Vinky.

Approving An Increase In The Pavement Width Of Akron Street Int. No. 23 No speakers..

Amending The Official Map By Dedicating The Emerson-Locust Connector Street As Loem Way And Approving Pavement Width Int. No. 42 1 speaker: Frank Shepardson.

Local Improvement Ordinance - Landscaping And Sidewalk Improvements As A Part Of The Cultural District Sidewalks Project Int. No. 55 No speakers

Amending The Official Map By Dedicating A Parcel To Street Purposes For The Cultural District Sidewalks Project Int. No. 57 No speakers.

Authorizing Amendatory 2008-09, 2009-10 And 2010-11 Community Development Program Plans, Amending Ordinances And Approving Agreements For The Job Creation/Youth Development Program Int. No. 40 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
January 24, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing An Agreement For Parking Garage Services

Int. No. 2 - Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

Int. No. 3 - Establishing Maximum Compensation For A Professional Services Agreement For Supervisory Skills Training

Int. No. 5 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Davis Street Turnkey Project

Int. No. 6 - Authorizing The Bulk Sale Of Delinquent Tax Liens, As Amended

Int. No. 60 - Resolution Approving Appointments To The Board Of Ethics

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 44 - Authorizing An Agreement For Emergency Ambulance Services

The following entitled legislation is being held in Committee:

Int. No. 4 - Local Law Amending The City

Charter With Respect To Parking

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo (Voted against In. No. 44)  
Loretta C. Scott  
Lovely A. Warren  
Dana K. Miller  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-2  
Re: Agreement - Allpro Parking,  
Customer Service Staffing of  
City Parking Garages

Transmitted herewith for your approval is legislation establishing \$53,000 as maximum monthly compensation for an agreement with Allpro Parking to provide customer service and light-duty maintenance in six City parking garages. Included in this amount are a management fee and costs for routine and special event staffing. The term of this agreement will extend from January 1, 2012 to October 31, 2013, with the option for two one-year renewals. The cost for the remaining six months of 2011-12 (\$318,000) will be financed from the 2011-12 Budget of the Parking Bureau. Costs for subsequent fiscal years will be financed from the annual Budgets of the Parking Bureau, contingent upon Council's approval of those budgets.

In October 2010, the City assumed operation of the six parking garages (High Falls, Sister Cities, Crossroads, Court Street, Mortimer Street, and Washington Square) that had previously been operated by private firms. The City became responsible for security, staffing, routine maintenance, utilities, and cleaning of the facilities. For general customer service and light maintenance, a request for proposals was issued with the intent of issuing a three-year agreement with two one-year renewals. Responses were received from five firms: Allpro Parking; Standard Parking; Ampco Parking; LAZ Parking; and USA (Central) Parking. A team of City staff evaluated the proposals and recommended Allpro.

However, City operation of the garages was untested, and in order to provide needed flexibility, an initial agreement was authorized for nine months (Ord. No. 2010-286). Extension of that agreement to December 31, 2011 was authorized via Ord. No. 2011-238. Allpro's performance during this period has been very good.

Allpro will continue to provide the following services:

- 400 hours of customer service staffing per week to cover the six garages, which includes:
  - on-site customer assistance for patron emergencies
  - payment machine instructions

- traffic control
- directions and general information to pedestrians and drivers
- 140 hours of light maintenance per week to cover the six garages, which includes:
  - replacing light bulbs
  - fixing broken gate arms
  - clearing debris from drains
  - touching up paint on curbs and equipment
  - cleaning vehicle spills
  - assisting with snow removal

Garages are staffed weekdays from 7 a.m. until either 7 or 9 p.m. depending on the garage; and two garages are staffed on Saturdays for 8-10 hours. Staffing for special events, over and above normal business hours and duties, are billed at an hourly rate (\$12.43 for customer service; \$14.00 for supervisors).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-2  
(Int. No. 1)

**Authorizing An Agreement For Parking Garage Services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Allpro Parking, LLC for customer service staffing and light maintenance in six City parking garages through October 31, 2013 with options to renew for two additional one-year terms.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$318,000 for services through June 30, 2012, and said amount, or so much thereof as may be necessary, shall be funded from the 2011-12 Budget of the Department of Finance (Parking Fund). Funding for any options shall be provided through subsequent Budgets of the Department of Finance (Parking Fund), contingent upon adoption of said budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-3  
Re: Agreement - Environmental Review  
Lead Agency

Transmitted herewith for your approval is legislation authorizing an 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 is merely procedural and does not reflect consideration of the actual substance or merits of the action. For all actions, the findings of the lead agency are presented with the proposed legislation (e.g., rezoning request or development proposal).

To avoid delays resulting from the requirement of formal approval by a majority of Council members, in 1987 Council authorized an agreement that designated the Mayor as lead agency for all actions in which both parties are involved, unless the Council President otherwise specified. Since then, the Council has periodically authorized the renewal of this agreement, most recently in January 2010.

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

The term of the agreement will be two years.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-3  
(Int. No. 2)

**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. 2012-4  
Re: Agreement - Bryant and Stratton  
College, Supervisory Skills

Transmitted herewith for your approval is legislation establishing \$39,000 as maximum annual compensation for a two-year agreement with Bryant and Stratton College, Professional Skills Center (Henrietta, NY) for the design and delivery of a training program for City employees. The cost of the agreement per year is \$39,000 and will be financed from the Undistributed allocation of the 2011-12 Budget, and subsequent budgets contingent upon their approval.

The training will be offered to 200 individuals in first and second line supervisory positions.

To determine appropriate benchmarking, City staff looked at best practices in supervision within both corporate and government entities, including: Paychex, Xerox, City of Denver, County of San Diego, American Management Association, City of New York, Monroe County, and Wegmans.

Using this benchmarking and the competencies established in the City's Employee Development Program, Bryant and Stratton College will develop and deliver a supervisory skills training program. These skills include, but are not limited to: communication, motivation, performance management, delegation, problem solving, and managing a diverse workforce. Training will be augmented with presentations by City staff on relevant City policies and procedures.

A request for proposals for these services resulted in responses from twelve vendors: Bryant and Stratton; Accelerated Performance (Pittsford, NY); Loram & Associates (New York, NY); Leadergrow (Hilton, NY); MCC Workforce Development (Rochester, NY); Workplace Communication (Scottsville, NY); Ridge Associates (DeRuyter, NY); BOCES 2 (Spencerport, NY); Dale Carnegie (Rochester, NY); New Horizons (Henrietta, NY); Rochester Business Alliance (Rochester, NY); and Unlimited Coaching (Pittsford, NY).

The review committee consisted of staff representing the following departments/bureaus: Fire, Police, Environmental Services, Human Resources Management, Neighborhood and Business Development, and Emergency Communications. Based on criteria articulated in the RFP, the committee reviewed and ranked proposals. Three firms were selected for on-site presentations: Bryant and Stratton, MCC Workforce Development, and Dale Carnegie. Additional review of those three resulted in a unanimous recommendation of Bryant and Stratton based on their ability to most accurately meet the needs expressed in the RFP and the cost effectiveness of their program. A list of criteria used for evaluation is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-1

Ordinance No. 2012-4  
(Int. No. 3)

**Establishing Maximum Compensation For A Professional Services Agreement For Supervisory Skills Training**

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 for a professional services agreement between the City and Bryant & Stratton College, Professional Skills Center, for skills training for City supervisors for a term of two years. Said amount shall be funded from the 2011-12 and subsequent Budgets for Undistributed Expense, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-5  
Re: Davis Street Turnkey Project

Transmitted herewith for your approval is legislation related to the Davis Street Turnkey Project. This legislation will authorize the continuation of a property tax exemption and payment-in lieu of tax (PILOT) agreement with Marketview Housing, L.P. equal to 10% of shelter rents minus utilities for the following properties:

- 35-39 Lewis Street
- 62 Davis Street
- 92-96 Davis Street
- 128-160 Davis Street
- 174-178 Davis Street
- 141 Davis Street
- 155-163 Davis Street

Marketview Housing Development Fund Corporation was a not-for-profit corporation formed in 1991 for the purpose of providing affordable housing under Article 11 of the Private Housing Finance Law.

Ordinance No. 90-454 authorized a 20-year PILOT with the MHDFC and it was anticipated that a second 20-year PILOT would be approved. In 1993, the assignment of the PILOT to the Marketview Housing L.P. was approved (Ord. No. 93-3).

City staff have reviewed the financial statements from Marketview Housing L.P. and recommend the

continuation of the PILOT agreement for 10 years. At such time, the project will be reviewed again to determine if the project should continue at the same terms of 10% shelter rents minus utilities. This schedule is consistent with that of New York State (funder for the project) for the outstanding loan. It is currently necessary for the PILOT to continue at the same rate to maintain rents affordable to the vulnerable target population.

The annual PILOT payment is estimated to be \$16,041. A project description is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-2

Ordinance No. 2012-5  
(Int. No. 5)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Davis Street Turnkey 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 10 years, the following property, owned by Marketview Housing, L.P. and used for housing for the Davis Street Turnkey Project:

Address	SBL Number
35-39 Lewis Street	106.65-1-45.1
92-96 Davis Street	106.57-3-59
174-178 Davis Street	106.57-3-42.1
128-160 Davis Street	106.57-3-47.1
62 Davis Street	106.57-3-63.01
141 Davis Street	106.65-1-20.1
155-163 Davis Street	106-65-1-24.1

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-6  
Re: Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation authorizing the sale of delinquent tax liens from 2010-11, in bulk, to American Tax Funding Servicing, LLC (ATFS).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379, authorized three lien sales with the option for two subsequent sales. The sale requested herein will be the first of the two options, representing the fourth sale. The table below summarizes the results of the three previous sales.

Sale Date	Number Of Liens	Number Of Parcels	Percent Of Original Value
Feb 2008	5,675	3,327	
	\$13,976,777	\$6,036,829	43.19%
Sept 2009	5,444	4,864	
	\$11,443,795	\$4,981,986	43.53%
Dec 2010	5,249	4,780	
	\$10,999,275	\$5,342,778	48.57%

For this year, based on a bulk lien sale list having an aggregate lien amount of \$12,492,140, it is estimated that the City will receive \$6,609,197, or 52.9% of the original lien amount. This represents a total of 6,036 liens on 5,576 parcels. This number reflects the approximately 750 parcels reserved by the City as part of our property management strategy. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens which are finally sold.

As part of the bulk lien sale, the City will reacquire liens previously sold by reducing the final bulk sale purchase price by the amount of the liens. The properties are 228-280 E. Main Street and 4145 Lake Avenue, having current re-purchase prices of \$31,963.38 and \$776.54, respectively. Said amounts are not reflected in the total ATFS offer noted above.

In addition, as authorized in the agreement, ATFS is exercising their right this year to acquire the new tax lien at full value on properties for which they hold prior unpaid liens. ATFS has reviewed the list of such properties, and has agreed to pay the full value of \$149,561.01 for liens on 47 properties to protect their interest in these properties. Some of these were among the reserved properties noted above. The City has no objection to this action.

As required by Council Ordinance No. 2008-379, the Administration will file a list of the properties to be sold to ATFS and the properties removed from the sale and a map showing both categories.

This legislation approves the sale of this year's delinquent tax liens to ATFS based upon this initial estimated dollar value and percentage amounts.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-3

Ordinance No. 2012-6  
(Int. No. 6, As Amended))

**Authorizing The Bulk Sale Of Delinquent Tax Liens**

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

Section 1. Pursuant to the agreement between the City and American Tax Funding Servicing, LLC (ATFS) for the bulk sale of delinquent tax liens, the Council hereby approves the bulk sale of this year's tax liens.

Section 2. The agreement shall obligate ATFS to pay to the City an amount based upon the ATFS offer of 52.91% of the November 30, 2011 delinquent tax lien list, as adjusted to reflect changes to the delinquent tax liens which are finally sold and the reacquisition of liens by the City.

Section 3. The agreement shall further obligate ATFS to pay to the City full redemptive value of \$149,561.01 for 47 liens on properties for which ATFS holds prior unpaid liens, said amount to be adjusted to reflect redemptions and interest to the date of closing.

Section 4. The City shall establish a procedure whereby the initial delinquent tax lien list which is provided to the Department of Neighborhood and Business Development for review is also made available to community groups and on the City's website.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Palumbo, Scott - 6.

Nays - Councilmembers McFadden, Ortiz, Spaul - 3.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-5  
Re: Appointment - Board Of Ethics

Transmitted herewith for your approval is legislation to approve the appointments of the following individuals to the Board of Ethics:

- Richard Hannon  
72 Crawford Street  
Rochester, NY 14620
- Carl Steinbrenner  
104 Troup Street  
Rochester, NY 14608
- Saul Maneiro  
30 Brambury Drive, Apt C

- Rochester, NY 14621
- James Antonevich  
139 Rockingham Street  
Rochester, NY 14620
- Calvin Lee  
19 Shelter Street  
Rochester, NY 14611

In addition to the above names, the City representatives on the Board of Ethics will be Council President Lovely A. Warren and the Director of the Office of Public Integrity George Markert.

Resumes of the Board Members will be on file with the City Clerk.

Respectfully submitted,  
Lovely A. Warren  
President

Resolution No. 2012-5  
(Int. No. 60)

**Resolution Approving Appointments To The Board Of Ethics**

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

Section 1. The Council hereby approves the appointments of the following persons to the Board of Ethics for terms which shall expire as follows:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Richard Hannon	72 Crawford Street	1/31/13
Carl Steinbrenner	104 Troup Street	1/31/15
Saul Maneiro	30 Brambury Drive, Apt. C	1/31/15
James Antonevich	139 Rockingham Street	1/31/15
Calvin Lee	19 Shelter Street	1/31/14

Section 2. The Council hereby further approves the appointments of the following persons to the Board of Ethics to serve as City representatives on the Board:

<u>Name</u>	<u>Title</u>
Lovely A. Warren	City Council President
George Markert	Director, Office of Public Integrity

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-7  
Re: Agreement - Rural/Metro Medical Services of Rochester, NY, Emergency Ambulance Service

Transmitted herewith for your approval is legislation authorizing an agreement with Rural/Metro Medical Services of Rochester, NY ("Rural/Metro") for the provision of emergency ambulance services. This agreement will have an initial term of four years, from April 1, 2012 through March 31, 2016, with provision for two renewals of two years each.

Background - Rural/Metro has provided emergency ambulance service for the City since 1988 pursuant to agreements authorized by City Council in 1988, 1992, 1996, 2002, and 2007. The current agreement expires on March 31, 2012. Emergency ambulance service is a key component of the health care system in the City. The average number of requests annually for the past three years is 52,777.

RFP Development - An inter-departmental task force was formed to prepare and issue a request for proposals (RFP) and to subsequently review the proposals. The members of the task force included: the Deputy Mayor, the Fire Chief, a Deputy Fire Chief, the Director of Emergency Communications, the Deputy Chief of Police/Operations, City Council Chief of Staff, the Budget Director, the Senior Municipal Attorney, and the Budget Analyst for the Fire Department. In addition, through a previously approved agreement (Ord. No. 2010-314), System Planning Corporation (TriData) assisted the task force in developing and preparing the RFP for publication, and with feedback and recommendations to the committee on the proposals to assist in vendor selection.

Factors identified by the task force as critical for inclusion in the RFP were: approach to system design; responses to background and service area summary; program responsibilities; clinical and employment practices; financial and administrative provisions; past experience of provider and key personnel; and references. Additional information concerning specifications requested in the RFP is attached, and the complete RFP is on file with the City Clerk.

The RFP was posted on the City website on September 23, 2011, and three ambulance companies were notified directly: Rural/Metro, Monroe Ambulance, and American Medical Response (AMR). Proposals were received from Rural/Metro and from Monroe Ambulance, whose proposal included partnering with AMR. Both Rural/Metro and Monroe Ambulance ("Monroe") were invited to give an oral presentation to the task force, introduce key personnel, provide a tour of the company premises, and show available equipment. City Councilmembers Adam McFadden, Carolee Conklin, and Dana Miller joined the task force for these presentations.

Review Summary - In most of the key areas cited in the RFP, Rural/Metro and Monroe were judged as comparable. Both companies agreed to conform to all of the RFP requirements, including: appropriate staffing of both Advanced Life Saving and Basic Life Saving ambulance units; response time performance standards; providing the necessary vehicles, supplies and equipment; vehicle preventive maintenance system and vehicle repairs; use of

the Rochester Emergency Communications Department (ECD) to monitor all vehicular movements; connecting their computer aided dispatch system to ECD for recording of response data. The radio communication systems used by each company are sufficient and comparable.

Both companies require pre-employment drug testing. And while neither requires random drug testing throughout employment, they require testing if there is reasonable suspicion to suspect drug usage or when an employee is involved in a motor vehicle accident.

Rural/Metro agreed to pay the required \$300,000 franchise fee in their proposal. Monroe did not address the franchise fee in their proposal, but when asked to respond, submitted a written response agreeing to pay the franchise fee. Both companies agreed to the increase in penalties for contract violations that are designed to improve patient care. Neither company has been the subject of any recent state sanctions or complaints.

Considerations - The proposal from Monroe Ambulance was well regarded by the task force for several reasons: the firm is woman-owned, and has been located in the city for many years; partnership with AMR provides significant resources from ambulance companies throughout the country; provided competent emergency ambulance service to other municipalities in the Rochester metropolitan area (though none as large as the City); key personnel have extensive local experience in the ambulance business; commitment to high medical standards and resolution of medical complaints.

The recommending attributes for Rural/Metro include: accredited by the Commission on Accreditation of Ambulance Services (CAAS); part of a large national ambulance company; demonstrated commitment to a diverse workforce; competent performance under the current City contract; ability to adjust to contract requirements as needed; ability to draw resources from Buffalo and Syracuse if needed in an emergency; provide an EMT academy for city residents; staff the tactical medical unit working in conjunction with the Rochester Police Department SWAT team.

Rural/Metro also has a superior initial deployment plan, which includes increasing from 25 to 28 ambulances to be deployed at peak times. Monroe's proposal included deployment of 21 units at peak time at the initiation of the agreement. Rural/Metro consistently monitors and updates their deployment practices. This was deemed critical by the task force since, for the first time, the agreement will place a time limit on Priority 4 calls and because the increased penalties will place more emphasis on responding in a timely fashion to all 911 calls.

Monroe committed to become CAAS accredited if awarded the contract; accreditation requires approximately twelve months to achieve.

Rates - The internal rates of both companies are misleading since they could apply to only a very

small percentage of patients - i.e., those without insurance coverage. Payments for most ambulance services are set by the government through Medicare/Medicaid or through agreements by insurers with the ambulance companies.

As a result of our discussions and irrespective of the internal company rates, services rendered under this agreement will be paid for by private insurance companies at their negotiated rate, government insurance programs at their pre-determined rate or, if the recipient is uninsured, at the Medicare rate.

Rural/Metro will be required to clearly display their willingness to accept the Medicare allowable charge as payment in full for the uninsured on their billing statements. The Medicare rates for 2012 are listed in the attachment.

Conclusion - The City was fortunate to receive two competitive proposals, and the decision to recommend Rural/Metro was not an easy one. Based on a thorough review of the written proposals, oral presentations, and site visits, the task force has concluded that the benefits of continuing with Rural/Metro outweigh the risks of changing providers at this time. Rural/Metro's accreditation, their deployment plan, and their familiarity with providing service in the city were deciding factors; continuing with Rural/Metro will provide for uninterrupted service delivery.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-4

Ordinance No. 2012-7  
(Int. No. 44)

**Authorizing An Agreement For Emergency Ambulance Services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rural/Metro Medical Services of Rochester, NY ("Rural/Metro") for the provision of emergency ambulance services within the City, when the City requests ambulance services or when the City receives a request for ambulance services through 911, and for standby services at emergency scenes and special events. The agreement shall provide that the rates to be accepted from individual payees shall not exceed the applicable Medicare rates for such services. The agreement shall extend for a term of four years, with two renewal options of two years each. The agreement shall provide for both basic life support (BLS) and advanced life support (ALS) services, with response for ALS Priority 1 or Priority 2 calls required to be within 8 minutes 59 seconds for each incident, and at 90 percent reliability for all assignments in each zone; for Priority 3 calls within 12 minutes 59 seconds for each incident, and at 90 percent reliability for all assignments in each zone; and for Priority 4 calls within 17 minutes 59 se-

conds for each incident, and at 90 percent reliability for all assignments in each zone. The zones shall be the four City Council districts. Penalties shall also be provided for failure to meet response times.

Section 2. The agreement shall obligate Rural/Metro to pay to the City an annual franchise fee of \$300,000, subject to cost of living increases, to partially offset the City costs of providing first responder services. Rural/Metro shall replace the disposable supplies used by the City in providing first response 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 by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Ortiz - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 4  
Re: Amending the City Charter -  
Transfer Of Parking Functions

Transmitted herewith for your approval is legislation amending the City Charter to transfer oversight of the Parking Bureau from the Finance Department to the Mayor's Office.

The Parking Bureau is generally responsible for the administration and supervision of all municipal parking functions and facilities, including on-street parking, surface lots, and parking garages. The Bureau is also responsible for the installation, maintenance, and collection of revenue from parking meters; the supervision of parking monitors; and the adjudication of parking infractions and municipal code violations.

In June 2009, all parking functions were combined into the single bureau and assigned to the Finance Department. However, operational issues such as maintenance and operation of the garages, and policy issues such as the location and cost of parking to serve economic development needs, are related to the activities of several departments, including Environmental Services, Neighborhood and Business Development, and Finance.

At this time, placement of the Bureau directly in the Mayor's Office will allow appropriate oversight, coordination with other economic development efforts, and policy review. The Parking Director will report to the Deputy Mayor.

The transfer of funds and accounts associated with the Parking Bureau will be accomplished in concert with the preparation of the 2012-13 Annual Budget.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 4

**LOCAL LAW AMENDING THE CITY  
CHARTER WITH RESPECT TO PARKING**

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 3-1, Mayor, by adding the following new sentence to the end of the final paragraph thereof:

The Mayor shall have supervision of the parking functions of the City.

Section 2. Section 6-6 of the City Charter, Bureau of Parking, as amended, is hereby renumbered as Section 3-7 and is further amended to read in its entirety as follows:

§ 3-7. Parking functions.

- A. There shall be a Bureau of Parking, the head of which shall be the Director of Parking. The Director of Parking shall be responsible for the administration and supervision of on-street parking and municipal parking facilities; the installation, maintenance and collection of revenue from parking meters; the supervision of parking monitors; and the adjudication of parking infractions and municipal code violations.
- B. There is established an operating unit known as the Parking/Municipal Code Violations Bureau, which shall be continued within the Bureau of Parking. The head of the unit shall be the Director of Parking Violations and Adjudication, who shall direct the assigned staff and supervise the adjudication programs. The Director of Parking Violations and Adjudication, with the approval of the Mayor or the Mayor's designee and subject to the restrictions of Article 2-B of the Vehicle and Traffic Law relating to the Parking Violations Bureau, shall appoint such number of deputy officers and hearing examiners as he or she deems necessary.
- C. The Parking Violations Bureau is authorized to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations. The unit shall have all of the functions, powers and duties granted in Article 2-B of the Vehicle and Traffic Law and shall operate in compliance with that Article.
- D. The Parking Violations Bureau is authorized to hear and determine complaints of violations of Article 7 of the Agriculture and Markets Law or of any local law or ordi-

nance relating to the licensing, identification and control of dogs, pursuant to and in accordance with Section 236(3) of the Vehicle and Traffic Law.

- E. The Municipal Code Violations Bureau shall hear and determine complaints of Municipal Code violations as authorized by the Rochester City Court, pursuant to and in accordance with Chapter 417 of the Laws of 1969, as amended by Chapter 802 of the Laws of 1982.
- F. (1) The City hereby establishes a demonstration program in accordance with the provisions of § 1111-b of the New York State Vehicle and Traffic Law, imposing monetary liability on the owner of a motor vehicle for failure of an operator thereof to comply with traffic-control indications in the City. Such demonstration program shall allow for the installation and operation of traffic-control signal photo violation-monitoring devices at no more than 50 intersections within the City at any one time.
  - (2) Adjudication of the liability imposed upon motor vehicle owners by this section shall be by the Parking Violations Bureau.
  - (3) A motor vehicle owner liable for a violation pursuant to this program shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the Parking Violations Bureau. The liability of the owner pursuant to this program shall not exceed \$50 for each violation; provided, however, that an additional penalty not to exceed \$25 for each violation shall be added for the failure of the owner to respond to a notice of liability within 30 days from mailing of a notice of liability.

Section 3. Section 6-1 of the City Charter, Department of Finance, as amended, is hereby further amended by deleting the final sentence of the first paragraph thereof, relating to the parking functions of the City. Section 6-1 is hereby further amended by deleting the words "a Bureau of Parking," where they are contained in the second undesignated paragraph thereof.

Section 4. Section 6-2 of the City Charter, Director of Finance, as amended, is hereby further amended by deleting the second undesignated paragraph thereof, relating to the Parking/Municipal Code Violations Bureau.

Section 5. Section 8A-3 of the City Charter, Issuance of appearance tickets, as amended, is hereby further amended by deleting the words "Department of Finance" where they are contained in Subsection A thereof and by inserting in their place the words "Bureau of Parking".

Section 6. This local law shall take effect immediately.

Held in Committee.

By Councilmember Palumbo  
January 24, 2012

To the Council:

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

Int. No. 7 - Authorizing The Sale Of Real Estate

Int. No. 8 - Authorizing An Application And Agreement For The Lead Hazard Control Program

Int. No. 9 - Authorizing An Agreement For The Marketview Heights Homeownership Project

Int. No. 11 - Authorizing The Acquisition Of Parcels To Effectuate The Facilities Modernization Program

Int. No. 12 - Authorizing An Agreement For The Home Rochester Program

Int. No. 13 - Resolution Approving Appointment To The City Planning Commission

Int. No. 48 - Authorizing The Acquisition Of A Portion Of The Inner Loop Right Of Way For The Facilities Modernization Program

Int. No. 49 - Authorizing An Agreement And Appropriating Funds For The Neighborhood Stabilization Program

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

Int. No. 10 - Authorizing The Acquisition By Negotiation Or Condemnation Of 236 University Avenue For The Facilities Modernization Program

Int. No. 14 - Changing The Zoning Classification Of 414 Lexington Avenue From R-1 Low Density Residential To R-3 High Density Residential

Int. No. 47 - Changing The Zoning Classification Of 178, 184, 184.5 And 190 South Goodman Street And 265 Park Avenue From R-2 Medium Density Residential To R-2 Medium Density Residential/Overlay Boutique (R-2/0-B)

Respectfully submitted,  
Carla M. Palumbo (*Abstained on Int. No. 14*)  
Carolee A. Conklin (*Voted against Int. Nos. 10, 11 and 48*)  
Jacklyn Ortiz  
Lovely A. Warren  
Dana K. Miller  
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

Councilmember Palumbo moved to amend Int. No. 7.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-8  
Re: Sale of Real Estate

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

The first two properties are City-owned parcels associated within the Canadice/Hemlock Lakes watershed. With the transfer of the watershed to New York State, these parcels are now considered surplus land. Independent appraisals were obtained for both parcels to determine minimum bids. Sealed bids were accepted at or above the minimum bid amounts. The first property, located in the Town of Livonia, is being sold for \$88,000; the second, located in the Town of Wayland, is being sold for \$32,000.

The third lot is vacant land being sold to the adjacent owner. The purchaser has submitted a proposal to combine it with their existing lot for use as parking.

The next three parcels are unbuildable vacant lots being sold to their adjacent owners who will combine the lots with their existing 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 \$1,504.

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,

Thomas S. Richards  
Mayor

Attachment No. AL-5

Ordinance No. 2012-8  
(Int. No. 7, As Amended)

**Authorizing The Sale Of Real Estate And Amending Ordinances No. 2011-391 And 2011-392**

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

Section 1. The Council hereby approves the sale of the following parcels of vacant land by sealed bid:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Price</u>	<u>Use</u> <u>Purchaser</u>
Pt of 7650 Big Tree Rd 085.00-1-66.1	43.73 ac \$88,000	Vacant Land Steven & Paula Morel
County Line Rd 002.00-1-15	30.18 ac \$32,000	Vacant Land Kenneth Reimels

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

<u>Address</u> <u>Price</u>	<u>S.B.L.#</u> <u>Purchaser</u>	<u>Lot</u> <u>Size</u>	<u>Sq. Ft.</u>
827 E. Main St \$[980] <u>50</u>	106.74-2-20 Eight Thirty Five East Main, LLC*	40x90	3,600

\* Principal: Panagiotis Tamoutselis, Owner & Sole Proprietor

Section 3. 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>Purchaser</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>
125 Bay St Richard Tambe	106.50-2-15	69x5	436
52 Elgin St Creacy Clowers	135.27-2-88	30x110	3,300
337 Scio St Martin Pedrazo	106.65-3-39	33x74	2,409

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

Section 5. Ordinances No. 2011-391 and 2011-392, which authorize agreements with Pike Development Company LLC as part of the Midtown Plaza Revitalization Project, are hereby amended

by authorizing the agreements to be with Pike Development Company LLC or an entity to be formed by Pike Development Company LLC. Ordinance No. 2011-391 is further amended by changing the term of the permanent financing loan from 15 years to 20 years, with interest to remain at 1%, and with repayment pursuant to an amortization schedule approved by the Mayor.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-9  
Re: Grant Application - Lead Hazard Control Program

Transmitted herewith for your approval is legislation authorizing an application to the US Department of Housing & Urban Development Office of Healthy Homes and Lead Hazard Control for \$3,000,000.

HUD recently published its Notice of Funding Availability (NOFA) for its Lead Hazard Control Programs; eligible applicants may receive up to \$3 million for lead hazard control activities. The City is proposing to apply for the maximum amount. A 25% match in local funding is required.

The City application will request funding to continue a comprehensive, community-wide program to control and reduce exposure to hazards from lead based paints. The program will include control of lead based paint hazards in a minimum of 200 units of privately-held 1-4 unit residential structures. Eligible properties will receive up to \$15,000 per unit and a lead-based paint risk assessment. Owner-occupants must have incomes at or below 80% of the area median income and tenants must have incomes at or below 50% of the area median income. All property owners will be required to complete a lead-safe practices training course. The program will be available City-wide.

The City program will also include: lead risk assessments; child blood testing services; lead safe work practices training; contractor training; and an outreach and education program for at-risk households. Grant funds will also be used to hire up to two consultants to provide application intake services for the program.

The City has received six HUD grants for lead hazard control since 2003 totaling \$15.6 million and has since produced 1,220 units of lead safe housing. If funded, this HUD grant will further our goal of reducing lead-based paint hazards in privately-held housing to ensure a safe living environment for child occupants.

HUD is expected to announce funding awards by

April 2012. If funded, the program will begin by July 2012 and can operate for a maximum of 3 years. However, due to the high level of demand for lead hazard control grants, the City expects to close the program within 18 months.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-9  
(Int. No. 8)

**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 agreement 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. 2012-10  
Re: Focused Investment Strategy -  
Marketview Heights Home-  
Ownership Project

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with the Greater Rochester Housing Partnership (GRHP) for a homeownership project at 179 N. Union Street in the Marketview Heights Focused Investment Strategy area. The cost of the agreement will be funded from prior years' Cash Capital.

The GRHP received New York State funding for an affordable housing project in the Marketview Heights Focused Investment Strategy Area (FIS). Four City-owned vacant lots were sold to GRHP for the construction of single-family homes (Ord. Nos. 2011- 21 and 2011-242) as part of this project.

To date, two homes have been completed on Weld Street and are currently for sale to owner-occupants. Two additional homes will be constructed at 179 N. Union and 115 Weld Streets respectively. Also, as part of this project, the GRHP rehabilitated 131 Woodward Street which will be sold to an owner-occupant.

The project at 179 N. Union Street is located on a highly-visible corner in the heart of the Marketview FIS, and is receiving substantial investment, includ-

ing: \$600,000 in rehabilitation assistance for 21 residential properties; \$1 million in improvements on N. Union Street near the Public Market; and the rehabilitation of a 2-family residential structure at 136 Woodward Street.

Given the location and level of investment nearby, the GRHP is planning this project to be completed to a higher standard and to include special enhancements. As funding is limited to meet these expectations the GRHP has asked the City to provide additional support. The City funding will allow for the addition of: a single-car detached garage, a wrap-around porch, front/side yard ornamental fencing, and landscaping. These enhancements will add tremendous value to the site which will raise the prospect of attracting an owner-occupant. Furthermore, the site will serve as a model for what gateway projects in FIS areas can be planned to complement surrounding investments.

Buyers must be first-time homebuyers with household income up to 90% of area median income based on family size. They must complete City sponsored homeownership counseling, and the buyer's mortgage product must be reviewed by City staff to make certain the mortgage fits City requirements for the closing costs assistance program.

The project is expected to begin in April 2012 and be completed in July 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-10  
(Int. No. 9)

**Authorizing An Agreement For The Marketview Heights Homeownership 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 Greater Rochester Housing Partnership (GRHP) to provide funding for improvements at 179 North Union Street as a part of the Marketview Heights Homeownership Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-11  
Re: Acquisition of Real Estate - School  
Facilities Modernization Program

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of three properties for the Rochester City School District Facilities Modernization Program (FMP). The acquisition, closing and rehabilitation costs of \$775,000 will be financed from the proceeds of Bond Anticipation Notes (BANs) authorized via Ordinance No. 2011-268. These BANs will be paid off when permanent financing for the FMP is obtained by issuing bonds through COMIDA, which is anticipated in Spring 2012.

The properties, located at 1776 and 1790 N. Clinton Avenue, and 21 Rau Street, comprise a 2.66 acre site adjacent to School 50, and includes a vacant warehouse (formerly Maynard's Electric Supply, Inc.) and associated vacant lots. Property information is below.

<u>Property Address</u>	<u>Type</u>
<u>Appraised Value</u>	<u>Owner</u>
1776 N. Clinton Ave.	Warehouse
\$621,000	Bruce H., Neil, & Glenn Hellman, and Jeanne C. Feldman
1790 N. Clinton Ave.	vacant lot
\$25,000	Bruce H. Hellman
21 Rau St.	parking lot
\$14,000	Bruce H. Hellman

The total acquisition cost of \$660,000 was determined through an independent appraisal prepared by Kevin L. Bruckner, MAI. The FMP staff and Rochester Joint Schools Construction Board intend to use the single-story 61,676 square foot building for their operations for up to five years and have requested repairs and improvements at an estimated cost of \$100,000. The total cost, including acquisition, closing costs and physical improvements to the building will not exceed \$775,000.

The warehouse will provide secure storage for furniture and equipment removed from existing school facilities while renovations are underway, and for bulk purchases of equipment and furniture for the FMP Phase 1 schools. The building allows for interior truck loading and is ideally suited for the moves required during Phase I of the FMP. Ownership of this property will eliminate the need to pay for off-site storage. During renovations to School 50, the warehouse and associated lots will also provide space for contractor offices, parking, and storage. Eventually, the District will redevelop the site for incorporation into the School 50 campus, and the southwest corner will be subdivided to create three lots fronting on Reliance Street for residential construction.

City taxes and other current year taxes against said parcels shall be canceled from the date of closing

forward. If the present owners have paid any taxes or other current year charges attributable to the period after closing, such charges shall be credited to the owners at closing and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns these parcels, shall also be canceled.

The overall School Modernization Program was subject to State Environmental Quality Review. This project is a component of that review and has been determined to have no significant environmental impacts.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-6

Ordinance No. 2012-11  
(Int. No. 11)

**Authorizing The Acquisition Of Parcels To Effectuate The Facilities Modernization Program**

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

Section 1. The Council hereby approves the acquisition of the following parcels in amounts not to exceed those indicated to effectuate the Facilities Modernization Program of the Rochester City School District:

<u>Property Address</u>	<u>Type</u>	<u>Appraised Value</u>
<u>SBL</u>	<u>Reputed Owner</u>	
1776 N. Clinton Ave.	warehouse	\$621,000
091.47-1-5	Bruce H., Neil, Glenn Hellman & Jeanne C. Feldman	
1790 N. Clinton Ave.	vacant lot	25,000
091.47-1-2	Bruce H. Hellman	
21 Rau St.	parking lot	14,000
091.47-1-3	Bruce H. Hellman	

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$775,000, including acquisition and closing costs and the cost of improvements, and said amount, or so much thereof as may be necessary, shall be funded from Bond Ordinance No. 2011-268.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ordinance No. 2012-12  
(Int. No. 12)

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-12  
Re: Agreement - Rochester Housing Development Fund Corporation, Home Rochester Program

Transmitted herewith for your approval is legislation establishing \$210,000 as maximum compensation for an agreement with the Rochester Housing Development Fund Corporation (RHDFC) to provide development subsidies as part of the Home Rochester Program. The cost of the agreement will be funded from prior years' Cash Capital allocations.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant, single-family houses for resale to income-eligible households.

RHDFC will administer the distribution of subsidies (each averaging \$20,000) for the acquisition and rehabilitation of up to ten vacant structures by participating developers. Developers include the Urban League of Rochester Economic Development Corporation, Pathstone, and the following Community Housing Development Organizations: 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.

Home Rochester properties traditionally are available to families who earn less than 80% of the median family income (MFI). The funds allocated through this agreement will allow the program to continue to market properties to families with incomes between 80% and 120% of the MFI. Ordinance No. 2011-5 first authorized Cash Capital funds for this purpose to assist with ten home purchases. To date, six Home Rochester properties have been purchased by buyers with incomes between 80% -120% and four more purchases are in process. All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of ten years.

This legislation supports the City's Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,  
Thomas S. Richards  
Mayor

**Authorizing An Agreement For The Home Rochester Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation (RHDFC) to provide development subsidies as a part of the Home Rochester Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$210,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-6  
Re: Appointment - City Planning Commission

Transmitted herewith for your approval is legislation confirming the appointment of Leonard M. Brock, Ed.D., 276 Lyceum Street, Rochester, New York 14609 to the City Planning Commission.

Dr. Brock will fill the vacancy created by the resignation of Donna Suchy in November 2011. He will complete that term which expires on February 28, 2013.

A resume for Dr. Brock is on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-6  
(Int. No. 13)

**Resolution Approving Appointment To The City Planning Commission**

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

Section 1. The Council hereby approves the appointment of Leonard M. Brock, 276 Lyceum Street, to the City Planning Commission for a term which shall expire on February 28, 2013. Mr. Brock shall replace Donna Suchy, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-13  
Re: Acquisition of Property from New York State - School Facilities Modernization Program

Transmitted herewith for your approval is legislation authorizing the acquisition of property from the State of New York for the Rochester City School District Facilities Modernization Program (FMP). The acquisition and closing costs, not to exceed \$30,000, will be financed from the proceeds of Bond Anticipation Notes (BANs) authorized in August 2011 (Ord. No. 2011-268). These BANs will be paid off when permanent financing for the FMP is obtained by issuing bonds through COMIDA, which is anticipated in Spring 2012. Use of these funds is subject to approval by the Rochester Joint Schools Construction Board in February, 2012.

The property to be acquired is a portion of the right-of-way for the I-490 Inner Loop, measuring approximately 10,114 square feet, and adjoining the northern boundary of School 58. The New York State Department of Transportation has determined that this parcel is surplus and may therefore be sold to the City at appraised value. The purchase price shall not exceed \$25,300, as established by an independent appraisal. The total acquisition amount, including closing costs, will not exceed \$30,000.

School 58, the World of Inquiry School, is part of Phase I of the FMP. It currently serves K-8 students but will be expanded to grade levels K-12. The parcel to be acquired will be combined with the adjoining school campus to provide the necessary land area for construction of a one-story 11,000 square foot addition that will contain a new gymnasium.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-7

Ordinance No. 2012-13  
(Int. No. 48)

**Authorizing The Acquisition Of A Portion Of The Inner Loop Right Of Way For The Facilities Modernization Program**

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

Section 1. The Council hereby approves the acquisition of a portion of the I-490 Inner Loop right of way from the State of New York, constituting approximately 10,114 square feet, to effectuate

the Facilities Modernization Program of the Rochester City School District.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$25,300, and said amount, and necessary closing costs, shall be funded from Bond Ordinance No. 2011-268.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-14  
Re: Agreement - New York State Neighborhood Stabilization Program, Susan B. Anthony Neighborhood

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Housing Finance Agency for the receipt and use of a Neighborhood Stabilization Program (NSP) grant in the amount of \$425,962 for a homeownership project in the Susan B. Anthony neighborhood that will rehabilitate three City-owned properties located at 2-6 Madison Street, 54 Madison Street, and 34 King Street.

The properties, acquired by the City through tax foreclosure, are in bad condition, but are not eligible for demolition since they are in a preservation district. The NSP award, along with the City's \$100,000 match (prior years' Cash Capital) will provide enough funding to cover the cost of the extensive work required to restore the architectural integrity of these historic homes. Every effort will be made to meet or exceed City preservation guidelines. When finished, these homes will complement the surrounding housing stock, as well as other development in the area. Total development cost is estimated at \$575,962.

The homes will be rehabilitated as single-family homes for sale to eligible buyers with income between 60 and 120% of the area median income. To reach the lower threshold, they will need to sell at approximately \$75,000. Buyers will be required to complete HUD-approved homeownership training.

The City will act as developer and procure the project through the standard competitive bidding process. Council authorization will be sought at a later date for an agreement with a consultant to provide related architectural/engineering services and to assist with the public approval process.

The properties will be listed for sale on the City's website. Real estate brokers will be able to register for participation, making them eligible for a 6% commission fee. Advertisements will also be run in

the newspaper as well as circulated to the City's network of non-profit housing organizations. The Landmark Society and the Susan B. Anthony Neighborhood Association have also offered to promote these properties through their marketing resources.

Construction is expected to begin by April 2012 and be completed by September.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-14  
(Int. No. 49)

**Authorizing An Agreement And Appropriating Funds For The Neighborhood Stabilization 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 Housing Finance Agency for Neighborhood Stabilization Program grant funds provided by the United States Department of Housing and Urban Development and the New York State Affordable Housing Corporation.

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

Section 3. The sum of \$425,962, or so much as may be received under the agreement authorized herein, is hereby appropriated from funds to be received from the New York State Housing Finance Agency to fund the Neighborhood Stabilization Program in the Susan B. Anthony neighborhood.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to return Int. No. 10 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 10  
Re: Acquisition of Real Estate - School  
Facilities Modernization Program

Transmitted herewith for your approval is legislation authorizing the acquisition of property at 236 University Avenue by negotiation or condemnation for the Rochester City School District Facilities Modernization Program (FMP). The acquisition and closing costs of \$183,000 will be financed from the proceeds of Bond Anticipation Notes (BANs) authorized via Ordinance No. 2011-268. These BANs will be paid off when permanent financing for the FMP is obtained by issuing bonds through COMIDA, which is anticipated in Spring 2012.

The property, situated on the northwest corner of East Main Street and University Avenue, immediately adjacent to School 58, is approximately .4 acre, and is improved with a 2,250 square foot vacant building that was constructed as a fast-food restaurant. The property, owned by Main Loop LLC has an appraised value of \$180,000 as determined through an independent appraisal prepared by Kevin L. Bruckner, MAI. The total acquisition amount, which includes closing costs, will not exceed \$183,000.

School 58, the World of Inquiry School, is part of Phase I of the FMP. The school, currently serving K-8 students, will be expanded to grades K-12. The expansion will include the construction of a two-story, 30,000 square foot addition for educational and program space, and a one-story 11,000 square foot new gymnasium.

Currently, the school has a small playground area and a basketball court, and virtually no green space. The site will be reconfigured to accommodate pedestrian and vehicular circulation and to compensate for loss of open space. The acquisition of 236 University Avenue and subsequent demolition of the existing building will allow the creation of a "great lawn," which will provide recreational green space, and enhance the school facility as well the eastern entryway to the Central Business District.

City taxes and other current year taxes against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current year charges attributable to the period after closing, such charges shall be credited to the owners at closing and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns these parcels, shall also be canceled.

In accordance with the Eminent Domain Procedure Law, a determination and findings must be adopted prior to the condemnation approval.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 10

**AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF 236 UNIVERSITY AVENUE FOR THE FACILITIES MODERNIZATION PROGRAM**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcel in an amount not to exceed that indicated to effectuate the Facilities Modernization Program of the Rochester City School District:

<u>Property Address</u>	<u>Reputed Owner</u>	<u>Maximum Acquisition Amount</u>
<u>SBL#</u> 236 University Avenue 106.81-1-20	<u>Type</u> Main Loop LLC Commercial	<u>Amount</u> \$180,000

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$180,000, and said amount, and necessary closing costs, shall be funded from Bond Ordinance No. 2011-268.

Section 3. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 4. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 5. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-15  
Re: Zoning Map Amendment - 414  
Lexington Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the property at 414 Lexington Avenue from R-1 Low Density Residential to R-3 High Density Residential. This rezoning is being proposed in conjunction with a proposal by Providence Housing Development to redevelop the former Holy Rosary Church School and Rectory buildings as 35 multi-family residential units and a community space with a manager's office. This conversion is not permitted under R-1 zoning.

The City Planning Commission will hold an informational meeting on this proposed rezoning on Monday, January 9, 2011. The minutes of that meeting and the Commission's recommendation

will be forwarded when they are available.

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

A public hearing is required for the zoning map amendment.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-8

Ordinance No. 2012-15  
(Int. No. 14)

**Changing The Zoning Classification Of 414 Lexington Avenue From R-1 Low Density Residential To R-3 High Density Residential**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 414 Lexington Avenue, from R-1 Low Density Residential to R-3 High Density Residential:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 36 of the 20,000 Acre Tract and being more particularly bounded and described as follows: Beginning at the centerline intersection of Lexington Avenue (66' ROW) and Oriole Street (60' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said centerline of Oriole Street, a distance of 378.0 feet, more or less, to the westerly extension of the north line of Lot 16, Section 2, of the Edgar Holmes Tract, as filed in the Monroe County Clerk's Office in Liber 2 of Maps, Page 46; thence
- 2) Easterly, along said extension and the north line of Lot 16, a distance of 160.0 feet to the northeast corner thereof; thence
- 3) Southerly, along the east line of said Lot 16, a distance of 41.0 feet to the southeast corner thereof and the northwest corner of Lot 13 of said Tract; thence
- 4) Easterly, along the north line of said Lot 13 and its extension, a distance of 160.0 feet to the centerline of Finch Street (60' ROW); thence

- 5) Southerly, along said centerline of Finch Street, a distance of 337.0 feet, more or less, to the said centerline of Lexington Avenue; thence
- 6) Westerly, along said centerline of Lexington Avenue, a distance of 320.0 feet to the said centerline of Oriole Street, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Palumbo abstained because of a familial relationship.

Councilmember Palumbo moved to amend Int. No. 47.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2012-16

Re: Zoning Map Amendment - 178, 184, 184.5, 190 S. Goodman Street and 265 Park Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties at 178, 184, 184.5, 190 S. Goodman Street and 265 Park Avenue from R-2 Medium Density Residential to R-2 Medium Density Residential/Overlay Boutique (R-2/O-B) in conjunction with a proposal by Enrique Puron to open a Hair Salon at 190 S. Goodman Street. A map of the proposed rezoning is attached.

The five properties proposed for rezoning are currently in an R-2 Medium Density Residential District, adjacent to an R-2/O-B District. The legal uses of these properties are as follows:

- 178 South Goodman  
Legal Status: 4 family based on C of O
- 184 South Goodman  
Legal Status: 1 family based on C of O
- 184.5 South Goodman  
(aka 265 Park Avenue)

Legal Status: 16 space parking lot to serve Hogan's Hideaway

190 South Goodman  
Legal Status: 2 family based on C of O

The applicant has obtained approval for this rezoning from the property owners at 184.5 S. Goodman Street (aka 265 Park Avenue) and 178 S. Goodman Street, in addition to the subject property at 190 S. Goodman Street.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, December 12, 2011. Minutes of that meeting are attached. The Commission, by a vote of 5-0 recommends approval of the rezoning.

A public hearing on the proposed amendments is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-9

Ordinance No. 2012-16  
(Int. No. 47, As Amended)

**Changing The Zoning Classification Of [178, 184,] Part Of 184.5 And 190 South Goodman Street And 265 Park Avenue From R-2 Medium Density Residential To R-2 Medium Density Residential/Overlay Boutique (R-2/O-B)**

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 [178, 184,] part of 184.5 and 190 South Goodman Street and 265 Park Avenue, from R-2 Medium Density Residential to R-2 Medium Density Residential/Overlay Boutique (R-2/O-B):

[All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 51, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at the intersection of the centerline of South Goodman Street (ROW Varies) and the westerly extension of the north line of Lot 5 of the D.C. Haight Subdivision, as filed in the Monroe County Clerk's Office Liber 65 of Deeds, Page 36, said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said extension and the north line of Lot 5, a distance of 353 feet, more or less, to the west line of Lot 1 of the Isaac Butts Heirs Subdivision, as filed in the Monroe County Clerk's Office in Liber 5 of Maps, Page 28; thence
- 2) Southerly, along said west line of Lot 1, a

distance of 70.0 feet to the southwest corner thereof and the north line of Lot 7 of the Anthony Hohm Heirs Subdivision, as filed in Liber 5 of Maps, Page 101; thence

- 3) Westerly, along the north line of said Lot 7, a distance of 5.0 feet more or less, to the northwest corner thereof; thence
  - 4) Continuing westerly, through Lot 8 of said Hohm Subdivision, a distance of 40.0 feet, more or less, to the northwest corner of said Lot 8; thence
  - 5) Continuing westerly, along the north line of said Hohm Subdivision, a distance of 123.75 feet to the northwest corner of Lot 11 of said Subdivision; thence
  - 6) Southerly, along the west line of said Lot 11, a distance of 72.3 feet, more or less, to the southeast corner of lands conveyed to Emil Hansen by a deed filed in Liber 9961 of Deeds, Page 592; thence
  - 7) Westerly, along the south line of said lands of Hansen and its extension, a distance of 190 feet, more or less, to the said centerline of South Goodman Street; thence
  - 8) Northerly, along said centerline, a distance of 137 feet, more or less, to the Point or Place of Beginning.]
- All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 51, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at the intersection of the centerline of South Goodman Street (ROW Varies) and the westerly extension of the north line of lands conveyed to Emil Hansen by Liber 9961 of Deeds, Page 592, said intersection being the Point or Place of Beginning; thence
- 1) Easterly, along said extension and the north line of said Hansen, a distance of 129.0 feet, more or less, to the southeast corner of lands conveyed to Appian Enterprises Unlimited LLC by Liber 11051 of Deeds, Page 35; thence
  - 2) Northerly, along the east line of said lands of Appian Enterprises and its extension, a distance of 37.0 feet, more or less, to the south line of lands conveyed to Peter Patall by Liber 8322 of Deeds, Page 209; thence
  - 3) Easterly, along said south line of Patall, a distance of 63.0 feet, more or less, to an angle point; thence
  - 4) Northerly, a distance of 10.0 feet to an angle point; thence
  - 5) Easterly, along said south line of Patall, a distance of 36.64 feet to the southeast corner thereof; thence
  - 6) Northerly, along the east line of said Patall, a distance of 31.08 feet to the northeast corner thereof; thence
  - 7) Easterly, along the extension of the north line of said Patall, a distance of 141.0 feet to the west line of Lot 1 of the Isaac Butts Heirs Subdivision, as filed in the Monroe County Clerk's Office in Liber 5 of Maps, Page 28; thence
  - 8) Southerly, along said west line of Lot 1, a distance of 70.0 feet to the southwest corner thereof and the north line of Lot 7 of the Anthony Hohm Heirs Subdivision, as filed in Liber 5 of Maps, Page 101; thence
  - 9) Westerly, along the north line of said Lot 7, a distance of 5.0 feet, more or less, to the northwest corner thereof; thence
  - 10) Continuing westerly, through Lot 8 of said Hohm Subdivision, a distance of 40.0 feet, more or less, to the northwest corner of said Lot 8; thence
  - 11) Continuing westerly, along the north line of said Hohm Subdivision, a distance of 123.75 feet to the northwest corner of Lot 11 of said Subdivision; thence
  - 12) Southerly, along the west line of said Lot 11, a distance of 72.3 feet, more or less, to the southeast corner of said lands of Emil Hansen; thence
  - 13) Westerly, along the south line of said lands of Hansen, a distance of 190 feet, more or less, to the said centerline of South Goodman Street; thence
  - 14) Northerly, along said centerline, a distance of 61.0 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Scott  
January 24, 2012

To the Council:

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

Int. No. 15 - Resolution Approving Reappointments To The Downtown Enhancement District

Advisory Committee

Int. No. 16 - Establishing Maximum Compensation For A Professional Services Agreement For A Harbor Management Plan

Int. No. 17 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The 2011 Preventive Maintenance At Three Locations Transportation Improvement Project In The City

Int. No. 18 - Establishing Maximum Compensation For A Professional Services Agreement For The 2011 Preventive Maintenance At Three Locations Transportation Improvement Project, Amending Ordinance No. 2011-46 And Appropriating Funds

Int. No. 19 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$255,000 Bonds Of Said City To Finance The Cost Of Construction Of Improvements To The Genesee Firehouse In The City

Int. No. 20 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Manhattan Square Park Improvements Project

Int. No. 21 - Authorizing Participation In The Union Street Improvement Project

Int. No. 22 - Establishing Maximum Compensation For An Agreement For Crow Management Services

Int. No. 43 - Establishing Maximum Compensation For A Professional Services Agreement For The Emerson-Locust Connector Street Project

Int. No. 45 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,000,000 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up Of The Former Emerson Street Landfill In The City

Int. No. 46 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Former Emerson Street Landfill

Int. No. 50 - Authorizing Participation In The 2012 Preventive Maintenance Project At Four Locations

Int. No. 52 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Garage Improvements

Int. No. 53 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$82,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Safe Routes To Schools Project

Int. No. 54 - Establishing Maximum Compensation For A Professional Services Agreement For The Safe Routes To Schools Project

Int. No. 56 - Authorizing The Acquisition By Negotiation Or Condemnation Of A De Minimis Parcel For The Cultural District Sidewalks Project

Int. No. 58 - Establishing Maximum Compensation For A Professional Services Agreement For The Cultural District Sidewalks Project

Int. No. 59 - Establishing Maximum Compensation For An Amendatory Agreement For The Rochester Rhinos Stadium Project And Amending Ordinance No. 2009-61

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

Int. No. 23 - Approving An Increase In The Pavement Width Of Akron Street

Int. No. 42 - Amending The Official Map By Dedicating The Emerson-Locust Connector Street As Loem Way And Approving Pavement Width

Int. No. 55 - Local Improvement Ordinance - Landscaping And Sidewalk Improvements As A Part Of The Cultural District Sidewalks Project

Int. No. 57 - Amending The Official Map By Dedicating A Parcel To Street Purposes For The Cultural District Sidewalks Project

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-7  
Re: Appointments - Downtown  
Enhancement District Advisory  
Committee

Transmitted herewith for your approval is legislation confirming the reappointment of the following five members to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Expiration</u>
<u>Affiliation</u>	
Robert C. Tait	12/31/13
140 Clinton Square, 14604 Broadstone Real Estate, LLC	
James Brown	12/31/13
123 E. Main Street, 14604 Rochester Riverside Convention Center	

Louis Nau 12/31/13  
45 E. Main Street, 14604  
Canandaigua National Bank

Robert Scott Grippo 12/31/13  
25 Franklin St., Suite 1122, 14604  
Genesee Management, Inc.

Mark Stevens 12/31/13  
600 Powers Building, 14614  
S. B. Ashley

The committee, established in 1989, is responsible for: monitoring the performance of district services; reviewing the annual budget for the district prepared by the Mayor; and recommending the budget to the City Council. The eleven members equitably represent owners and tenants of small and large properties. The district is comprised of properties in the area roughly bounded by Plymouth on the west, Chestnut on the east; Broad to the south, and Church to the north.

Attached is a full description and list of current members.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-10

Resolution No. 2012-7  
(Int. No. 15)

**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:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Robert C. Tait	Broadstone Real Estate, LLC	12/31/13
James Brown	Rochester Riverside Convention Center	12/31/13
Louis Nau	Canandaigua National Bank	12/31/13
Robert Scott Grippo	Genesee Management, Inc.	12/31/13
Mark Stevens	S. B. Ashley	12/31/13

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-17  
Re: Agreement - Bergmann Associates,  
Port of Rochester- Genesee River  
Harbor Management Plan Project

Transmitted herewith for your approval is legislation establishing \$160,000 as maximum compensation for an agreement with Bergmann Associates for preparation of the Harbor Management Plan (HMP), and appropriating \$105,000 in anticipated grant reimbursements from New York State under Title II of the New York State Environmental Protection Fund, Local Waterfront Revitalization Program (LWRP). The agreement will be financed from the grant appropriation (\$105,000) and 2011-12 Cash Capital (\$55,000).

The preparation of the HMP is a required component of a LWRP. The City's application and agreement with New York State Department of State for this LWRP grant were authorized by Ordinance No. 2008-269. The required 50% local match will be financed through Cash Capital and in-kind services.

Bergmann and its sub-consultant team will prepare the HMP in partnership with the NYSDOS. The project will be overseen by a Project Advisory Committee (PAC), which will include representatives of stakeholders including agencies with legal jurisdiction and authority within the project area, property owners, private enterprises with interest in the Rochester Harbor, and local community representatives.

Development of the management plan will consider existing and planned land-side development in the harbor area and improving the functionality and operation of the harbor. Bergmann will inventory existing harbor resources, problems and opportunities, identify Federal, State and local agency roles and responsibilities, and assist the City to develop any legislative actions needed to implement the HMP objectives. Bergmann will prepare a draft HMP for review by the City, the PAC, and NYSDOS. The final HMP will be incorporated into the City's LWRP upon approval by City Council and the NYSDOS.

A request for proposals for these services was issued in August 2011. Proposals were received from six firms: Bergmann Associates, P.C.; Costich Engineering; Edgewater Resources; Peter J. Smith & Company; Stantec Consulting Services, Inc.; and T.Y. Lin International. A review team with representatives of the Law, Neighborhood and Business Development, Recreation and Youth Services, and Environmental Services Departments, recommended the Bergmann team based on its project approach, related experience and qualifications, and proposed fee.

The agreement will have an initial term of two years with provision for an extension of one year if the project duration and/or scope require modification.

This project will result in the retention or creation of 1.5 full time jobs. The HMP project will begin

in February 2012 and will require approximately two years to complete.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-17  
(Int. No. 16)

**Establishing Maximum Compensation For A Professional Services Agreement For A Harbor Management Plan**

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

Section 1. The sum of \$160,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for preparation of a Harbor Management Plan. The agreement shall extend for a term of two years, with a one-year renewal option. Of said amount, \$105,000 is hereby appropriated from anticipated reimbursements from New York State under the Local Waterfront Revitalization Program, and \$55,000 shall be funded from the 2011-12 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-18 and  
Ordinance No. 2012-19  
Re: 2011 Preventive Maintenance  
Transportation Improvement  
Project - Three Locations

Transmitted herewith for your approval is legislation related to 2011 Preventive Maintenance Transportation Improvement Project for three locations. This legislation will:

1. Authorize the issuance of bonds totaling \$300,000 and the appropriation of the proceeds thereof to partially finance project street improvements.
2. Authorize the appropriation of \$666,000 in anticipated Federal Highway Aid and \$135,000 in New York State Marchiselli Aid reimbursements to finance this project.
3. Amend Ordinance No. 2011-46 to reflect the State Marchiselli aid that has become available to finance 75% of the local share of eligible design costs. The \$11,250 in previously authorized prior years' Cash Capital will be replaced by the State aid.
4. Establish \$106,000 as maximum compensation for an agreement with Erdman Anthony Consulting Engineers for resident project rep-

resentation service for the project.

The 2011 Preventive Maintenance Transportation Improvement Project will address three locations: Otis Street; University Avenue (North Street to East Main Street; and South Avenue (Griffith Street to Woodbury Boulevard). The project designed by Erdman Anthony (Ord. No. 2011-46) includes milling and resurfacing, curb and sidewalk repair, pavement marking, and signal loop installations for Otis Street and portions of University and South Avenues. Administration of the project for the New York State Department of Transportation and funding appropriations were authorized in Ordinance No's. 2010-330 and 2011-46.

Bids for construction were received on December 13, 2011. The apparent low bid of \$961,585 was submitted by Sealand Contractors Corporation, which is 10.1% more than the engineer's estimate. An additional \$48,915 will be allocated for project contingencies.

The funding sources for the project based upon the bid amount are as follows:

	<u>Total</u>	<u>Federal</u>	<u>State</u>
	<u>Bonds</u>	<u>Cash Capital</u>	
Design			
\$ 75,000	\$ 60,000	\$ 11,250	
\$ -0-	\$ 3,750		
Design Administration			
10,690	9,000	1,690	
	-0-	-0-	
Construction			
961,585	590,000	107,250	
255,459	8,876		
RPR Services			
106,000	60,000	11,250	
21,000	13,750		
Contingency			
48,915	-0-	-0-	
23,541	25,374		
Construction Administration			
<u>19,560</u>	<u>16,000</u>	<u>3,560</u>	
	<u>-0-</u>	<u>-0-</u>	
Total			
\$1,221,750	\$735,000	\$135,000	
	\$300,000	\$51,750	

NYSDOT has established a pre-approved list of regional engineering firms, evaluated and recommended by federal, state and local staffs, from which project sponsors may obtain engineering services for Federal Aid transportation projects. Erdman, Anthony Consulting Engineers was selected from this list to provide RPR services for this project based on their familiarity with the project, capabilities and availability of their staff.

This phase of the project results in the creation/retention of the equivalent of 11.5 full-time jobs. Construction is anticipated to begin in May 2012 with completion in July 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-11

Ordinance No. 2012-18  
(Int. No. 17)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The 2011 Preventive Maintenance At Three Locations Transportation Improvement Project In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the 2011 Preventive Maintenance at Three Locations Transportation Improvement Project, including improvements to Otis Street, University Avenue (North Street to East Main Street) and South Avenue (Griffith Street to Woodbury Boulevard) in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,221,750, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 bonds of the City, together with the application of \$735,000 appropriated from Federal Highway Administration funds, \$135,000 from New York State funds and \$51,750 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$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 an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall con-

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

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

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

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

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

Passed unanimously.

Ordinance No. 2012-19  
(Int. No. 18)

**Establishing Maximum Compensation For A Professional Services Agreement For The 2011 Preventive Maintenance At Three Locations Transportation Improvement Project, Amending Ordinance No. 2011-46 And Appropriating Funds**

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

Section 1. The sum of \$106,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman Anthony Consulting Engineers for resident project representation services for the 2011 Preventive Maintenance at Three Locations Transportation Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$13,750 shall be funded from the Cash Capital allocation from prior years, \$60,000 shall be funded from the appropriation made in Section 2, \$11,250 shall be funded from the appropriation made in Section 3, and \$21,000 shall be funded from a bond ordinance adopted for street improvements as a part of this Project.

Section 2. The sum of \$666,000 is hereby appropriated from anticipated aid from the Federal Highway Administration to fund the 2011 Preventive Maintenance at Three Locations Transportation Improvement Project.

Section 3. The sum of \$135,000 is hereby appropriated from anticipated aid from the State of New York to fund the 2011 Preventive Maintenance at Three Locations Transportation Improvement Project.

Section 4. Ordinance No. 2011-46, relating to the 2011 Preventive Maintenance at Three Locations Transportation Improvement Project, is hereby amended by reducing the amount of funding for the agreement authorized in Section 1 from the Cash Capital allocation from prior years from \$15,000 to \$3,750, and by replacing this funding in the amount of \$11,250 with New York State funds appropriated in Section 3 hereof.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-20  
Re: Genesee Firehouse Improvement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$255,000 and the appropriation of the proceeds thereof to partially finance improvements at the

Genesee Firehouse.

Genesee Firehouse, located at 873 Genesee Street, is a 7,600 square foot building constructed in 1913. Currently housing Engine 7, the facility has dated bath and kitchen facilities not up to current building code. A single second floor combined bathroom and shower area does not allow for shared use by the company's male and female firefighters. Deterioration of the exterior masonry has led to water infiltration in the building.

The project includes: masonry repairs to the exterior brick façade; renovation of the existing kitchen, including a new stove hood with fire suppression system; and renovations to the first and second floor bathrooms, including a new enclosed shower/changing area and ventilation system. The total project cost is \$288,000, funded through the proposed bond issuance and prior year cash capital allocations of the Department of Environmental Services (\$33,000).

Project design and construction administration will be administered by the Department of Environmental Services, Bureau of Architecture and Engineering. Mechanical systems and associated components of the project were designed under term agreement by M/E Engineering, P.C.

Bids for construction were received on December 7, 2011. The apparent low bid of \$169,975 was submitted by Nathaniel General Contractors, which is 18% less than the architect's estimate. An additional \$85,000 will be allocated for asbestos remediation, lead paint remediation, relocation of the firehouse during construction and project contingencies.

This phase of the project results in the creation/retention of the equivalent of 1.8 full-time jobs. Construction will begin in spring 2012 with completion in fall 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-20  
(Int. No. 19)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$255,000 Bonds Of Said City To Finance The Cost Of Construction Of Improvements To The Genesee 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 construction of improvements to the Genesee Firehouse at 873 Genesee Street in the City, including but not limited to façade, kitchen, bathroom and ventilation system improvements (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs inci-

dental thereto and the financing thereof, is \$288,000. The plan of financing includes the issuance of \$255,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$33,000 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 \$255,000 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 \$255,000. 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. 2012-21  
Re: Amendatory Agreement - Stantec Consulting Services, Inc., Manhattan Square Park Improvements Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services, Inc. for additional engineering design services for Manhattan Square Park. The original agreement was authorized via Ordinance No. 2003-190, and has been previously amended three times, as summarized below:

<u>Action</u>	<u>Ordinance No.</u>	
<u>Amount</u>	<u>Total</u>	<u>Consultant</u>
Original Agreement	2003-190	
\$300,000	\$300,000	DuFresne-Henry
Amendatory 1	2005-121	
\$300,000	\$600,000	DuFresne-Henry
Amendatory 2	2007-345	
\$150,000	\$750,000	Stantec*
Amendatory 3	2010-395	
\$ 88,000	\$838,000	Stantec

\*DuFresne-Henry merged with Stantec in May 2006.

This amendment will further increase compensation by \$50,000 to a total of \$888,000. The additional cost will be financed from Bond Ordinance 2011-307.

The Project is a multi-phase renovation project, designed by Stantec Consulting Services, Inc. Phase I, including the renovation of the children's play area, safety improvements to the electrical system and space frame lighting, was completed in 2007. Phase II, including the reconstruction of the ice rink and the expansion of the pavilion, was completed in 2008. Phase III A, including mold remediation, the selective demolition of interior structure, finishes, electrical, mechanical and plumbing systems, structural repairs, and water-proofing of the former restaurant building was completed in 2010.

Phase III B of the project includes construction of improvements to the former restaurant building for use as a park lodge, including rehabilitation of the restrooms, replacement of doors and windows, replacement of the kitchen, replacement of the electrical service, lighting and the security system, installation of new heating, ventilation and air conditioning equipment and all ancillary work. It also includes improvement of the water supply to the waterfall fountain.

The amendatory agreement includes additional design services to effectively coordinate underground utility improvements with the adjacent East Broad/Chestnut/Court Street Improvement project, and to revise construction documents to reduce the scope of construction to meet budget constraints.

Construction is scheduled to begin in January 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-12

Ordinance No. 2012-21  
(Int. No. 20)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Manhattan Square Park Improvements Project**

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design services for the Manhattan Square Park Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from Bond Ordinance No. 2011-307.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-22  
Re: Union Street Improvement Project  
(University Avenue to Central Park)

Transmitted herewith for your approval is legislation related to The Union Street Improvement Project. This legislation will:

1. Authorize agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project.
2. Appropriate \$500,000 from the Focused Investment Strategy (FIS) allocation of the Neighborhood and Asset Based Planning Fund of the 2011-12 Consolidated Community Development Block Grant (CDBG) program to finance a portion of the Project.
3. Establish \$100,000 as maximum compensation for an agreement with C&S Engineers, Inc., (Rochester) for design services for the project. The cost of the agreement will be funded from the FIS/CDBG funds appropriated herein (\$48,100) and prior years' Cash Capital allocations (\$51,900).

The Union Street (University Avenue to Central Park) Improvement Project is a Federal Aid project which will be administered by the City through the New York State Department of Transportation (NYSDOT). The Federal aid has been granted for milling and resurfacing of the pavement with areas of roadway base repair as needed.

This project is within the Marketview Heights FIS area and will use FIS funding to improve the neighborhood through enhancements recommended in a 2008 vision plan. These improvements include enhanced crosswalks and lighting, curbed bumpouts for traffic calming, gateway features, and landscaping.

NYSDOT has established a pre-approved list of regional engineering firms, evaluated and recommended by federal, state and local staffs, from which project sponsors may obtain engineering services for Federal Aid transportation projects. Nine firms submitted proposals: Barton & Loguidice, PC, Bergmann Associates, P.C., C&S Engineers, Inc, Erdman, Anthony & Associates, Fisher Associates, Hunt Engineers, Architects, & Land Surveyors, PC, LaBella Associates, PC, Popli Consulting Engineers & Surveyors and TY Lin International. Based on their qualifications and approach to the project, C&S Engineers, Inc. was selected.

The project's construction is estimated at \$880,000 and will be funded from the remaining FIS CDBG funds (\$451,900), the Federal Highway Admin-

istration Pavement Maintenance Program (\$261,000), and Department of Environmental Services Transportation Program funds (\$167,100).

This phase of the project results in the creation/retention of the equivalent of 1 full-time job. Construction is planned to begin in fall 2012 with completion in spring 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-22  
(Int. No. 21)

**Authorizing Participation In The Union Street Improvement Project**

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

Section 1. The Council hereby approves participation in and administration by the City of the Union Street Improvement Project (University Avenue to Central Park).

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 Project improvements.

Section 3. The sum of \$500,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset Based Planning allocation (Focused Investment Strategy Account) of the 2011-12 Community Development Block Grant to fund the Union Street Improvement Project.

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

Section 5. 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 C&S Engineers, Inc. for design services for the Union Street Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$48,100 shall be funded from the appropriation made in Section 3 and \$51,900 shall be funded from the Cash Capital allocation from prior years.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-23  
Re: Agreement - USDA, Crow Management Services

Transmitted herewith for your approval is legislation establishing \$21,100 as maximum compensation for an agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services Division for non-lethal crow management services. The cost of the agreement will be funded from the 2011-12 Budget of the Department of Environmental Services.

Urban winter crow roosts have become an increasingly common phenomenon. It is believed that crows are drawn to the lighting, slightly warmer temperatures, and lack of predators found in urban environments. In Rochester, roosts have been discovered in Washington Square Park, Mt. Hope Cemetery, and Genesee Valley Park. The area of particular concern is Washington Square Park and south along the river trail, where a roost of between 15,000 - 20,000 crows has been established.

The roost in this area poses a nuisance to people and property, as well as a potential health threat. The City and properties adjacent to the park have tried auditory and visual deterrents over the last couple of years to uproot the roost. While they have had a temporary impact, such means have not had a lasting effect.

According to the terms of the proposed agreement, the USDA will employ non-lethal means to disperse the roost using scare tactics over five consecutive nights, and then will return for up to five additional nights as needed. The scare tactics to be employed include distress calls, lasers, pyrotechnics, effigies, and spotlights.

This service has been successful in other municipalities in New York State including Auburn, Utica, Watertown, Albany, and Troy.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-23  
(Int. No. 22)

**Establishing Maximum Compensation For An Agreement For Crow Management Services**

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

Section 1. The sum of \$21,100, 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 Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services Division, for non-lethal crow management services. Said amount shall be funded from the 2011-12 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-24 and  
Ordinance No. 2012-25  
Re: Emerson-Locust Connector Street

Transmitted herewith for your approval is legislation related to the construction of a new street to connect Emerson and Locust Streets. This legislation will:

1. Amend the Official Map by:
  - a. Dedicating 47 Locust Street and 198 Emerson Street as public rights-of-way for street purposes; and
  - b. Naming the new street as Loem Way (abbreviation for Locust Emerson).
2. Authorize a pavement width of 24 feet on the proposed Loem Way; and
3. Establish \$62,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., for resident project representation (RPR) services. The cost of the agreement will be funded from street bonds (Ord. No. 2009-157) in the amount of \$54,600, and prior years' Cash Capital (\$7,400).

Based on neighborhood concerns about high levels of illegal activities in the area, the Police Department recommended a cut-through between Locust and Emerson Streets, which are long thoroughfares between Dewey and Fulton Avenues; a connector will improve access. Following further review, RPD, the Fire Department, the Department of Environmental Services, and neighborhood representatives concurred that a new street would improve public safety service for the neighborhood.

This project is also the first City "Green Street" and will include: porous pavement and sidewalks, tree plantings, a bio-retention swale, and rain gardens. Funding from the New York State Department of Environmental Conservation for these features was appropriated via Ord. No. 2011-37. Improvements also include new water main and hydrants, curbs, catch basins, and street lighting system. The project is being designed by Stantec (Ord. No. 2011-114). Stantec is recommended for RPR services for this project based on their familiarity with the project, capabilities, and availability of staff.

The name of the new street is temporary. The neighborhood has requested that it be named in memory of Virginia Sawdey, a well-known community activist. Such namings, however, are not allowable under the City Code until one year following the subject's death. Re-naming will be requested at that time.

The City Planning Commission will review the

naming at its January 9, 2012 meeting; minutes of that meeting, along with the application, will be forwarded to the Clerk's Office. Minutes of the public meeting held on November 10, 2011 are attached. The pavement width changes were endorsed by the Traffic Control Board on December 6, 2011. 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 requiring no further environmental review.

Design will be completed in winter 2012; construction will begin in spring 2012, with substantial completion by fall 2012. This phase of the project results in the creation/retention of the equivalent of 5.2 full-time jobs.

A public hearing on the Official Map Amendments and proposed pavement width changes is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-13

Ordinance No. 2012-24  
(Int. No. 42)

**Amending The Official Map By Dedicating The Emerson-Locust Connector Street As Loem Way And Approving Pavement Width**

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 parcels, constituting 47 Locust Street and 198 Emerson Street, the location of the new Emerson-Locust Connector Street, to street purposes, and naming said street Loem Way:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being Lots 35 & 36 of the Fairchild & Rockfellow Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 48, and Lots 48, 50 & part of Lot 46 of the Emerson, Crittenden & Crouner Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 129 and being more particularly bounded and described as follows: Beginning at a point on the south ROW line of Locust Street (50' ROW), 880.14 feet west of the westerly ROW line of Fulton Avenue (66' ROW), being the northeast corner of said Lot 35, and being the Point or Place of Beginning; thence

1. S 00° 30' 44" E, along the east line of said Lot 35, a distance of 118.10 feet to the southeast corner thereof; thence
2. N 89° 24' 45" W, along the south line of said Lot 35, a distance of 8.69 feet to a point 3.00 feet east of the northwest corner of said Lot 46; thence

- 3. S 00° 38' 07" E, on a line parallel with and 3.00 feet distant from the west line of said Lot 46, a distance of 102.22 feet to the north ROW line of Emerson Street (50' ROW); thence
- 4. N 89° 23' 53" W, along said north line of Emerson Street, a distance of 83.00 feet to the southwest corner of said Lot 50; thence
- 5. N 00° 38' 07" W, along the west line of said Lot 50, a distance of 102.24 feet to the northwest corner thereof; thence
- 6. S 89° 24' 45" E, along the north line of said Lot 50, a distance of 11.69 feet to the southwest corner of said Lot 36; thence
- 7. N 00° 30' 44" W, along the west line of said Lot 36, a distance of 118.12 feet to the northwest corner thereof and the south line of said Locust Street; thence
- 8. N 89° 25' 18" E, along said south line of Locust Street, a distance of 80.00 feet to the said northeast corner of Lot 35 and being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 0.412 acres, more or less, all as shown on a map entitled "Proposed Sawdey Way", dated December 5, 2011, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Section 2. The Council hereby approves a pavement width of 24 feet for Loem Way.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-25  
(Int. No. 43)

**Establishing Maximum Compensation For A Professional Services Agreement For The Emerson-Locust Connector Street Project**

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

Section 1. The sum of \$62,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Emerson-Locust Connector Street Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$54,600 shall be funded from Bond Ordinance No. 2009-157 and \$7,400 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-26 and  
Ordinance No. 2012-27  
Re: Amendatory Agreement - LaBella  
Associates, P.C., Former Emerson  
Street Landfill

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C. for additional environmental assessment and remediation services at the former Emerson Street Landfill (FESL) as mandated by New York State, and authorizing the issuance of \$1,000,000 in bonds and the appropriation thereof to finance the additional cost. The original agreement (Ord. No. 2010-13) established \$539,500 as maximum compensation and a term of one year with the option of three one-year renewals. This amendment will increase compensation by \$1 million for a total of \$1,539,500, and provide the option for an additional one-year renewal.

The City operated the approximately 250 acre landfill from the 1930s through 1971 for the disposal of municipal waste. Today, the area is 38 privately-owned parcels and seven City-owned parcels. Environmental investigations completed by the New York State Department of Environmental Conservation (NYSDEC) and the City from the late 1980s to 2002 identified soil and groundwater contamination, and landfill gas containing methane in some locations. Since 1992, the City has performed several cleanup and mitigation projects within the FESL.

In 2006, new requirements regarding vapor intrusion were issued by the New York State Department of Health (NYSDOH), and the City agreed, through an Order of Consent, to pursue the additional investigations as directed by the State. LaBella was selected through a request for proposal process and authorized (Ord. No. 2010-13) to provide services related to the vapor intrusion assessment - the initial phase of the project.

In order to facilitate the evaluation of the properties, and to relieve the owners of any financial burden associated with potential contamination as a result of the landfill, the City established a business assistance program in 2010, which enabled the City to able to gain voluntary access to 37 of the privately-owned properties. The initial vapor intrusion assessment included a survey of all occupied buildings on the site, and a comprehensive review of all previous studies and historical information. Sampling of groundwater and installation of groundwater monitoring wells provided additional data. Using a model co-developed by the City and LaBella, the cumulative data were used to rank each building, private and City-owned, for potential vapor intrusion due to the landfill.

A report of the assessment was submitted to the involved State agencies. Based on that report, the NYSDEC is requiring additional work at ten buildings located on eight of the parcels. One of the parcels is cited for further work due to methane gas

likely from landfill materials. The others require further testing and/or mitigation due to potential vapor intrusion associated with a plume of chlorinated volatile organic compounds (solvents) in the groundwater emanating from the City-owned parcel at 1655 Lexington Avenue, which is listed on the State's Inactive Hazardous Waste Disposal Site registry. The attached map illustrates the plume and the affected parcels.

Under this amendatory agreement, LaBella will conduct the second phase of the City's program to comply with NYSDEC requirements, which includes: site and building specific investigations; and design, installation, and initial operation of any required soil vapor intrusion mitigation systems. And, as also stipulated by the State, LaBella will further define the extent of the groundwater contamination at 1655 Lexington Avenue, the probable source of vapor intrusion issues at the nearby properties.

Based on LaBella's detailed understanding of vapor intrusion conditions at the FESL, and its familiarity with the individual property owners, their facilities, and business operations, the City asked them to submit a detailed proposal and cost estimate for this second phase of the project. Based on that proposal, the costs associated with soil vapor investigation and mitigation services are estimated at approximately \$783,234, and remedial investigation services to further access the extent and magnitude of the primary source area is estimated at \$216,766.

It is anticipated that this phase of the project will take approximately two years to complete, with some additional annual monitoring thereafter. Additional soil vapor mitigation services beyond those proposed for this amendatory agreement are not anticipated. However, groundwater remediation at 1655 Lexington Avenue may be required by the NYSDEC in order to address the primary source area of contamination. Once that is determined, a new request for proposals will be issued for the associated cleanup services.

This phase of the project results in the creation or retention of the equivalent of ten full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-14

Ordinance No. 2012-26  
(Int. No. 45)

**Bond Ordinance Of The City Of Rochester,  
New York Authorizing The Issuance Of  
\$1,000,000 Bonds Of Said City To Finance The  
Additional Cost Of Environmental Clean-Up Of  
The Former Emerson Street Landfill In The  
City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the additional cost of the environmental investigation, mitigation and remedial services for the former Emerson Street Landfill in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,540,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,000,000 bonds of the City, together with the application of \$540,000 bonds previously appropriated in Ordinance No. 2010-14, 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 \$1,000,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said 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 \$1,000,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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 authori-

zation 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. 2012-27  
(Int. No. 46)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Former Emerson Street Landfill**

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

Section 1. The sum of \$1,000,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for additional services for the Soil Vapor Intrusion Assessment Project at the former Emerson Street Landfill. The amendatory agreement shall provide for an additional one-year renewal to the current agreement. Unit prices may be adjusted during the additional 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. 2012-28  
Re: 2012 Preventive Maintenance Project  
At Four Locations

Transmitted herewith for your approval is legislation related to the 2012 Federal Aid Preventive Maintenance Project at four locations. This legislation will:

1. Authorize agreements with New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project;
2. Appropriate \$51,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of the design services; and
3. Establish \$120,000 as maximum compensation for an agreement with Erdman Anthony, for design services related to the 2012 Preventative Maintenance project. The cost of the agreement will be funded from the FHWA funds appropriated herein (\$51,000) and prior years' Cash Capital allocations (\$69,000).

This federal aid project, to be administered by the City through an agreement with the NYSDOT, includes four locations: Genesee Street (Brooks Avenue to W. Main Street); Northland Avenue (Ferncliffe Drive to Waring Road); N. Plymouth Avenue (Inner Loop to Lyell Avenue); and Buffalo Road (West City Line to Mt. Read Blvd.).

Street improvements will include: milling and resurfacing of the pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure. The estimated project construction cost is \$2,061,000 and is planned to be financed from \$1,649,000 anticipated federal aid and \$412,000 in the Department of Environmental Services' Transportation Program bonds. Both allocations will be appropriated in a subsequent Council request.

Qualifications were solicited from the fourteen firms on the NYSDOT pre-approved list of firms; nine submitted proposals: Barton & Loguidice, P.C.; Bergmann Associates, P.C.; Clark Patterson Lee; Erdman Anthony; Fisher Associates; Hunt

Engineers, Architects and Land Surveyors, P.C.; LaBella Associates, P.C.; Popli Design Group; and T.Y. Lin International. Based on a review of the qualifications and approach to the project, Erdman Anthony is recommended.

Design services will begin in winter 2012; it is anticipated that construction will begin in fall 2012 with scheduled completion in summer 2013. This phase of the project results in the creation/retention of the equivalent of 1.3 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-15

Ordinance No. 2012-28  
(Int. No. 50)

**Authorizing Participation In The 2012 Preventive Maintenance Project At Four Locations**

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 2012 Preventive Maintenance Project at Four Locations (Genesee Street from Brooks Avenue to West Main Street, Northland Avenue from Ferncliffe Drive to Waring Road, North Plymouth Avenue from the Inner Loop to Lyell Avenue and Buffalo Road from the West City Line to Mt. Read Boulevard).

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

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

Section 4. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman Anthony & Associates, Inc. for design services for the 2012 Preventive Maintenance Project at Four Locations. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$69,000 shall be funded from the Cash Capital allocation from prior years and \$51,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-29  
Re: Amendatory Agreement - LaBella Associates, P.C., Lighting Upgrades at Sister Cities Garage

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C., for additional design and construction administration services for Phase II of Energy Optimization Upgrades for City Municipal Parking Garages. The original agreement, authorized via Ordinance No. 2010-303 established \$80,000 as maximum compensation. This amendment will increase that amount by \$60,000 for a total of \$140,000. The additional cost will be funded from the Energy and Environmental Conservation Block Grant appropriated in Ordinance No. 2010-84.

LaBella Associates will provide design and construction administration services for the replacement of the lighting system at Sister Cities Garage with new, energy efficient lighting and controls. LaBella Associates was selected for the original agreement through a request for proposal process.

This phase of the project results in the creation/retention of the equivalent of one full-time job.

Construction is planned to begin in spring 2012 with completion in spring 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-29  
(Int. No. 52)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Garage Improvements**

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, PC for engineering design and resident project representation services for energy and lighting upgrades at the Sister Cities Parking Garage. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from United States Department of Energy Funds appropriated in Ordinance No. 2010-84.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-30 and  
Ordinance No. 2012-31  
Re: Safe Routes to Schools Project -  
Carter Street and Portland Avenue

Transmitted herewith for your approval is legislation related to the Safe Routes to Schools (SRTS) Project. This legislation will:

1. Establish \$67,000 as maximum compensation for an agreement with TY Lin International, for Resident Project Representation (RPR) services for the project. The cost of the agreement will be funded as follows:

Federal SRTS: Ord. No. 2008-387	\$45,225
Water Bonds: Appropriated herein	\$16,750
Cash Capital	\$5,025

2. Authorize the issuance of bonds totaling \$82,000 and the appropriation of the proceeds thereof to partially finance water main improvements at the intersection of Carter Street and Portland Avenue.

The Safe Routes to Schools Project, initiated in 2008 (Ord. No. 2008-387) through agreements with New York State and Monroe County, is a federally funded program that provides safety improvements at eight locations in the City. The realignment of the intersection of Carter Street and Portland Avenue is the most significant of these improvements. This project also affords the opportunity to replace the last remaining section of an old (circa 1883) water main on Carter Street. Federal funds may not be used for water system renewals, therefore bonding is required to fund the water share of the project. The project was designed in-house.

The related pavement width changes and Official Map Amendment were approved through Ordinance Nos. 2011-220 and 2011-221, respectively.

Bids for construction were received on January 10, 2012. The apparent low bid of \$295,699 submitted by Gordon Phillips is 6% less than the engineer's estimate. An additional \$24,111 will be allocated for project contingencies.

The funding for the project's construction phase work based upon the bid amounts is as follows:

	<u>Total</u>	<u>Federal SRTS</u>	<u>Cash Capital</u>
Construction	\$295,699	\$208,283	
	\$62,773		\$24,643
RPR Services	67,000	45,225	
	16,750		5,025
Contingency	24,111	16,662	
	2,477		4,972
Cons. Adm.	<u>27,000</u>	<u>27,000</u>	
	-0-		-0-
Total	\$413,810	\$297,170	
	\$82,000		\$34,640

A request for qualifications from the fifteen firms on the NYSDOT list of pre-approved list was posted on the City website. Responses were received from: Bergmann Associates; Hunt Engineers; Lu Engineers; Passero Associates; and TY Lin International. TY Lin International is recommended for RPR services for this project based on their familiarity with the project, capabilities, and availability of their staff.

Minutes from the public meeting held on June 14, 2011 are on file with the City Clerk.

The design was completed in August 2011; however, permission to advertise for bids was not received from NYSDOT until October 21, 2011. Construction is scheduled to begin in spring 2012, with completion by summer 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-16

Ordinance No. 2012-30  
(Int. No. 53)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$82,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Safe Routes To Schools Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains at the intersection of Carter Street and Portland Avenue as a part of the Safe Routes to Schools Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$413,810. The plan of financing includes the issuance of \$82,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$297,170 appropriated from Federal funds and \$34,640 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$82,000 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 \$82,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2012-31  
(Int. No. 54)

**Establishing Maximum Compensation For A Professional Services Agreement For The Safe Routes to Schools Project**

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

Section 1. The sum of \$67,000, 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 TY Lin International for resident project representation services for the Safe Routes to Schools Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$16,750 shall be funded from a bond ordinance for the reconstruction of water mains as part of the Project, \$45,225 shall be funded from the appropriation made in Section 3 of Ordinance No. 2008-387 and \$5,025 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1643,  
Ordinance No. 2012-32,  
Ordinance No. 2012-33 and  
Ordinance No. 2012-34

Re: Cultural District Sidewalk  
Improvements

Transmitted herewith for your approval is legislation related to the first phase of sidewalk improvements in the Cultural District. This legislation will:

1. Appropriate \$20,000 from the Local Improvement Fund to finance the cost to install landscaping and replace existing sidewalk features at 444 E. Main Street (YMCA), and authorize the subsequent assessment of this amount against the property to replenish the Local Improvement Fund;

- 2. Authorize acquisition, by negotiation or condemnation, of a *de minimus* parcel (7 s.f.) at 120 East Avenue (owner:120 East LLC), and amend the Official Map by dedicating it as public right-of-way;
- 3. Establish \$58,000 as maximum compensation for an agreement with Passero Associates for resident project representation (RPR) services for the project. The cost of the agreement will be funded from prior years' Cash Capital allocations.

The proposed Local Improvement Ordinance will finance the reconfiguration of the western entrance to the YMCA's facility located on E. Main Street. The work will include the installation of a raised planter bed, decorative landscaping and sidewalk treatment to be consistent with the city's proposed treatments. It is anticipated the YMCA will replenish the L.I.O. funds over a two-year period.

The project includes concrete replacement with new brick accents and ADA-compliant ramps on certain sidewalks within the Cultural District as illustrated on the accompanying map. The project has been designed in-house. The estimated project cost of \$520,000 will be financed from prior years' Cash Capital allocations (\$300,000), Cultural Commission funds (\$200,000), and the Local Improvement Fund appropriation requested herein (\$20,000).

The acquisition at 120 East Avenue is for the purpose of installing an ADA accessible ramp as part of the project. The value of this property, \$200, was established by an independent appraisal performed by Bruckner, Tillett, Rossi, Cahill & Associates. The total acquisition costs, including closing costs, will not exceed \$1,000 and will be financed from prior years' Cash Capital allocations.

A request for qualifications was posted to the City's website; responses were received from: Bergmann Associates; KCI Engineering of NY; Lu Engineers; and Passero Associates. Passero Associates was selected to perform RPR services based on its expertise and staffing assigned to the project.

The minutes of the public informational meeting held on May 5, 2011 are on file with the Clerk's Office. A public meeting will be held prior to construction. The Official Map Amendment was recommended by a vote of 5-0 at the January 9, 2012 meeting of the City Planning Commission. Minutes of that meeting are attached.

The phase of the project is estimated to result in the creation/retention of 5.3 full-time jobs. Design will be completed in winter 2012; construction will begin in spring 2012 with completion in late summer 2012.

Public hearings are required.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-17

Local Improvement Ordinance No. 1643  
 (Int. No. 55)

**Local Improvement Ordinance - Landscaping And Sidewalk Improvements As A Part Of The Cultural District Sidewalks Project**

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

Section 1. As part of the Cultural District Sidewalks Project, the Council hereby authorizes the special treatment of the landscaping and sidewalk features, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

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

Section 3. The limits of the District of Assessment for the improvements and work shall be the following property, in an amount not to exceed the following:

Address:	440-454 East Main St.
SBL#:	106.81-1-45.1
Owner:	YMCA
LIO Amount:	\$20,000

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 \$20,000, 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 assessment.

Section 5. The assessment shall be billed after the completion of the improvements and work described, and shall be due in two equal annual installments. Any assessment not paid by May 15 after its due date may be added to the upcoming annual tax bill for the property.

Section 6. The total cost of said improvements and work, up to \$20,000, 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.

Ordinance No. 2012-32  
(Int. No. 56)

**Authorizing The Acquisition By Negotiation Or Condemnation Of A De Minimis Parcel For The Cultural District Sidewalks Project**

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

Section 1. The Council hereby approves the acquisition of the following de minimis parcel for street purposes as a part of the Cultural District Sidewalks Project:

Address: 120 East Avenue  
Owner: 120 East LLC  
Sq. Ft.: 7  
Amount: \$200

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$200, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-33  
(Int. No. 57)

**Amending The Official Map By Dedicating A Parcel To Street Purposes For The Cultural District Sidewalks Project**

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following parcel as part of the Cultural District Sidewalks Project, and by adding said parcel to the corner of East Avenue and Swan Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 91 of the Washington Tract, as filed in the Monroe County Clerk's Office in Liber 23 of Deeds, Page 603 and being more particularly bounded and described as follows: Beginning at the intersection of the westerly ROW line of Swan Street (33' ROW) and the northerly ROW line of East Avenue (66' ROW), said intersection being the Point or Place

of Beginning; thence

- 1) N 71° 40' 42" W, along said ROW line of East Avenue, a distance of 3.65 feet to a point; thence
- 2) N 63° 58' 05" E, through lands conveyed to 120 East, LLC by a deed filed in Liber 10392 of Deeds, Page 649, a distance of 5.70 feet to the said westerly ROW line of Swan Street; thence
- 3) S 18° 15' 13" W, along said ROW line of Swan Street, a distance of 3.57 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 7.0 square feet, more or less, all as shown on a map entitled "Map of Lands to be Acquired for Street Purposes", dated August 18, 2011, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-34  
(Int. No. 58)

**Establishing Maximum Compensation For A Professional Services Agreement For The Cultural District Sidewalks Project**

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

Section 1. The sum of \$58,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for resident project representation services for the Cultural District Sidewalks 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 Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-35  
Re: Amendatory Agreement - LeChase Construction Services, LLC, Soccer Stadium Improvements

Transmitted herewith for your approval is legislation related to the completion of the construction of the locker rooms at the stadium. This legislation will:

- 1. Authorize an amendatory agreement with LeChase Construction Services, LLC for fire

protection and mechanical systems for the locker rooms. The original agreement (Ord. No. 2009-61) established \$3.7 million as maximum compensation for construction of the stadium's luxury suites and locker rooms. This amendment will increase compensation by \$30,088, which will be funded from prior years' Cash Capital allocations.

- 2. Amend Ordinance No. 2009-61 to change a portion of the funding authorized for the agreement with LeChase. This amendment will replace \$196,134 of the State funding with prior years' Cash Capital.

Ordinance No. 2009-61 appropriated the \$4 million grant received from the Dormitory Authority of the State of NY (DASNY) to fund construction and the related design agreement with HOK Sports Facilities Architects, P.C. (\$300,000). The luxury suites were completed under the Project Labor Agreement initiated by the now-defunct Rochester Rhinos organization for the overall stadium project.

The actual contract with LeChase was executed for \$3,451,045, and a balance of \$170,956 remains unused. The allocation of the DASNY grant, summarized below, leaves an unspent balance of \$52,822. These remaining funds totaling \$223,778 will be applied to the cost of locker room construction, estimated at \$450,000.

DASNY Grant Distribution

Construction	\$3,451,045
LeChase	
Design services	349,040
Populous Architects, P.C. (formerly HOK)	
Structural evaluations	6,500
Dant Clayton Corporation	
Architectural design	18,523
Richard A Mauser, AIA	
Testing, furniture, fixtures, equipment	122,070
	\$3,947,178

To address the resulting \$226,221 funding gap to complete the locker rooms, City Council authorized a budget amendment that appropriated \$200,000 for this purpose (Ord. No. 2011-267). The remaining \$26,221 shortfall and additional ancillary expenditures total \$30,088.

The locker room construction will begin upon authorization of this amendatory agreement, with completion planned in time for the 2012 soccer season opening in May. This phase of the project results in the creation/retention of the equivalent of 4.9 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-35  
(Int. No. 59)

**Establishing Maximum Compensation For**

**An Amendatory Agreement For The Rochester Rhinos Stadium Project And Amending Ordinance No. 2009-61**

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

Section 1. The sum of \$30,088, 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 LeChase Construction Services, LLC for construction and construction management services for the Rochester Rhinos Stadium Project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. Ordinance No. 2009-61, relating to an agreement for the Rochester Rhinos Stadium Project, is hereby amended by reducing funding from the New York State Dormitory funds appropriated in Section 2 thereof by the sum of \$196,134, which amount shall be funded from the Cash Capital allocation from prior years.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-36  
Re: Pavement Width Change - Akron  
Street Improvement Project

Transmitted herewith for your approval is legislation authorizing a change in pavement width on Akron Street by an increase of two feet, from 20 feet to 22 feet, beginning at Atlantic Avenue and ending at East Main Street.

In addition to pavement width changes, this project includes pavement reconstruction, the installation of new curbs, driveway aprons, and water main. The pavement width changes were requested by residents and/or property owners along this portion of Akron Street. The project is being designed by the Department of Environmental Services, Bureau of Architecture and Engineering.

No additional right-of-way is required to accommodate the changes in pavement width.

Public meetings were held on April 8, 2010, December 16, 2010, April 13, 2011, and September 28, 2011; copies of the meeting minutes are on file with the Clerk's Office. The pavement width changes were presented for endorsement at the May 17, 2011 Traffic Control Board meeting.

It is anticipated the design will be completed in winter 2012. Construction is anticipated to begin in spring 2012 with substantial completion by fall 2012.

A public hearing on the pavement width changes is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-18

Ordinance No. 2012-36  
(Int. No. 23)

**Approving An Increase In The Pavement Width Of Akron Street**

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

Section 1. The Council hereby approves an increase of 2 feet, from 20 feet to 22 feet, in the pavement width of Akron Street, between Atlantic Avenue and East Main Street, as a part of the Akron Street Improvement Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden  
January 24, 2012

To the Council:

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

Int. No. 24 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Call Recording System

Int. No. 25 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Mobile Unit Call Recording System

Int. No. 26 - Establishing Maximum Compensation For A Professional Services Agreement For Cobb's Hill Call Recording System

Int. No. 27 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Power System

Int. No. 28 - Authorizing An Agreement With The County Of Monroe For Funding For Firearms Instruction

Int. No. 29 - Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2011-12 Budget

Int. No. 30 - Authorizing An Application And

Agreement For The Juvenile Accountability Conferencing Program

Int. No. 31 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 32 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2011-12 Budget

Int. No. 34 - Establishing Maximum Compensation For A Professional Services Agreement For The Summer Of Opportunity Program

Int. No. 35 - Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2011-12 Budget

Int. No. 36 - Amending The 2011-12 Budget For The City Arts Project

Int. No. 37 - Acceptance Of A Donation And Amending The 2011-12 Budget For The David F. Gantt Community Center

Int. No. 38 - Authorizing An Agreement For The Clinton-Baden Community Center Recreation And Aquatics Program

Int. No. 39 - Adoption Of Monroe County Pre-Disaster Mitigation Plan

Int. No. 41 - Establishing Maximum Compensation For A Professional Services Agreement For Telephone Notification System Services

Int. No. 51 - Authorizing An Agreement For Funding For Public Market Improvements And Amending The 2011-12 Budget

The following entitled legislation is being held in Committee:

Int. No. 33 - Establishing Maximum Compensation For A Professional Services Agreement For Fitness For Duty Evaluation Services For The Rochester Police Department

Int. No. 40 - Authorizing Amendatory 2008-09, 2009-10 And 2010-11 Community Development Program Plans, Amending Ordinances And Approving Agreements For The Job Creation/Youth Development Program

Respectfully submitted,  
Adam C. McFadden  
Matt Haag (*Abstained on Int. No. 35*)  
Loretta C. Scott (*Abstained on Int. Nos. 35 and 38*)  
Lovely A. Warren  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-37  
Re: Agreement - AK Associates, 911  
Call-Recording System Maintenance

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum annual compensation for a one-year agreement with three one-year extension options with AK Associates (Derry, NH) for the repair and maintenance of the 911 call recording system at the Emergency Communications Center. The cost of this agreement will be financed from the 2011-12 and subsequent annual budgets of the Emergency Communications Department and will be reimbursed by Monroe County under the 9-1-1 Operating Agreement originally authorized by the City Council on May 10, 1994 and amended by the City Council on June 19, 2007.

The 911 call recording system creates and archives audio recordings of all 911 telephone and radio communications to and from the Emergency Communications Center.

The 911 call recording system was purchased in March 2011 and installed at the Emergency Communications Center by AK Associates in May 2011. That purchase included the first year of maintenance and repair services.

AK Associates is recommended to continue to provide maintenance and repair services for the system based on their expertise and successful prior work with the installation and maintenance of the equipment at the Emergency Communications Center since the system was installed.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-37  
(Int. No. 24)

**Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Call Recording System**

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement with AK Associates for repair and maintenance of the 911 call-recording system at the Emergency Communications Center. The agreement shall extend for one year, with three one-year options. Said amount shall be funded from the 2011-12 and subsequent Budgets of the Emergency Communications 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. 2012-38  
Re: Agreement - Wilmac, Mobile  
Communications Unit Call-Recording  
System Maintenance

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum annual compensation for an agreement with Wilmac (Rochester) for the repair and maintenance of the mobile communications unit call recording system at the Emergency Communications Department. The term of this agreement will be for one year with the option of three one-year renewals. The cost of this agreement will be financed from the 2011-12 and subsequent annual budgets of the Emergency Communications Department and will be reimbursed by Monroe County under the 9-1-1 Operating Agreement originally authorized by the City Council on May 10, 1994 and amended by the City Council on June 19, 2007.

The mobile communications unit call recording system creates and archives audio recordings of all 911 telephone and radio communications to and from the vehicle.

The call recording system was installed in the mobile communications unit by Wilmac in 2009 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the vehicle.

Wilmac is recommended to continue to provide maintenance and repair services for the system based on their expertise and successful prior work with the design, procurement, installation and maintenance of the equipment on the mobile communications unit since the system was installed.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-38  
(Int. No. 25)

**Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Mobile Unit Call Recording System**

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 annual compensation to be paid for a professional services agreement with Wilmac for repair and maintenance of the mobile communications unit call-recording system at the Emergency Communications Center. The agreement shall extend for one year, with three one-year options. Said amount shall be funded from the 2011-12 and subsequent Budgets of the Emergency Communications 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. 2012-39  
Re: Agreement - Cobb's Hill Radio Center  
Call-Recording System Maintenance

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum annual compensation for an agreement with Wilmac (Rochester) for the repair and maintenance of the Cobb's Hill radio center call recording system. The term of this agreement will be for one year with the option of three one-year renewals. The cost of this agreement will be financed from the 2011-12 and subsequent annual budgets of the Emergency Communications Department and will be reimbursed by Monroe County under the 9-1-1 Operating Agreement originally authorized by the City Council on May 10, 1994 and amended by the City Council on June 19, 2007.

The Cobb's Hill radio center serves as a back-up facility to the Emergency Communications Center. The radio center call recording system creates and archives audio recordings of all 911 telephone and radio communications to and from the back-up facility.

The call recording system was installed in the Cobb's Hill radio center by Wilmac in 2004 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the center.

Wilmac is recommended to continue to provide maintenance and repair services for the system based on their expertise and successful prior work with the design, procurement, installation and maintenance of the equipment on the mobile communications unit since the system was installed.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-39  
(Int. No. 26)

**Establishing Maximum Compensation For A Professional Services Agreement For Cobb's Hill Call Recording System**

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 annual compensation to be paid for a professional services agreement with Wilmac for repair and maintenance of the Cobb's Hill Radio Center call-recording system for the Emergency Communications Center. The agreement shall extend for one year, with three one-year options. Said amount

shall be funded from the 2011-12 and subsequent Budgets of the Emergency Communications 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. 2012-40  
Re: Agreement - Emerson Network  
Power, Liebert Services Inc., 9-1-1  
Uninterruptable Power System  
Maintenance

Transmitted herewith for your approval is legislation establishing \$21,000 as maximum annual compensation for an agreement with Emerson Network Power, Liebert Services Inc. (Westerville, OH) for repair and maintenance of the uninterruptable power system at the Emergency Communications Center. The term of this agreement will be for one year with the option of three one-year extensions. The cost of this agreement will be financed from the 2011-12 and subsequent annual budgets of the Emergency Communications Department.

In the event of a power failure at the Emergency Communications Center, the uninterruptable power system prevents interruption of telephone and radio communications and protects computers and other communications equipment from damage by providing instant back-up battery power during transitions between the two facility utility power grids and the on-site electrical generator.

The uninterruptable power system for the Emergency Communications Center was refurbished and improved by Emerson Network Power, Liebert Services Inc. in May 2011 with funding authorized by Ordinance No. 2008-286. The firm is contracted to maintain the system through May 13, 2012 as part of the improvement.

Emerson Network Power, Liebert Services Inc. is recommended to continue to provide maintenance services for the system based on their expertise and successful prior work with the design, procurement, installation and maintenance of the equipment at the Emergency Communications Center since the system was improved.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-40  
(Int. No. 27)

**Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Power System**

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 annual compensation to be paid for a professional services agreement with Emerson Network Power, Liebert Services, Inc. for repair and maintenance of the uninterruptible power system at the Emergency Communications Center. The agreement shall extend for one year, with three one-year options. Said amount shall be funded from the 2011-12 and subsequent Budgets of the Emergency Communications 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. 2012-41  
Re: Agreement - Monroe County/Firearms Instruction

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funding in the amount of \$55,675 for the 2011-12 Firearms Instruction program. The agreement was authorized by the Monroe County Legislature on November 15, 2011, Resolution No. 251.

The County provides reimbursement for a portion of the salary and benefits of firearms instructors to train officers in Monroe County police agencies. The instruction is provided by RPD officers, assigned to provide shooting range training. No budget amendment is needed; the positions were included in the 2011-12 Budget of the Police Department. The amount is unchanged from the previous agreement authorized under Ord. No. 2011-123 in April 2011.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-41  
(Int. No. 28)

**Authorizing An Agreement With The County Of Monroe For Funding For Firearms Instruction**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for reimbursement for the 2011-12 Firearms Instruction 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. 2012-42,  
Ordinance No. 2012-43 and  
Ordinance No. 2012-44  
Re: Police Grants, NYS Division of  
Criminal Justice Services

Transmitted herewith for your approval is legislation authorizing applications and agreements with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of grants totaling \$132,531, under the following programs, and amending the 2011-12 Budget of the Police Department by \$22,000 to reflect a portion of the Motor Vehicle Theft and Insurance Fraud Prevention grant.

Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) January 1 - December 31, 2012  
MVTIFP provides \$42,176 for the reduction of auto theft and insurance fraud and supports Police Department deployment in high theft areas and increased investigations of insurance fraud. The grant also will be used to train police officers in specialized anti-theft techniques and technology. The previous MVTIFP award was authorized in January 2011. During the last grant period there were over 1,500 investigations of auto theft opened, with over 500 arrests made and over \$500,000 in stolen vehicles recovered. No local match is required for this grant.

The prorated amount of \$22,000 for this fiscal year will be included in the 2011-12 Budget; the balance of the award will be appropriated in the 2012-13 Budget of the Police Department.

Juvenile Accountability Block Grant (JABG) January 1 - December 31, 2012  
JABG provides \$10,355 under the Balanced and Restorative Justice program and will be used to continue the Juvenile Accountability Conferencing (JAC) program. The program evaluates juvenile offenders for eligibility for diversion, and enables the juveniles to make amends to the victims and the community. This is the 14th year of JABG funding. The previous award was authorized under Ord. No. 2011-14 in January 2011. The local program's recidivism rate is approximately 8.5% - one of the lowest in the country. The grant and required 10% local match were anticipated and included in the 2011-12 Budget.

Stop Violence Against Women Act (VAWA) January 1 - December 31, 2012  
The VAWA award of \$78,841 will underwrite staff who help ensure the immediate safety of victims of domestic violence and help them find safe housing. Services include contacting victims prior to the arraignment of the perpetrators, and offering legal advocacy and follow-up services to ensure their continued safety. Over 500 domestic violence

victims in high-risk targeted police patrol areas and over 150 domestic violence victims who are identified by reviewing Domestic Violence Incident Reports have been helped during the past year. The funding partially reimburses the cost of three counselors and support costs in the Family and Victim Services Section of the Police Department. This is the City's 13th year of funding under VAWA. The previous award was authorized under Ord. No. 2011-15 in January 2011. The funding under this program, including a 10% local match, was anticipated and included in the 2011-12 Budget.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-42  
(Int. No. 29)

**Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2011-12 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 2012 Motor Vehicle Theft and Insurance Fraud Prevention Program.

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

Section 3. Ordinance No. 2011-188, the 2011-12 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 \$22,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-43  
(Int. No. 30)

**Authorizing An Application And Agreement For The Juvenile Accountability Conferencing Program**

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Block Grant (JABG) for the 2012 Juvenile Accountability Conferencing (JAC) Pro-

gram.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-44  
(Int. No. 31)

**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 2012 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. 2012-45  
Re: Governor's Traffic Safety Committee,  
Selective Traffic Enforcement Program

Transmitted herewith for your approval is legislation related to the Selective Traffic Enforcement Program. This legislation will:

1. Authorize an agreement with the New York State Governor's Traffic Safety Committee (GTSC) for receipt and use of a \$19,250 grant under the Selective Traffic Enforcement Program (STEP) Aggressive Driving Program; and
2. Amend the 2011-12 Budget of the Police Department by \$14,000 to reflect a prorated portion of the new award for this fiscal year. The balance of the award will be appropriated in the 2012-13 Budget.

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. The funds will be used to reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents.

This is the tenth year of GTSC funding to the City under this program and covers the period October 1, 2011 through September 30, 2012. A grant for the previous STEP program was approved in December 2010 under Ordinance No. 2010-441. During the previous funding period, 1,676 citations were issued to motorists for infractions related to speeding and unsafe or aggressive driving. Of these, 516 were for speeding, 63 were specifically for aggressive driving, and 1,097 were for other traffic violations.

The new award is significantly less than last year's award of \$38,500 due to decreases in federal funds passed to state traffic agencies this year. As a result, it is anticipated that fewer tickets will be issued than in the prior period.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-45  
(Int. No. 32)

**Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2011-12 Budget**

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

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

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

Section 3. Ordinance No. 2011-188, the 2011-12 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 \$14,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-46  
Re: Agreement - Children's Institute,  
Software Support, Summer of  
Opportunity Program

Transmitted herewith for your approval is legislation establishing \$11,500 as maximum compensation for an agreement with Children's Institute Inc. (Rochester), to provide database services for the 2012 Summer of Opportunity program. The cost of

this agreement will be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Children's Institute will provide customizations to the existing database application (COMET) that will support on-line applications for the Summer of Opportunity, eliminating paper applications.

Children's Institute was selected to provide this service since the COMET software was developed by them and links to the City School District's system. Using the software will allow relevant non-sensitive information to be shared as necessary with the City upon parental permission being granted. In 2011, 2,735 applications were processed using the COMET database. It is anticipated that over 2,800 applications will be processed in 2012.

RochesterWorks, Inc., the City's partner in providing summer youth employment, is supporting this effort with an equal amount of funding.

This is the third year of funding for this project. The most recent agreement for these services was approved by Council on March 22, 2011, Ordinance No. 2011-76.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-46  
(Int. No. 34)

**Establishing Maximum Compensation For A Professional Services Agreement For The Summer Of Opportunity Program**

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

Section 1. The sum of \$11,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Children's Institute, Inc. for database services for the 2012 Summer of Opportunity Program. Said amount shall be funded from the 2011-12 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. 2012-47  
Re: Amendatory Agreements -  
Comprehensive Adolescent  
Pregnancy Prevention (CAPP)  
Program

Transmitted herewith for your approval is legislation related to funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) Pro-

gram. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of \$43,792 in additional funding for the 2012 CAPP Program. This amount reflects an unanticipated cost of living adjustment (COLA) provided by the DOH.
2. Amend the 2011-12 Budget of the Department of Recreation and Youth Services by \$18,792 to reflect a portion of these funds which will be used to purchase program supplies and equipment;
3. Authorize amendatory agreements with five of the service providers to increase their maximum compensation by \$5,000 each to reflect the COLA.

The agreements with service providers were authorized in November 2011 (Ord. No. 2011-364). The City was notified shortly thereafter that the New York State Department of Health had authorized a Cost of Living Adjustment (COLA) for the CAPP Program, based upon a Congressional Budget Office calculation for state fiscal year 2011-12, resulting in an additional \$43,792.

This unanticipated revenue will support staff and youth service projects. The table below summarizes the current funding for the CAPP program:

	<u>Initially Authorized</u>	<u>NYS COLA Nov. 2011</u>	<u>Final Amount</u>
U of R Medical Ctr/Highland Family Planning	\$ 45,772	\$ 5,000	\$ 50,772
Puerto Rican Youth Development	42,109	5,000	47,109
YWCA of Rochester and Monroe County	50,559	5,000	55,559
Baden St. Settlement/Metro Council for Teen Potential	60,709	5,000	65,709
Society for the Protection and Care of Children	54,461	5,000	59,461
Family Resource Center	12,574	0	12,574
DRYS 2011-12 Operating Budget	<u>191,400</u>	<u>18,792</u>	<u>210,192</u>
Total	\$457,584	\$43,792	\$501,376

The Family Resource Center provides program-related training upon request; funding does not support a staff person, unlike the other agencies who all have full-time staff devoted to delivery of CAPP services.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-47  
(Int. No. 35)

**Authorizing Agreements For The Compre-**

**hensive Adolescent Pregnancy Prevention Program And Amending The 2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for the receipt and use of additional funding for the operation of the 2012 Comprehensive Adolescent Pregnancy Prevention Program.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following organizations in amounts not to exceed the following, for services under the Comprehensive Adolescent Pregnancy Prevention Program:

<u>Organization</u>	<u>Amount</u>
U. of R. Medical Center/Highland Family Planning	\$5,000
Baden Street Settlement/Metro Council for Youth Potential	5,000
Puerto Rican Youth Development	5,000
YWCA of Rochester and Monroe County	5,000
Society for the Protection and Care of Children	5,000

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 amendatory agreements shall obligate the City to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Department of Health.

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

Section 5. Ordinance No. 2011-188, the 2011-12 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 \$18,800, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers McFadden, Miller, Ortiz, Palumbo, Spaul - 6.

Nays - Councilmember Conklin - 1.

Councilmember Haag abstained because of a familial relationship. Councilmember Scott abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-48  
Re: Budget Amendment - City Youth  
Arts Project

Transmitted herewith for your approval is legislation amending the 2011-12 Budget of the Department of Recreation and Youth Services to include \$100,000 in Community Development Block Grant funds that were previously appropriated for the City Art Project.

In August 2011 (Ordinance 2011-289), Council authorized the City Art Project for implementation in the northeast and northwest FIS area, and appropriated the CDBG/FIS funds for this purpose. However, the previous legislation failed to transfer these funds to the Department budget, which is necessary in order to hire the project coordinator, project assistant, and the youth.

As described in the original legislation, the project involves recruiting local youth to participate, under the direction of a project coordinator, in the creation, development and installation of public art within these two FIS areas. Since September, ten youth from the FIS areas have been recruited, and it has been determined that in order to provide appropriate direction and supervision, the coordinator/lead artist will be hired as a temporary City employee. A project assistant will also be hired.

Efforts to recruit the coordinator and assistant are underway; it is anticipated that hiring will be completed by the end of January 2012 and that the project will be underway by February, with completion in November 2012.

A revised project description is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-19

Ordinance No. 2012-48  
(Int. No. 36)

**Amending The 2011-12 Budget For The City Arts Project**

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

Section 1. Ordinance No. 2011-188, the 2011-12 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 \$100,000, which amount shall be funded from the appropriation made in Section 3 of Ordinance No. 2011-289 to fund the City Arts Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-49  
Re: Agreement - Windstream Corporation,  
Donation for Gantt Community Center

Transmitted herewith for your approval is legislation authorizing an agreement with Windstream Corporation for the receipt and use of a charitable donation of \$100,000 and amending the Cash Capital allocation of the 2011-12 Budget to reflect this amount.

These funds will be used for the installation of a high tech computer, digital music, and equipment lab at the David F. Gantt Community Center. The lab will be incorporated into the overall Gantt Center renovation project, which is planned to begin in June 2012 with completion anticipated in June 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-49  
(Int. No. 37)

**Acceptance Of A Donation And Amending The 2011-12 Budget For The David F. Gantt Community Center**

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

Section 1. The City hereby approves the acceptance of a donation from Windstream Corporation in the sum of \$100,000 for improvements to the David F. Gantt Community Center.

Section 2. Ordinance No. 2011-188, the 2011-12 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 \$100,000, which is hereby appropriated from the donation made herein to fund improvements to the David F. Gantt Community Center.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-50  
Re: Agreement - Baden Street  
Settlement, Inc., Recreation  
And Aquatics Program

Transmitted herewith for your approval is legislation establishing \$47,500 as maximum annual compensation for an agreement with Baden Street Settlement, Inc. for the operation of the Clinton-

Baden Community Center and swimming pool. The cost of the agreement will be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Baden Street Settlement has operated the City-owned facility since 1977. They provide a full service, six-day-week recreation and aquatics program at the Center including all staffing, supplies, and custodial services. The current agreement, authorized in 2001 (Ord. No. 2001-356), was amended in 2005 (Ord. No. 2005-288) and expired November 11, 2011. Annual compensation under that agreement was \$40,200. The new amount of \$47,500 reflects the actual increase in operational costs since 2005.

The agreement is for one year with an option to extend for four additional one-year terms. Annual compensation may be adjusted based on actual cost increases to a maximum of \$50,000 during the course of this agreement. Funding for subsequent years will be contingent upon approval of future budgets.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-50  
(Int. No. 38)

**Authorizing An Agreement For The Clinton-Baden Community Center Recreation And Aquatics 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 Baden Street Settlement, Inc. for the continued operation of the Clinton-Baden Community Center recreation and aquatics program. The agreement shall extend for a term of one year, with four one-year renewal options.

Section 2. The agreement shall obligate the City to pay Baden Street Settlement, Inc. the sum of \$47,500 for the first year. Said amount may be adjusted in renewal years, subject to funds provided in the annual budgets. Said amounts shall be funded from the 2011-12 and subsequent Budgets of the Department of Recreation and Youth Services, subject to the adoption of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Spaull - 8.

Nays - None - 0.

Councilmember Scott abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-51  
Re: Pre-Disaster Mitigation Plan

Transmitted herewith for your approval is legislation authorizing the adoption of the Monroe County Pre-Disaster Mitigation Plan. The Plan is required to be adopted in order to be eligible for federal funds for hazard prevention. The plan was developed and initially adopted in 2004 through collaborative efforts from the City of Rochester, County of Monroe, nineteen towns, and ten villages within the County, their authorities, the Cornell Cooperative Extension, the American Red Cross, and Rochester Gas and Electric. City Council authorization is required by the Federal Emergency Management Agency. The plan is annexed to the City of Rochester Comprehensive Emergency Preparedness Plan.

The Disaster Mitigation Act of 2000 established a requirement that all local governments have an All-Hazard Mitigation Plan to be eligible to receive Hazard Mitigation Grant Program Funding. The first County plan was adopted in 2005. The plan must be reviewed and updated every five years by all 21 participating jurisdictions who have agreed that a single, comprehensive, all-inclusive plan would best serve our communities.

The plan is designed to reduce or eliminate losses from natural, human or technological hazards. This is done through a comprehensive hazard and risk assessment process based on possibility, probability and actual experience.

The requirement for a public hearing was satisfied for all involved municipalities by the one held by the Monroe County Legislature on November 15, 2011. A copy of the plan is available for review in the Office of the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-51  
(Int. No. 39)

**Adoption Of Monroe County Pre-Disaster Mitigation Plan**

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

Section 1. In accordance with the Federal Disaster Mitigation Act of 2000, the Council hereby approves and adopts the amended Monroe County Pre-Disaster Mitigation Plan.

Section 2. The County Executive, or her designee, is hereby authorized and directed to submit the amended Monroe County Pre-Disaster Mitigation Plan to the New York State Division of Homeland

Security and Emergency Services and the Federal Emergency Management Agency (FEMA).

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-52  
Re: Agreement - Sam Asher Computing Services, Telephone Notification System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Sam Asher Computing Services, Inc., for continued access to their telephone notification system (Hyper-Reach). The original agreement authorized in November 2005 has been amended annually, most recently via Ordinance No. 2011-93. This amendment will extend the agreement for two years (through December 31, 2013) with annual compensation of \$8,500, for a total of \$17,000 for the two-year period. The cost will be financed from the 2011-12 Budget of the Police Department.

The system enables the user to instantly send pre-recorded voice messages to a pre-determined list of clients. The message can be modified and efficiently delivered to a large number of recipients in a short time span. The Police Department uses the system to contact potential Police Officer recruits at various stages of the application and approval process. The renewal will also include access to Accu-Reach Targeting tool and mapping function, to initiate campaigns to the public. This tool will be financed through Impact VIII grant funds received from NYS DCJS.

This amendment will increase total maximum compensation under this agreement (2005-2013) with the Police Department to \$72,371.

The consultant also provides services to the Emergency Communications Department, in the amount of \$50,000, authorized via Council Ord. No. 2011-124.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-52  
(Int. No. 41)

**Establishing Maximum Compensation For A Professional Services Agreement For Telephone Notification System Services**

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

Section 1. The sum of \$17,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the extension through December 31, 2013 of a professional ser-

vices agreement between the City and Sam Asher Computing Services, Inc. for telephone notification system services for the Rochester Police Department. Said amount shall be funded from the 2011-12 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-53  
Re: Agreement - New York State Department of Agriculture and Markets, Public Market Revitalization Projects

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Agriculture and Markets for the receipt and use of a \$2,000,000 grant, and amending the Cash Capital allocation of the 2011-12 Budget of the Department of Recreation and Youth Services to reflect the grant. The grant will partially fund two projects at the Public Market which have been identified in the Capital Improvement Plan: the rehabilitation and expansion of the indoor selling space (the Wintershed) at the Market (\$1.8 million), and Market access and parking improvements (\$200,000).

The Wintershed project is a component of the Public Market Renovation and Expansion project initiated in 2010, and includes a comprehensive renovation and expansion of the facility and adjacent prepared food kiosks, rest rooms, public areas, and related upgrades to mechanical, electrical, and plumbing systems as required. T.Y. Lin International, as authorized via Ordinance No. 2010-433, is currently working to finalize the related design work for the project.

The overall scope and timing of the Wintershed project is dependent on funding. Once the concept plan is completed, a more complete budget projection can be developed. It is anticipated that the project will begin sometime in 2013.

The Market Access and Parking Improvements Project includes the conversion of the abandoned, City-owned Union Street Railroad Underpass Bridge into a multi-use, single lane bridge for use by pedestrians and the Market shuttle. The project will also expand parking by approximately 140 spaces and add a new Market entrance from Scio Street. This "Rails-to-Trails" project is currently under construction by Ramsey Construction. Design and resident project representation services are being provided by Stantec as authorized by Ordinance Nos. 2011-8 and 2011-304. Total cost of the project, including contingency, is \$1,314,703.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-53  
(Int. No. 51)

Re: Amending Consolidated Community  
Development Plans

**Authorizing An Agreement For Funding For  
Public Market Improvements And Amending  
The 2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to  
enter into an agreement with the New York State  
Department of Agriculture and Markets for the  
receipt and use of funding for the rehabilitation and  
expansion of the indoor selling space at the Public  
Market Wintershed and Public Market access and  
parking improvements.

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

Section 3. Ordinance No. 2011-188, the 2011-  
12 Budget of the City of Rochester, as amended, is  
hereby further amended by increasing the revenue  
estimates and appropriations to the Cash Capital  
allocation by the sum of \$2,000,000, which amount  
is hereby appropriated from the funds to be re-  
ceived under the grant agreement authorized herein.

Section 4. This ordinance shall take effect im-  
mediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int.  
No. 40 from Committee.

The motion was seconded by Councilmember  
Scott.

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember Mcfadden moved to amend Int. 40  
by severing a portion to be designated as Int. No.  
40A.

The motion was seconded by Councilmember  
Scott.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-54 and  
Introductory No. 40A

Transmitted herewith for your approval is legisla-  
tion related to the 2008-09, 2009-10, and 2010-11  
Consolidated Community Development Plans and  
Job Creation/Youth Development programs. This  
legislation will:

1. Amend the Consolidated Community Devel-  
opment Plans to:

a. Transfer a total of \$98,391 in unexpended  
CDBG funds from the accounts listed be-  
low to the Job Creation/Youth Develop-  
ment Account of the General Community  
Needs allocations for each year.

<u>Year</u>	<u>Amount</u>	<u>Ord. #</u>
	<u>Account</u>	
2008-09	\$22,764	2008-349
		Young Father's Program
	4,323	2008-349
		Family Talk
	<u>2,197</u>	2008-281
		Young Mother's Program
	\$29,284	
2009-10	\$34,200	n/a
		Young Father's Program
	<u>1,699</u>	2009-10
		Family Talk
	\$35,899	
2010-11	\$15,000	n/a
		Wise Guys
	10,000	none
		Family Talk
	<u>8,208</u>	2010-240
		Summer of Opportunity Program
	\$33,208	

b. To ensure that parents and family members  
are served, as well as youth, revise the  
program description language for the Job  
Creation/Youth Development program in  
the CDBG General Needs allocation to  
read: "Funds will be used to lend support  
to programs or activities providing job  
readiness, basic occupational skills and en-  
try-level employment opportunities for  
low/mod income City youth seeking em-  
ployment or career exploration services.  
Projects will also provide asset develop-  
ment opportunities for youth, and skills  
development for parents."

2. Establish maximum compensation for agree-  
ments for two youth services projects, and  
appropriate a total of \$41,700 from the Job  
Creation/Youth Development Account of the  
General Community Needs allocations of the  
CDBG to finance the agreements, as follows:

<u>Organization</u>	4,323	2008-349
<u>Program</u>		Family Talk
<u>Amount</u> <u>Source</u>	<u>2,197</u>	2008-281
Art Peace, Inc. Creative Entrepreneurs Project	\$29,284	Young Mother's Program
\$31,700      2009-10 CDBG		
Rochester's Child, Inc. Parent Leadership Training Institute (PLTI)	2009-10 \$34,200	none
\$10,000      2008-09 CDBG		Young Father's Program
	<u>1,699</u>	2009-10
		Family Talk
	\$35,899	
	2010-11 \$15,000	none
		Wise Guys
	10,000	none
		Family Talk
	<u>8,208</u>	2010-240
		Summer of Opportunity Program
	\$33,208	

The Creative Entrepreneurs Project is a youth development afterschool program that actively engages youth in arts, technology and entrepreneurship and in setting up retail business in downtown Rochester after school and throughout the year. This project, operated by ArtPeace, Inc., is a joint effort with the Rochester Downtown Development Corporation (RDDC), to address the need for afterschool programming for youth downtown, as they transition home from school. Sixty youth will be served. This is the second year of this project.

The Parent Leadership Training Institute (PLTI) is a parent training initiative that teaches parents how to become more involved in the civics process, and thereby increase their involvement and engagement in their child's academic and development process. Parents are trained through a twenty-week process, which includes public speaking and budgeting skills. This project is a joint effort with the Early Childhood Development Initiative (ECDI), and will be housed at Rochester's Child, Inc. This is the first year for this program; 25 parents will be served.

A public hearing on the Consolidated Plan amendments is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-20

Ordinance No. 2012-54  
(Int. No. 40, As Amended)

**Authorizing Amendatory 2008-09, 2009-10 And 2010-11 Community Development Program Plans, Amending Ordinances And Approving Agreements For The Job Creation/Youth Development Program**

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

Section 1. The Council hereby approves amendments to the 2008-09, 2009-10 and 2010-11 Community Development Program Plans whereby, within the General Community Needs allocations, a total sum of \$98,391 from the following accounts shall be transferred to the Job Creation/Youth Development Program Accounts:

Year	Amount	Ord. #
		Account
2008-09	\$22,764	2008-349
		Young Father's Program

Section 2. The Council hereby further approves an amendment to the program description of the Job Creation/Youth Development Program in the General Community Needs allocations whereby parents and family members are included as beneficiaries, as well as youth.

Section 3. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart.

Section 4. The Mayor is hereby authorized to enter into an agreement[s] with the following organization[s] in an amount[s] not to exceed the following, for a Youth Services Project[s]:

<u>Organization</u>	<u>Amount</u>
<u>Program</u>	
[Art Peace, Inc. Creative Entrepreneurs Project	\$31,700]
Rochester's Child, Inc. Parent Leadership Training Institute	\$10,000

Section 5. The agreement[s] shall obligate the City to pay an amount not to exceed [\$41,700, and of said amount, or so much thereof as may be necessary, \$31,700 is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program and] \$10,000, 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 6. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 40A

**APPROVING AN AGREEMENT FOR THE JOB CREATION/YOUTH DEVELOPMENT 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 following organization in an amount not to exceed the following, for a Youth Services Project:

<u>Organization</u>	<u>Amount</u>
Art Peace, Inc. Creative Entrepreneurs Project	\$31,700

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$31,700, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 33  
Re: Agreement - Law Enforcement  
Psychological Associates, Fitness  
For Duty Evaluations

Transmitted for your approval is legislation establishing \$7,000 as maximum annual compensation for an agreement with Law Enforcement Psychological Associates (LEPA) (principal: Dr. Jay Supnick). The term of the agreement will be for one year, with two optional one-year renewals. The cost for the first year will be financed from the 2011-12 Budget of the Police Department; the cost for subsequent years will be included in future budget requests.

LEPA will provide evaluations of fitness for duty for current Police employees as needed. The consultant was selected through an RFP process for psychological evaluation services in 2009 and has provided similar services to the City for several years.

City Council authorization is requested for this agreement since the consultant is also currently under contract with the Police, Fire and Emergency Communications Departments to provide pre-employment testing and evaluation of potential employees (Ordinance Nos. 2007-232, 2009-220 and 2009-221).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 33

**ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR FITNESS FOR DUTY EVALUATION SERVICES FOR THE ROCHESTER POLICE DEPARTMENT**

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

Section 1. The sum of \$7,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Law Enforcement Psychological Associates for psychological fitness for duty evaluations for the Rochester Police Department for a term of one year, with two optional one-year renewals. Said amount shall be funded from the 2011-12 and subsequent Budgets of the Rochester Police Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 9:09 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

**REGULAR MEETING  
FEBRUARY 21, 2012**

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

- Finance Department
  - \*Parameswary Pathmanathan
- Information Technology
  - Harry Coughenour
- Fire Department
  - \*Richard A. Abbott
- Police Department
  - \*Kevin R. Chartrand
  - \*Norma A. Marchetti-Smith
  - \*Michele T. Peters
  - \*Marcos I. Rodriguez
  - \*Carl D. Scarpulla Jr.

\*Richard J. Schill  
Rochester Public Library  
\*Kevin P. Loughran  
\*Lucien L. Williams  
\*Did not attend meeting.

APPROVAL OF THE MINUTES  
By Councilmember Ortiz

RESOLVED, that the minutes of the Organization Meeting Of January 3, 2012 and the Regular Meeting of January 24, 2012 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 4072-12  
Schedule Of Workers Compensation Claims  
Schedule Of General Liability Claims  
Delinquent Receivables

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 18-20 And 24 Fort Hill Terrace From R-1 Low Density Residential To C-V Collegetown Village Int. No. 75 1 speaker: Leslie Morrow

Amending The Official Map By Abandonment Of A Portion Of Fort Hill Terrace As Part Of The Mt. Hope Avenue Reconstruction Project Int. No. 76 No speakers

Amending The Official Map By Abandonment Of Bartholomew Lines Along Mt. Hope Avenue South Of Elmwood Avenue As Part Of The Mt. Hope Avenue Reconstruction Project Int. No. 77 No speakers

Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Special Permits In The Collegetown Village District Int. No. 78 No speakers

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 93 No speakers

Local Improvement Ordinance - Security At The Public Market Int. No. 94 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
February 21, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 61 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services And Amending Ordinance No. 2011-237

Respectfully submitted,  
Carolee A. Conklin  
Loretta C. Scott  
Lovely A. Warren  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-55  
Re: Agreement - Ken Brown, Federal Lobbying Services

Transmitted herewith for your approval is legislation related to Federal lobbying services for the City. This legislation will:

1. Amend Ordinance No. 2011-237 to terminate the agreement with The Ferguson Group of Washington, D.C., effective January 31, 2012, and reducing maximum compensation from \$110,000 to \$64,000.
2. Establish \$46,000 as maximum compensation for an agreement with Ken Brown of Chevy Chase, Maryland for federal lobbying services from February 1, 2012 through June 30, 2012. The cost of the agreement will be funded from the 2011-12 Budget of the Mayor's Office. This amount includes a \$9,000 monthly fee and an allowance of \$1,000 for documented incidental expenses and travel during the term of the contract.

The Ferguson Group (TFG) has provided federal lobbying service for the City since December 2006. Ordinance No. 2011-237 established \$110,000 as maximum compensation for a one-year term that was to extend to June 31, 2012. The remaining funds budgeted for that agreement will be used to fund the new agreement with Mr. Brown.

Mr. Brown was a partner of TFG and has been responsible for the City services. He left TFG to establish his own practice. The City wishes to continue with Mr. Brown because of the relationship it has developed with him. TFG has agreed to terminate the City agreement as of January 31, 2012.

Over the coming year, Mr. Brown will continue to work with the City on the following activities:

- Identify federal funding opportunities and

assisting the City in pursuing and advocating for various federal grants and loans and other assistance;

- Assist the City in advocating for current funding applications pending before the EDA and HUD;
- Assist the City in working with the Coast Guard on facilitating the realignment of River Street;
- Advocate for the City's priorities to be included in legislation to reauthorize the nation's surface transportation law;
- Advocate for the City's priorities to be included in the next version of the Water Resources Development Act;
- Monitor federal legislation, regulations, and policies that will impact the City, and help the City effectively advocate on those matters.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-55  
(Int. No. 61)

**Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services And Amending Ordinance No. 2011-237**

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

Section 1. 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 Ken Brown for the provision of Federal lobbying services from February 1 through June 30, 2012. Said amount shall be funded from the 2011-12 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2011-237, relating to an agreement with The Ferguson Group LLC for Federal lobbying services, is hereby amended by authorizing termination of said agreement as of January 31, 2012 and by reducing the maximum amount of said agreement from \$110,000 to \$64,000.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo  
February 21, 2012

To the Council:

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

Int. No. 62 - Authorizing The Sale Of Real Estate

Int. No. 63 - Amending Ordinance No. 2011-295 Relating To The Capron Street Parking Lot Lease Payment

Int. No. 64 - Determinations And Findings Relating To The Acquisition Of 236 University Avenue For The Facilities Modernization Program Of The Rochester City School District

Int. No. 65 - Authorizing The Sale Of Real Estate For The El Camino Estates II Project

Int. No. 66 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The El Camino Estates II Project

Int. No. 67 - Authorizing A Loan Agreement For The El Camino Estates II Project

Int. No. 68 - Authorizing The Sale Of Real Estate For The Holy Rosary Apartments Project

Int. No. 69 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Holy Rosary Apartments Project, As Amended

Int. No. 70 - Authorizing A Loan Agreement For The Holy Rosary Apartments Project And Amending Ordinance No. 2011-197

Int. No. 71 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Program

Int. No. 72 - Authorizing The Acquisition Of 4 Straub Street For The Straub Street Revitalization Project

Int. No. 73 - Resolution Approving Reappointments To The City Planning Commission

Int. No. 74 - Resolution Approving Reappointment To The Rochester Preservation Board

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

Int. No. 75 - Changing The Zoning Classification Of 18-20 And 24 Fort Hill Terrace From R-1 Low Density Residential To C-V Collegetown Village

Int. No. 76 - Amending The Official Map By Abandonment Of A Portion Of Fort Hill Terrace As Part Of The Mt. Hope Avenue Reconstruction Project

Int. No. 77 - Amending The Official Map By Abandonment Of Bartholomew Lines Along Mt. Hope Avenue South Of Elmwood Avenue As Part Of The Mt. Hope Avenue Reconstruction Project

Int. No. 78 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect

To Special Permits In The Collegetown Village District

Respectfully submitted,  
 Carolee A. Conklin (Voted against Int. No. 64)  
 Jacklyn Ortiz  
 Lovely A. Warren  
 Dana K. Miller (Did not vote on Int. Nos. 62, 63, and 64)

NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

Councilmember Palumbo moved to amend Int. No. 62.

The motion was seconded by Councilmember Spaull

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2012-56 and Ordinance No. 2012-57

Re: Sale of Real Estate and Amending Ordinance No. 2011-295

Transmitted herewith for your approval is legislation approving the sale of 13 properties and amending Ordinance No. 2011-295.

Sale of Real Estate

With the exception of purchasers of unbuildable vacant land, staff have audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first six properties are vacant lots, all of which are being sold to their adjacent owners and all to be combined with their current parcels. The first two will be used as additional green space for the existing residences, the third and fourth lots will undergo improvements for use as parking space with landscaping for the business on the adjacent lot, and the last two will again, be used as green space for their respective adjacent lots.

The next seven parcels are unbuildable vacant lots, all being sold to their adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these thirteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,224.

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.

Amending Ordinance No. 2011-295

Ordinance No.2011-295 authorized the sale of a portion of 33 Capron Street and amended the lease on the parking lot at 33 Capron Street. That amendment included a change in the leasable area but did not affect the rental amount. However, subsequent negotiations with Excellus Health Plan Inc. led to further discussions regarding a possible rent reduction, and the City and Excellus have agreed to a reduction in rent. Based on an appraisal performed by Jay Loson, MAI, of Midland Appraisal in December 2011, the annual lease payment will be reduced from \$82,320 to \$79,949, and will become effective upon completion of the conveyance described in Ordinance No. 2011-295.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-21

Ordinance No. 2012-56 (Int. No. 62, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2011-391

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>Sq. Ft.</u>	<u>Price</u> <u>Purchaser</u>
151 Arnett Blvd 120.66-3-34 Pt of	40x160	6,299	\$475 Judge Jr. & Zettie Taylor
336 Avenue A Pt. of	40x174	6,960	\$475
106.22-2-32.4 764 Avenue D	34x102	3,468	\$225 V. Hamilton & J. Clinton
091.80-3-32 766-766.5 Avenue D	34x102	3,468	\$250 Ahmed Saeed
091.80-3-31 39 Mark St	104x112	8,105	\$525 Ahmed Saeed
106.41-2-68.1			Eden Christian Church & Institute*
376 Seneca Av 091.39-1-60	40x136	5,442	\$450 Michael D. Beinetti

\* Board of Directors: Hilario Rodriguez, Pastor; Bethzaida Rodriguez-Colon, Treasurer/Secretary

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuild-

able 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>
76 Bartlett St 120.68-2-37	34x141 Joseph & Eldridge McClaney	4,723
80 Bartlett St 120.68-2-35	33x141 Joseph & Eldridge McClaney	4,653
10 Elser Ter 120.32-2-16	43x80 Mary Catherine Jacobs	3,564
150 Roycroft Dr 091.82-1-76	34x74 Lisa Cook	2,516
EH of 42 Sobieski St EH of 091.73-1-58	15x115 Edward Hancock	1,725
WH of 42 Sobieski St WH of 091.73-1-58	15x115 Dolores Clark	1,725
305 Weaver St 091.72-3-10	31x116 Joseph & Bonnie Potocki	3,609

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. Ordinance No. 2011-391, as amended by Ordinance No. 2012-8, which authorizes a loan agreement with Pike Development Company LLC as part of the Midtown Plaza Revitalization Project, is hereby further amended by authorizing a grant agreement with Pike Development Company LLC, or an entity to be formed by Pike Development Company LLC, for the reconstruction of the former Seneca Building. The grant agreement shall obligate the City to pay an amount not to exceed \$900,000. Said amount, or so much thereof as may be necessary, shall be funded from the appropriation for the PAETEC Headquarters Project of 2010-11 Community Development Block Grant funds made in Section 4 of Ordinance No. 2011-32, which PAETEC Headquarters Project is now being undertaken by the Pike Development Company to house employees of Windstream Corporation, the successor to PAETEC. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2012-57  
(Int. No. 63)

**Amending Ordinance No. 2011-295 Relating To The Capron Street Parking Lot Lease Payment**

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

Section 1. Ordinance No. 2011-295, relating an

amendatory lease agreement with Excellus Health Plan, Inc. for the lease of 33 Capron Street, is hereby amended to provide for a reduction in the annual lease payment of the original lease from \$82,320 to \$79,949, due to the sale of a portion of the lot by the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-58  
Re: Determinations and Findings -  
236 University Avenue

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of 236 University Avenue. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on January 24, 2012. There were no speakers.

The following determinations and findings are proposed:

1. Project description: The project includes acquisition of the property at 236 University Avenue, consisting of a vacant building formerly used as a restaurant, situated on a parcel of land containing .4 acre.
2. Project purpose: The acquisition will permit the Rochester City School District to complete upgrades to the adjoining School 58, as part of Phase I of the Facilities Modernization Program. The school currently serves grades K-8 but will be expanded to K-12. The proposed acquisition and subsequent demolition of the building at 236 University Avenue will allow for the creation of green space to compensate for loss of open space resulting from the school expansion. Additionally, the District will undertake landscaping improvements on the acquisition parcel that will enhance the appearance of the school facility and improve its relationship with the surrounding area.
3. Project effect: The project will have no significant adverse environmental effects. The overall School Modernization Program was subject to State Environmental Quality Review. This project is a component of that review and has been determined to have no significant environmental impacts.

Upon approval of these determinations and findings, the legislation authorizing the property acquisition (Introductory 10 on the January 2012 Council agenda) may be considered.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-58  
(Int. No. 64)

**Determinations And Findings Relating To  
The Acquisition Of 236 University Avenue For  
The Facilities Modernization Program Of The  
Rochester City School District**

WHEREAS, the City of Rochester proposes to acquire the parcel at 236 University Avenue to effectuate the Facilities Modernization Program of the Rochester City School District, and

WHEREAS, the Council of the City of Rochester held a public hearing on January 24, 2012 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel. No speakers appeared at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of 236 University Avenue to effectuate the Facilities Modernization Program of the Rochester City School District:

- A. Project description - that the project includes acquisition of the property at 236 University Avenue, consisting of a vacant building formerly used as a restaurant, situated on a parcel of land containing .4 acre.
- B. Project purpose - that the acquisition will permit the Rochester City School District to complete upgrades to the adjoining School 58, as part of Phase I of the Facilities Modernization Program. The school currently serves grades K-8 but will be expanded to K-12. The proposed acquisition and subsequent demolition of the building at 236 University Avenue will allow for the creation of green space to compensate for loss of open space resulting from the school expansion. Additionally, the District will undertake landscaping improvements on the acquisition parcel that will enhance the appearance of the school facility and improve its relationship with the surrounding area.
- C. Project effect - that the project will have no significant adverse environmental effects. The overall School Modernization Program was subject to State Environmental Quality Review. This project is a component of that review and has been determined to have no significant environmental impacts.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag,

McFadden, Miller Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2012-59,  
Ordinance No. 2012-60 and  
Ordinance No. 2012-61

Re: El Camino Estates II Project

Transmitted herewith for your approval is legislation relating to the El Camino Estates II Affordable Housing Project being undertaken by Ibero-American Development Corporation. This legislation will:

1. Authorize the sale of 30 City-owned vacant lots to Ibero-American Development Corporation (IADC), or an affiliated partnership or housing development fund corporation to be formed by IADC, for the project;
2. Authorize property tax exemptions and payment-in-lieu-of-taxes agreements for the project. The agreements would provide a 30-year exemption in consideration of an annual in-lieu payment equal to 10% of the project shelter rents (gross rents less utility costs).
3. Authorize a \$500,000 loan agreement with IADC, or a subsidiary to be formed for the project, and appropriate \$500,000 from the Affordable Housing Fund Account of the Housing Development Fund of the 2011-12 HOME Program to finance the loan. The loan will be for a term of 30 years with interest at the Applicable Federal Rate and annual interest payments, cash flow dependent, of 1%.
4. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the project.

This project, phase two of the El Camino Estates initiative, includes the construction of 25 family rental housing units, on clustered sites located near the El Camino Trail area in the 14621 neighborhood. Phase one of the project, comprised of 25 similar units, was completed in 2010 and has been well received by the neighborhood. A property list and map for the project are attached.

IADC has received Low Income Housing Tax Credits and New York State Housing Trust Funds for the construction of this project. All units will be for families with 50% or less of median income. IADC has applied to the Rochester Housing Authority for eight units of project-based Section 8 assistance for this phase of the project. At the end of the 15-year compliance period, the single-family homes will be offered to the tenants for purchase.

Of the 25 units in the project, 15 will be three-

bedroom; and 10 will be four-bedroom, three of which will be handicapped accessible. Two units will be designed for the hearing- and visually-impaired, and four units will be reserved for households with a family member with either a physical or developmental disability. All homes will be built to visitable standards. All units will also meet or exceed the standards for the New York State Division of Housing and Community Renewal Green Building Initiatives and the New York State Energy Efficiency Initiative.

To date, IADC has invested approximately \$20 million in programs and capital projects in this area, including El Camino Estates Phase I, the Ibero-American Action League's Developmental Disabilities Division offices, and several others.

The project budget is as follows:

<u>Costs</u>	
Property acquisition	\$ 12,000
Soft costs	624,000
Construction	4,455,327
Cons. contingency	253,966
Developer fee	801,194
Reserves	94,465
Working capital	57,500
Total	<u>\$6,298,452</u>

<u>Sources</u>	
City HOME Program	\$ 500,000
LIHTC Equity	4,514,204
NYS Housing Trust Fund	1,230,125
NYSERDA	25,000
Deferred Developer Fee	29,123
Total	<u>\$6,298,452</u>

The El Camino Estates project has broad community support. IADC initiated a planning process as part of the larger revitalization plan that includes El Camino Estates and the surrounding neighborhoods. Participants involved in developing a plan centered on the El Camino Trail include Group 14621, Huntington Park Block Group, FLRT Block Club, Evergreen Block Club, Ibero-American Action League, Genesee Land Trust, St. Michael's, Roberto Clemente School, and the City. IADC also plans to partner with community stakeholders to encourage homeowners and residents to enhance the appearance of the neighborhood using available resources.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-22

Ordinance No. 2012-59  
(Int. No. 65)

**Authorizing The Sale Of Real Estate For The El Camino Estates II Project**

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

Section 1. The Council hereby approves the sale

of the following parcels of real estate to the Ibero-American Development Corporation or an affiliated partnership or housing development fund corporation formed for the El Camino Estates II Project, at their appraised value, for the construction of housing as a part of the El Camino Estates II Project:

<u>Parcel Addresses</u> <u>SBL#</u>	<u>Price</u>	<u>Dimensions</u>
139 Avenue A 106.21-2-26.1	\$400	56'x71'
205 Avenue A 106.21-3-28	\$450	43'x120'
206 Avenue B 106.21-2-50	\$450	44'x120'
212 Avenue B 106.21-2-49	\$450	44'x120'
207 Avenue C 106.21-3-2	\$425	40'x120'
191 Clifford Avenue 106.29-3-4	\$525	63'x140'
209 Clifford Avenue 106.29-3-7.1	\$550	76'x111'
30 Conkey Avenue 106.37-3-1	\$425	40'x120'
36 Conkey Avenue 106.37-3-2	\$425	38'x120'
53 Conkey Avenue 106.37-2-22	\$400	40'x100'
108 Conkey Avenue 106.29-2-27.1	\$450	57'x99'
128 Conkey Avenue 106.29-2-31.1	\$600	70'x144'
136 Conkey Avenue 106.29-2-33	\$450	35'x144'
175 Conkey Avenue 106.29-1-56	\$330	32'x103'
183 Conkey Avenue 106.29-1-55	\$450	51'x97'
207 Conkey Avenue 106.21-2-16	\$425	51'x96'
218 Conkey Avenue 106.21-3-27	\$425	40'x120'
228-232 Conkey Avenue 106.21-3-43	\$450	42'x122'
283 Conkey Avenue 106.21-2-10	\$425	40'x123'
315 Conkey Avenue 91.77-4-24	\$400	40'x100'
317 Conkey Avenue 91.77-4-23	\$400	40'x100'
42 Evergreen Street 106.37-2-21	\$450	40'x135'
56 Evergreen Street 106.29-3-16	\$400	40'x93'
17 Gladys Street 106.21-2-28	\$425	51'x96'
20 Gladys Street 106.21-2-22	\$425	51'x96'
42 Harris Street 106.21-2-30	\$450	51'x97'
76 Harris Street 106.21-2-54	\$425	40'x124'
80 Harris Street 106.21-2-56	\$425	40'x120'
9 Woodford Street 106.29-4-12	\$425	40'x110'

10 Woodford Street 40'x110  
106.29-1-78 \$425

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-60  
(Int. No. 66)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The El Camino Estates II Project**

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Ibero-American Development Corporation or an affiliated partnership or housing development fund corporation formed for the El Camino Estates II Project, and to be used for housing as a part of the El Camino Estates II Project:

<u>Parcel Addresses</u>	<u>SBL#</u>
139 Avenue A	106.21-2-26.1
205 Avenue A	106.21-3-28
206 Avenue B	106.21-2-50
212 Avenue B	106.21-2-49
207 Avenue C	106.21-3-2
191 Clifford Avenue	106.29-3-4
209 Clifford Avenue	106.29-3-7.1
30 Conkey Avenue	106.37-3-1
36 Conkey Avenue	106.37-3-2
53 Conkey Avenue	106.37-2-22
108 Conkey Avenue	106.29-2-27.1
128 Conkey Avenue	106.29-2-31.1
136 Conkey Avenue	106.29-2-33
175 Conkey Avenue	106.29-1-56
183 Conkey Avenue	106.29-1-55
207 Conkey Avenue	106.21-2-16
218 Conkey Avenue	106.21-3-27
228-232 Conkey Avenue	106.21-3-43
283 Conkey Avenue	106.21-2-10
315 Conkey Avenue	91.77-4-24
317 Conkey Avenue	91.77-4-23
42 Evergreen Street	106.37-2-21
56 Evergreen Street	106.29-3-16
17 Gladys Street	106.21-2-28
20 Gladys Street	106.21-2-22
42 Harris Street	106.21-2-30
76 Harris Street	106.21-2-54
80 Harris Street	106.21-2-56
9 Woodford Street	106.29-4-12
10 Woodford Street	106.29-1-78

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agree-

ment 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.

Ordinance No. 2012-61  
(Int. No. 67)

**Authorizing A Loan Agreement For The El Camino Estates II Project**

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the Ibero-American Development Corporation or an affiliated partnership or housing development fund corporation formed for the El Camino Estates II Project. 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, subject to cash flow. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2011-12 HOME 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. 2012-62,  
Ordinance No. 2012-63 and  
Ordinance No. 2012-64  
Re: Holy Rosary Apartments  
Project, and Amending  
Ordinance No. 2011-197

Transmitted herewith for your approval is legislation relating to the Holy Rosary Apartments, an affordable housing project being undertaken by Providence Housing Development Corporation. This legislation will:

1. Authorize the sale of 25 City-owned vacant lots to Providence Housing Development Corporation ("Providence") or an affiliated partnership or housing fund development corporation to be formed by Providence for the project.
2. Authorize a property tax exemption and payment-in-lieu of taxes agreement for the project. Such agreement would provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
3. Amend Ordinance No. 2011-197 to rescind the \$500,000 in 2011-12 HOME program funds for the NOTA (Neighborhood of the Arts) Special Needs Apartments Project. This amount will be replaced with \$500,000 in prior years' Cash Capital.
4. Authorize a loan agreement not to exceed \$725,000 with Providence or an affiliated partnership or housing fund development corporation to be formed by Providence; and appropriating that amount from the Affordable Housing Fund allocation of the Housing Development Fund 2011-12 HOME program to finance the loan.
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for the tax credits and other financing sources for the project.

This project will redevelop the Holy Rosary campus (which includes the church, school, rectory, convent, and garage) into a residential community of 33 rental units and community space, and construct housing units on the 25 nearby lots being sold to Providence. The Holy Rosary campus and several of the infill sites are located in the Dewey Driving Park Focused Investment Strategy (FIS) neighborhood and the project is designed to support prior and ongoing investment in the FIS area. The attached map indicates the locations of the properties. The infill housing will be bolstered by rehabilitation programs aimed at improving adjacent and nearby owner-occupied and investor-owned residential properties. Demolition and targeted code enforcement for adjacent and nearby properties will also be pursued.

The Holy Rosary campus portion of the project will include historic rehabilitation of the church, rectory and convent, with the goal of listing of all three buildings on the State and National Registries of Historic Places. The apartments will be affordable to individuals with income less than 50% of the area median income.

The vacant lots include many of the sites that were

part of the Northwest Apartment project approved by City Council in 2009 (Ord. Nos. 2009-103, 2009-104, and 2009-105). That project was intended to build 22 single-family homes and to rehab one single-family structure in the Edgerton neighborhood. It was approved to receive State and City funding, but did not move forward due to a funding gap resulting from declining market conditions that affected the tax credit market.

The Holy Rosary Apartments project enhances the Northwest Apartment project in the following ways: 1) it entails the development of the Holy Rosary campus located in the Dewey Driving Park Focused Investment Strategy Area; 2) a concerted effort was made to locate as many infill sites in and as close to the FIS Area as possible. Four infill sites and one lot that will be greened that are located in the FIS area were not part of the Northwest Apartment project; 3) the infill sites will be complemented by exterior rehab grant opportunities for nearby properties as well as targeted demolition and code enforcement.

Providence Housing Development Corporation has received New York State Housing Trust Fund/HOME funds, Federal Low Income Housing Tax Credits, Federal and New York State Historic Tax Credits, and Federal Home Loan Bank of New York funds for the project.

Eight units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority.

The budget for the project is as follows:

<u>Costs</u>	
Acquisition	\$ 961,425
Construction	9,984,660
Professional services	893,413
Carrying and finance	440,165
Construction contingency	763,272
Development fee	1,611,282
Working capital	81,000
Operating reserves	<u>146,542</u>
Total	\$14,881,759
 <u>Sources</u>	
Equity	\$ 7,503,000
NYS HCR	5,883,143
City of Rochester	725,000
FHLB	645,000
United Way	10,000
Developer	<u>115,616</u>
Total	\$14,881,759

During construction, the City loan will be provided as construction financing at a 0% interest rate. When the loan is converted to permanent financing, the loan will extend for a term of 30 years with interest only payments of 1% per annum with principal due upon maturity.

Due to an internal oversight, the NOTA project no longer qualifies for HOME program funding.

The environmental assessment required by HUD to be completed before construction can be author-

ized, was initiated after work on the project had begun. Switching the FIS (Focused Investment Strategy) Cash Capital initially planned for the Providence project to the NOTA project, allows the City to maintain its financial obligations with De-Paul Housing, and the project to go forward. The HOME funds will be applied to the Holy Rosary project, which is a qualified project.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-23

Ordinance No. 2012-62  
(Int. No. 68)

**Authorizing The Sale Of Real Estate For The Holy Rosary Apartments Project**

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

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Providence Housing Development Corporation or an affiliated partnership or housing development fund corporation formed for the Holy Rosary Apartments Project, at their appraised value, for the construction of housing as a part of the Holy Rosary Apartments Project:

<u>Parcel Addresses</u> <u>SBL#</u>	<u>Dimensions</u>	<u>Price</u>
26 Brooklyn Street (fka 28.5 Brooklyn St) 105.260-0003-068.002/0000	50 x 121	\$475
28 Brooklyn Street 105.260-0003-068.001/0000	50 x 121	\$475
94 Glendale Park 105.340-0001-039.000/0000	50 x 121.61	\$475
115 Glendale Park 105.340-0002-008.000/0000	49.9 x 121	\$475
116 Glendale Park 105.340-0001-052.000/0000	49 x 121.89	\$450
102-104 Glenwood Avenue 105.270-0002-041.001/0000	49.6 x 129	\$475
112 Glenwood Avenue (aka 108 Glenwood Avenue) 105.270-0002-042.003/0000	49.6 x 111	\$450
221 Glenwood Avenue 105.340-0001-023.000/0000	49 x 121	\$450
225-227 Glenwood Avenue 105.340-0001-022.000/0000	50 x 121	\$475
247 Glenwood Avenue 105.340-0001-019.000/0000	50 x 121	\$475
282 Glenwood Avenue 105.260-0002-028.000/0000	48 x 83	\$400
346 Glenwood Avenue 105.260-0002-064.000/0000	49 x 129.45	\$475
13 Locust Street 105.430-0001-016.000/0000	40 x 118	\$425
51 Locust Street 105.420-0001-030.000/0000	40 x 118	\$425
71 Locust Street 105.420-0001-020.000/0000	40 x 118	\$425

73 Mason Street 090.820-0003-093.000/0000	41 x 115	\$425
96-98 Mason Street 090.820-0003-073.000/0000	43 x 115	\$425
100-102 Mason Street 090.820-0003-074.000/0000	42 x 115	\$425
130 Mason Street 090.820-0003-079.000/0000	42 x 115	\$425
15 Aldern Place (aka 174 Ravine Avenue - #1 Irregular lot) 105.350-0004-003.001/0000	74 x 157	\$600
174 Ravine Avenue (#2 Irregular lot) 105.350-0004-003.002/0000	94 x 98	\$550
273 Ravine Avenue 105.340-0003-021.000/0000	40 x 137	\$450
17 Straub Street 090.820-0002-029.000/0000	54 x 132	\$500
10 Tacoma Street 105.350-0004-001.000/0000	48 x 105	\$450
56 Tacoma Street 105.270-0001-035.000/0000	42 x 156	\$475

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller Ortiz Scott, Spaul- 8.

Nays - None - 0.

Councilmember Palumbo abstained because of familial relationship.

Ordinance No. 2012-63  
(Int. No. 69, As Amended)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Holy Rosary Apartments Project**

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Providence Housing Development Corporation or an affiliated partnership or housing development fund corporation formed for the Holy Rosary Apartments Project, and to be used for housing as a part of the Holy Rosary Apartments Project:

Parcel Addresses  
SBL#

414 Lexington Avenue  
105.250-0003-001.000/0000

26 Brooklyn Street  
(fka 28.5 Brooklyn St)  
105.260-0003-068.002/0000

28 Brooklyn Street  
105.260-0003-068.001/0000

94 Glendale Park  
105.340-0001-039.000/0000

115 Glendale Park  
105.340-0002-008.000/0000

116 Glendale Park  
105.340-0001-052.000/0000

102-104 Glenwood Avenue  
105.270-0002-041.001/0000

112 Glenwood Avenue  
(aka 108 Glenwood Avenue)  
105.270-0002-042.003/0000

221 Glenwood Avenue  
105.340-0001-023.000/0000

225-227 Glenwood Avenue  
105.340-0001-022.000/0000

247 Glenwood Avenue  
105.340-0001-019.000/0000

282 Glenwood Avenue  
105.260-0002-028.000/0000

346 Glenwood Avenue  
105.260-0002-064.000/0000

13 Locust Street  
105.430-0001-016.000/0000

51 Locust Street  
105.420-0001-030.000/0000

71 Locust Street  
105.420-0001-020.000/0000

73 Mason Street  
090.820-0003-093.000/0000

96-98 Mason Street  
090.820-0003-073.000/0000

100-102 Mason Street  
090.820-0003-074.000/0000

130 Mason Street  
090.820-0003-079.000/0000

15 Aldern Place  
(aka 174 Ravine Avenue  
- #1 Irregular lot)  
105.350-0004-003.001/0000

174 Ravine Avenue  
(#2 Irregular lot)  
105.350-0004-003.002/0000

273 Ravine Avenue  
105.340-0003-021.000/0000

17 Straub Street  
090.820-0002-029.000/0000

10 Tacoma Street  
105.350-0004-001.000/0000

56 Tacoma Street  
105.270-0001-035.000/0000

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.

Underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller Ortiz Scott, Spaul- 8.

Nays - None - 0.

Councilmember Palumbo abstained because of familial relationship.

Ordinance No. 2012-64  
(Int. No. 70)

**Authorizing A Loan Agreement For The Holy Rosary Apartments Project And Amending Ordinance No. 2011-197**

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 Providence Housing Development Corporation or an affiliated partnership or housing development fund corporation formed for the Holy Rosary Apartments Project. During construction, the loan shall be without interest. When the loan is converted to permanent financing, the loan shall be for a term of 30 years. Interest in the amount of 1% shall be payable annually. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$725,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2011-12 HOME Program to fund the Holy Rosary Apartments Project.

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

Section 4. Ordinance No. 2011-197, relating to the NOTA Special Needs Apartments Project, is hereby amended by repealing the funding from the Improving the Housing Stock and General Property Conditions Objective, Rental Housing allocation, more appropriately known as the Housing Development Fund allocation (Affordable Housing Fund Account), of the 2011-12 HOME Program, in the

amount of \$500,000 and by replacing it with funding from the Cash Capital allocation from prior years.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller Ortiz Scott, Spaul- 8.

Nays - None - 0.

Councilmember Palumbo abstained because of familial relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-65  
Re: Greater Rochester Health Foundation  
Grant - Lead Hazard Reduction  
Program

Transmitted herewith for your approval is legislation related to the Lead Hazard Reduction Program. This legislation will:

1. Authorize an agreement with the Greater Rochester Health Foundation (GRHF) for the receipt and use of a grant in the amount of \$577,500 for the Lead Hazard Reduction Program.
2. Appropriate \$200,000 from the Housing Development Fund allocation for Lead Hazard Reduction of the 2011-12 Community Development Block Grant for the Lead Hazard Reduction Program.
3. Establish \$27,500 as maximum compensation for an agreement with Environmental, Testing & Consulting, Inc. to provide lead hazard evaluation services. The cost of the agreement will be financed from the GRHF funds appropriated herein.

The GRHF has awarded the City its third funding award to control lead-based paint hazards in privately-held housing. These funds will be used in two key neighborhoods where the GRHF has already invested significant resources. One of the areas includes Treyer, Flower, and Radio Streets. The second area encompasses the neighborhoods bounded by Lime St. to the north, Campbell Street to the south, Child Street to the east, and Broad Street to the west.

A minimum of 50 lead-safe units will be produced for the program at a cost of \$750,000 (\$550,000 from GRHF; \$200,000 from the CDBG). Eligible properties will be privately-owned 1-4 unit residential structures located in one of the target areas. Eligible properties will receive a lead-based paint risk assessment and up to \$15,000 per unit. Owner-occupants must have incomes at or below 80% of the area median income; tenants must have incomes

at or below 50% of the area median income. Property owners will be required to complete a lead-safety training course.

Environmental, Testing & Consulting, Inc. will provide the lead based paint evaluations necessary for the program. The GRHF is aware of the quality of their work and has recommended their participation.

The program is expected to operate over an 18-month period, beginning in spring 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-65  
(Int. No. 71)

**Authorizing Agreements And Appropriating Funds 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 enter into an agreement with the Greater Rochester Health Foundation 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 \$577,500, or so much as may be received, to fund the Lead Hazard Control Program.

Section 3. The Mayor is hereby further authorized to enter into an agreement with Environmental Testing & Consulting, Inc. for lead hazard evaluation services for the Lead Hazard Control Program. The agreement shall obligate the City to pay an amount not to exceed \$27,500, which shall be funded from the appropriation made in Section 2.

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

Section 5. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Lead Hazard Reduction Account) of the 2011-12 Community Development Block Grant the sum of \$200,000, or so much thereof as may be necessary, to fund the Lead Hazard Control Program.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-66  
Re: Acquisition - 4 Straub Street

Transmitted herewith for your approval is legislation approving the acquisition of 4 Straub Street from the US Department of Justice. The total acquisition cost, including closing costs, will not exceed \$40,000 and will be funded from prior years Cash Capital (Focused Investment Strategy).

The site is improved with an approximately 35,000 square foot warehouse, and is a key parcel in the Straub Street Revitalization Project (Ord. No. 2011-6) within the Dewey-Driving Park Focused Investment Strategy (FIS) area. The acquisition will facilitate the City's overall efforts to address Straub Street, which has been identified as a priority in this FIS area.

The United States Marshals Service seized the property in 2010 in an enforcement action.

The purchase price of \$31,300 was established as a result of a sealed-bid auction and the price was substantiated by an independent appraisal prepared by Kevin L. Bruckner, MAI. The City plans to demolish the warehouse and hold the lot for future development.

A Phase I Environmental Review was completed as of October 8, 2010 and a Phase II Environmental Review was completed as of January 2012; no environmental issues were found.

The Mayor is authorized to amend the terms and conditions of the purchase offer as he deems appropriate.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-24

Ordinance No. 2012-66  
(Int. No. 72)

**Authorizing The Acquisition Of 4 Straub Street For The Straub Street Revitalization Project**

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

Section 1. The Council hereby approves the acquisition of 4 Straub Street from the United States Department of Justice to effectuate the Straub Street Revitalization Project.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$31,300, and said amount, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-8 and  
Resolution No. 2012-9  
Re: Reappointments - City Planning  
Commission, and Rochester  
Preservation Board

Transmitted herewith for your approval is legislation confirming the reappointment of the following members of the City Planning Commission and the Rochester Preservation Board.

City Planning Commission

Eugenio Marlin and Heidi Zimmer-Meyer, whose terms expired in January 2012, will each be reappointed to a new two-year term to expire January 30, 2014. During their past two year term, 24 meetings of the Commission were held; each attended 20 of those meetings.

Rochester Preservation Board

Bonita Helen Mayer was appointed in October 2011 to complete the term of a member who had resigned. That term will expire at the end of February 2012. She will be appointed to her first full term, which will expire February 28, 2014. Since her initial appointment, two meetings of the Board were held; Ms. Mayer attended both.

Resumes for these individuals are on file in the Office of the City Clerk. A summary of membership and responsibilities for each of these boards is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-25

Resolution No. 2012-8  
(Int. No. 73)

**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 reappointments of Eugenio Marlin, 25 Riverside Street, and Heidi Zimmer-Meyer, 288 Rockingham Street, to the City Planning Commission for terms which shall expire on January 31, 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2012-9  
(Int. No. 74)

**Resolution Approving Reappointment To The Rochester Preservation Board**

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

Section 1. The Council hereby approves the

reappointment of Bonita Helen Mayer, 48 Atkinson Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-67,  
Ordinance No. 2012-68,  
Ordinance No. 2012-69 and  
Ordinance No. 2012-70

Re: Zoning Map, Official Map, and Zoning  
Text Amendments - Collegetown  
Village District

Transmitted herewith for your approval is legislation related to the Mt. Hope McDonald's Redevelopment Project within the Collegetown Village District. This legislation will:

1. Amend the Zoning Map by rezoning the properties at 18-20 and 24 Fort Hill Terrace from R-1 Low Density Residential to Collegetown Village District (C-V) in conjunction with a proposal to construct a new McDonald's Restaurant. A map of the proposed rezoning is attached.
2. Amend the Official Map of the City of Rochester by abandoning a portion of the west end of Fort Hill Terrace and abandoning the Bartholomew lines along the east and west sides of Mt. Hope Avenue in conjunction with the Mt. Hope McDonald's Redevelopment Project.
3. Amend the Zoning Code of the City of Rochester with regard to drive-through operations and accessory outdoor seating and assembly in the Collegetown Village District. This amendment will restrict the hours of operation allowed by Special Permit in the district to between 11:00 p.m. and 2:00 a.m.

Zoning Map Amendment The two properties are currently in an R-1 Low Density Residential District; 18-20 Fort Hill Terrace is a two-family, non owner-occupied dwelling; 24 Fort Hill Terrace is a two-family, owner-occupied dwelling. The owners of these properties have consented to the rezoning. McDonald's will purchase the properties, demolish the existing structures, and redevelop the parcels in conjunction with their proposal to construct a new restaurant at 1422 Mt. Hope Avenue with a double drive-through component.

Official Map Amendment These abandonments are required for the McDonald's development. The proposal was referred to various City and County agencies for comment; no objections were received.

Zoning Text Amendment Currently, the Zoning Code includes 24-hour operations for drive-through operations and accessory outdoor seating and as-

sembly as Specially Permitted Uses in C-V. This amendment would further limit any drive-through or outdoor use from operating between 2:00 AM and 5:00 AM in the District. Any such request would require a Use Variance. This amendment is proposed in response to neighborhood concerns with late night operations associated with drive-through projects in the District.

The re-zoning will allow the construction of an interconnected access drive with two adjoining property owners. This will provide access to the commercial uses within the C-V District and interconnected parking facilities, which supports the goal of shared access and parking in the District.

The drive-through restaurant proposal will require additional zoning approvals including: site plan approval, variances of certain design standards and a special permit for drive-through operations after 11:00 p.m.

The City Planning Commission held an informational hearing on the Zoning Map Amendment on October 17, 2011. There were two speakers in support of the proposal. By a vote of 5-0, the Commission recommended approval.

The City Planning Commission will hold informational meetings on the Official Map and Zoning Text Amendments on February 13, 2012. The minutes and recommendations from that meeting will be forwarded to Council prior to Committee meetings to be held February 16, 2012.

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

Public hearings for the Zoning Map, Official Map, and Zoning Text Amendments are required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-26

Ordinance No. 2012-67  
(Int. No. 75)

**Changing The Zoning Classification Of 18-20 And 24 Fort Hill Terrace 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 18-20 and 24 Fort Hill Terrace, 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 part of Town Lot 68, 2nd Division, and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of Fort Hill Terrace (50' ROW) and the southerly extension of the east line of Lot 8 of the Elmwood Tract, as filed in the Monroe County Clerk's Office in Liber 17 of Maps, Page 30, said intersection being the Point or Place of Beginning; thence

- 1) Westerly, along said centerline, a distance of 80.0 feet to the southerly extension of the west line of Lot 6 of said Elmwood Tract; thence
- 2) Northerly, along said extension and the west line of Lot 6, a distance of 125.0 feet to the northwest corner thereof; thence
- 3) Easterly, along the north line of said Lots 6 & 8, a distance of 80.0 feet to the northeast corner of said Lot 8; thence
- 4) Southerly, along the east line of said Lot 8 and its extension, a distance of 125.0 feet to the said centerline of Fort Hill Terrace, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 76.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

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

Nays - None - 0.

Ordinance No. 2012-68  
(Int. No. 76, As Amended)

**Amending The Official Map By Abandonment Of A Portion Of Fort Hill Terrace As Part Of The Mt. Hope Avenue Reconstruction Project**

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described parcel, heretofore dedicated to street purposes and constituting a portion of Fort Hill Terrace:

[ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, State of New York and being part of Town Lot 68, bounded and described as follows:

BEGINNING AT the intersection of the north line of Fort Hill Terrace and the east line of East Henrietta Road;

RUNNING THENCE: Easterly, along the north line of Fort Hill Terrace, a distance of 165.47 feet to a point;

RUNNING THENCE: Southwesterly, at an interior angle of 51°-38'-53" with the last described line, a distance of 32.80 feet to a point;

RUNNING THENCE: Southerly, at an interior angle of 218°-19'-05" with the last described line, a distance of 14.27 feet to a point, said point being 10.0 feet northerly of the south line of Fort Hill Terrace as measured at right angles thereto;

RUNNING THENCE: Westerly, at an interior angle of 90°-02'-02" with the last described line and 10.0 feet northerly of the south line of Fort Hill Terrace as measured at right angles thereto, a distance of 135.28 feet to a point on the east line of East Henrietta Road extended;

RUNNING THENCE: Northwesterly, at an interior angle of 103°-48'-00" with the last described line and along the east line of East Henrietta Road extended, a distance of 41.19 feet to the POINT OR PLACE OF BEGINNING, containing 0.13 acre, be the same, more or less.]

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, State of New York and being part of Town Lot 68, bounded and described as follows:

BEGINNING AT A POINT on the north line of Fort Hill Terrace at a distance of 10.98 feet easterly measured along the north line of Fort Hill Terrace from its intersection with the east line of East Henrietta Road; said point being on the southerly extension of the east line of Parcel No. 8 as shown on Map No. 8 of a permanent easement granted to the City of Rochester by deed recorded in the Monroe County Clerk's Office in Liber 10798 of Deeds at Page 181.

RUNNING THENCE: Easterly, along the north line of Fort Hill Terrace, a distance of 147.99 feet to a point;

RUNNING THENCE: Southwesterly, at an interior angle of 20°-00' with the last described line, a distance of 31.95 feet to a point;

RUNNING THENCE: Southerly, at an interior angle of 250°-00' with the last described

line, a distance of 14.07 feet to a point, said point being 25.0 feet northerly of the south line of Fort Hill Terrace as measured at right angles thereto;

RUNNING THENCE: Westerly, at right angles to the last described line and 25.0 feet northerly of the south line of Fort Hill Terrace as measured at right angles thereto, a distance of 119.38 feet to a point on the southerly extension of the east line of said Parcel No. 8 as shown on Map No. 8;

RUNNING THENCE: Northerly, along a curve to the right having a radius of 162.00 feet and along the southerly extension of the east line of said Parcel No. 8, a distance of 25.07 feet to the POINT OR PLACE OF BEGINNING, containing 0.07 acre, be the same, more or less.

SUBJECT to easements, rights-of-way and restrictions of record.

Section 2. The abandonment authorized herein shall take effect upon the compliance by the applicant with the conditions established by the City Planning Commission in its recommendations of February 13, 2012.

Section 3. The following westerly portion of Fort Hill Terrace, which was originally a part of the abandonment area herein, shall remain dedicated to street purposes and is hereby added to East Henrietta Road:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, State of New York and being part of Town Lot 68, bounded and described as follows:

BEGINNING AT the intersection of the north line of Fort Hill Terrace and the east line of East Henrietta Road;

RUNNING THENCE: Easterly, along the north line of Fort Hill Terrace, a distance of 10.98 feet to a point on the southerly extension of the east line of Parcel No. 8 as shown on Map No. 8 of a permanent easement granted to the City of Rochester by deed recorded in the Monroe County Clerk's Office in Liber 10798 of Deeds at Page 181;

RUNNING THENCE: Southerly, along a curve to the left having a radius of 162.00 feet and along the southerly extension of the east line of said Parcel No. 8, a distance of 25.07 feet to a point, said point being 25.0 feet northerly of the south line of Fort Hill Terrace as measured at right angles thereto;

RUNNING THENCE: Westerly, parallel with the south line of Fort Hill Terrace and 25.0 feet northerly thereof as measured at right angles thereto, a distance of 3.43 feet to a point on the present east line of East Henrietta Road extended southerly;

RUNNING THENCE: Northwesterly, at an interior angle of 103°-48'-00" with the last described line and along the present east line of East Henrietta Road extended southerly, a distance of 25.74 feet to the POINT OR PLACE OF BEGINNING, be the same, more or less.

SUBJECT to easements, rights-of-way and restrictions of record.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2012-69  
(Int. No. 77)

**Amending The Official Map By Abandonment Of Bartholomew Lines Along Mt. Hope Avenue South Of Elmwood Avenue As Part Of The Mt. Hope Avenue Reconstruction Project**

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following Bartholomew Lines along the east and west sides of Mt. Hope Avenue south of Elmwood Avenue:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows: Being a strip of land parallel with and 17.0 feet west of the original westerly ROW line of Mt. Hope Avenue (66' ROW) and running from the southerly ROW line of Elmwood Avenue (100' ROW) to the northerly ROW line of Rossiter Road (50' ROW).

Also intending to describe a strip of land parallel with and 17.0 feet east of the easterly ROW line of Mt. Hope Avenue (66' ROW) and running from the southerly ROW line of Elmwood Avenue (100' ROW) to the south line of lands conveyed to the University of Rochester by a deed dated November 14, 1961, filed in Liber 3373 of Deeds, Page 117 and commonly known as #1510 Mt. Hope Avenue, being Tax Account No. 136.610-03-027.

Hereby intending to describe a portion of the existing Bartholomew widening line as last revised by Ordinance No. 87-57.

Section 2. The abandonments authorized herein shall take effect upon the compliance by the applicant with the conditions established by the City Planning Commission in its recommendations of February 13, 2012.

Section 3. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2012-70  
(Int. No. 78)

**Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Special Permits In The 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 amending Section 120-77.1, relating to the Collegetown Village District, as follows:

a. Section 120-77.1A(1) is amended to read in its entirety as follows:

(1) All uses are permitted in fully enclosed buildings in the C-V District between the hours of 6:00 a.m. and 2:00 a.m., 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.

b. Section 120-77.1B(2) is amended to read in its entirety as follows, a new 120-77.1B(3) is added to read in its entirety as follows, and 120-77.1B(3) is renumbered as 120-77.1B(4):

(2) Accessory outdoor seating/assembly areas operating between the hours of 11:00 p.m. and 2:00 a.m.

(3) Drive throughs operating between the hours of 11:00 p.m. and 2:00 a.m.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 10 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 10 was introduced January 24, 2012 and appears in its original form with its transmittal letter on page 20 of the current Council Proceedings.

Attachment No. AL-27

Ordinance No. 2012-71  
(Int. No. 10)

**Authorizing The Acquisition By Negotiation Or Condemnation Of 236 University Avenue For The Facilities Modernization Program**

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

By Councilmember Scott  
February 21, 2012

To the Council:

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

Int. No. 80 - Establishing Maximum Compensation For An Agreement For Flyer Delivery Services

Int. No. 81 - Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of 62-64 Scio Street

Int. No. 82 - Authorizing Agreements And Appropriating Funds For The Environmental Cleanup Of 300, 304-308 And 320 Andrews Street And 25 Evans Street

Int. No. 83 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Bicycle Enhancement Project And Appropriating Funds

Int. No. 84 - Authorizing Agreements For Mechanical, Electrical And Plumbing Engineering Services For Building Renovation Projects

Int. No. 85 - Establishing Maximum Compensation For A Professional Services Agreement For The 414 Andrews Street HVAC Upgrades Project

Int. No. 86 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$402,000 Bonds Of Said City To Finance The Cost Of Repairs To The HVAC System Of The City Facility At 414 Andrews Street In The City

Int. No. 87 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Quality Testing Services

Int. No. 95 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$446,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Newbury Street Group Curb Replacement Project In The City

Int. No. 96 - Establishing Maximum Compensation

tion For A Professional Services Agreement For The Sister Cities Garage Elevator Evaluation And Repair Project

Int. No. 97 - Establishing Maximum Compensation For A Professional Services Agreement For The Inner Loop East Reconstruction Project, Appropriating Funds, Amending Ordinance No. 2007-101 And The 2011-12 Budget And Amending Ordinance No. 2012-28, As Amended

The following entitled legislation is being held in Committee:

Int. No. 79 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park West Master Plan

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-72  
Re: Agreement - Foodlink, Flyer Delivery Service

Transmitted herewith for your approval is legislation establishing \$2,000 as maximum annual compensation for an agreement with Greenworks (an enterprise of Foodlink, Rochester) for delivery of flyers notifying residents of upcoming public informational meetings related to upcoming City capital improvement projects. This agreement will be for a term of one year, with five one-year renewal options. The cost will be funded from the 2011-12 Budget of the Department of Environmental Services and subsequent budgets, contingent upon their approval.

Greenworks, formerly known as the Rochester Landscape Technician's Program, has been providing flyer delivery services for the City since 2007. In 2011, they joined the Foodlink organization. Greenworks prepares participants for employment through job readiness skills development, training, GED preparation, and real work.

The current agreement expires March 30, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-72  
(Int. No. 80)

**Establishing Maximum Compensation For An Agreement For Flyer Delivery Services**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$2,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and Greenworks, an enterprise of Foodlink, for flyer delivery services for a term of one year, with five annual renewal options. Said amount shall be funded from the 2011-12 and subsequent Budgets of the Department of Environmental Services, subject to the adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-73  
Re: Agreement - Lu Engineers,  
62-64 Scio Street, Brownfield Project

Transmitted herewith for your approval is legislation establishing \$215,700 as maximum compensation for an agreement with Lu Engineers to complete an environmental cleanup project at the City-owned parcel located at 62-64 Scio Street. The cost of the agreement will be financed from \$175,700 of previously appropriated Environmental Protection Agency (USEPA) brownfield cleanup grant funds (Ordinance No. 2011-278) and \$40,000 in prior years' Cash Capital. The balance of the grant appropriation, \$24,300, will be used to reimburse the City for staff and supply costs required to conduct the project.

Lu will assist the City in the development and implementation of a Corrective Action Plan (CAP) to remediate petroleum contaminated soil and groundwater attributed primarily to former on-site gasoline underground storage tank systems.

In November 2011, the Department of Environmental Services, Division of Environmental Quality (DEQ) issued a request for proposals for project consulting services to 13 pre-qualified local firms. The RFP was also publicly advertised and posted on the City website. Proposals were received from: Barton and Loguidice; Bergmann Associates; Day Environmental; Leader; Lu Engineers; and Passero Associates. Proposals were evaluated by two DEQ environmental specialists. Lu is recommended based on the quality and scope of its proposal, experience with hazardous materials and petroleum cleanup projects, the proposed project team, and reasonableness of cost.

It is anticipated that the cleanup will be initiated in the summer of 2012 after New York State Department of Environmental Conservation (NYSDEC) CAP approval, and require 12-18 months to complete. The agreement will have an initial term of two years with provisions for an extension of one year if the project duration and/or scope require modification.

This project will result in the retention or creation of approximately 2 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-28

Ordinance No. 2012-73  
(Int. No. 81)

**Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of 62-64 Scio Street**

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

Section 1. The sum of \$215,700, 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 Lu Engineers to complete an environmental cleanup project at the City-owned parcel at 62-64 Scio Street. The agreement shall extend for a term of two years, with a one-year renewal option. Of said amount, \$175,700 shall be funded from the United States Environmental Protection Agency Brownfields Cleanup Grant Funds appropriated in Ordinance No. 2011-278, and \$40,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-74  
Re: Amendatory Agreement - Day Environmental, Inc., Andrews Street Site

Transmitted herewith for your approval is legislation related to the environmental investigation and cleanup of a City-owned site at 300, 304-308, and 320 Andrews Street and 25 Evans Street. This legislation will:

1. Authorize an agreement with the US Environmental Protection Agency (USEPA) for the receipt and use of a \$200,000 Brownfield Cleanup grant to finance a portion of the interim cleanup of the Site.
2. Authorize an amendatory agreement with Day Environmental, Inc. (DAY), for continued cleanup at the site. The original agreement (Ord. No. 2009-387) established \$547,350 as maximum compensation and a term of up to three years. This amendment will increase compensation by \$213,100 to a total of \$760,450 and extend the term by an additional two years. The cost of the agreement will be financed from the USEPA grant appropriated herein (\$173,100) and prior years' Cash

Capital (\$40,000).

The balance of the grant amount, \$26,900, will be used to reimburse the City for staff and supply costs required to conduct the project.

The 1.5 acre Site had been used for various commercial and industrial uses since the early 1920's, including a commercial bus depot and garage, gasoline station, chemical sales/distribution, dry cleaning equipment distributor, fuel oil contractor, and warehousing. Previous investigations have identified several recognized environmental conditions of concern, including soil and groundwater contamination.

The City used a previous grant from the New York State Environmental Restoration Program (ERP) to fund the original agreement with Day Environmental. To date, the remedial investigation has been completed along with two interim remedial measures: removal of underground storage tanks and remediation of soil contaminated with volatile organic compounds. The additional funds from the current EPA grant will allow Day to continue the interim cleanup activities. The recently completed investigation confirms that an area on the northern portion of the Site is highly contaminated with volatile organic compounds. Under the proposed amendatory agreement, Day will remove more of the contaminant source and perform additional cleanup.

Subsurface environmental investigation and interim remedial activities are expected to be completed by the end of 2013. After completion of the required investigation and interim remedial measures, Day will evaluate the level of residual contamination to determine if more cleanup is required to meet NYSDEC standards. It is possible that the interim measures currently underway will be sufficient and no further action will be necessary.

DES is coordinating this project with the Neighborhood and Business Development Department which plans to offer the Site for redevelopment upon completion of the cleanup.

The proposed amendatory agreement will result in the retention or creation of approximately 2 full time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-29

Ordinance No. 2012-74  
(Int. No. 82)

**Authorizing Agreements And Appropriating Funds For The Environmental Cleanup Of 300, 304-308 And 320 Andrews Street And 25 Evans Street**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Environmental Protection Agency for a Brownfields Cleanup Grant for the cleanup of the City-owned parcels at 300, 304-308 and 320 Andrews Street and 25 Evans Street.

Section 2. The sum of \$200,000 is hereby appropriated from United States Environmental Protection Agency Brownfields Cleanup Grant Funds to finance the cleanup of the City-owned parcels at 300, 304-308 and 320 Andrews Street and 25 Evans Street.

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

Section 4. The sum of \$213,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Day Environmental, Inc. for environmental cleanup of the City-owned parcels at 300, 304-308 and 320 Andrews Street and 25 Evans Street. The amendatory agreement shall extend for an additional term of two years. Of said amount, \$173,100 shall be funded from the appropriation made in Section 2 and \$40,000 shall be funded from the Cash Capital allocation from prior years.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-75  
Re: Agreement - C&S Companies,  
Rochester Bicycle Enhancement  
Project

Transmitted herewith for your approval is legislation related to Rochester Bicycle Enhancement Project. This legislation will:

1. Appropriate \$192,000 in anticipated reimbursements from the Federal Highway Administration (Congestion Mitigation and Air Quality) to partially finance the construction phase of the project.
2. Establish \$46,000 as maximum compensation for an agreement with C&S Companies (Rochester) for design and resident project representation (RPR) services related to the project. The cost of the agreement will be funded as follows:

FHWA Appropriation (current)	\$15,000
FHWA Appropriation (Ord. No. 2011-251)	17,000
City Cash Capital (prior years)	9,000
City Cash Capital (2011-12)	5,000
	<u>\$46,000</u>

This federal aid project includes installation of

bicycle lane markings (i.e., exclusive bicycle lanes and shared use lanes) and associated signage on approximately 15 centerline miles of arterial and collector streets. Demonstration installations of innovative markings such as colored bicycle lanes and bicycle boxes are also planned. Specific locations for these treatments will be identified during design.

City Council previously authorized the appropriation of \$17,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to partially finance the detailed design phase of the project, and agreements with the New York State Department of Transportation to participate in and administer the project (Ord. No. 2011-251).

The estimated project construction cost is \$221,000 and will be financed from the appropriation requested herein (\$177,000) and Department of Environmental Services 2012-13 Cash Capital allocations (\$44,000).

NYSDOT has established a pre-approved list of regional engineering firms from which project sponsors may obtain engineering services for Federal Aid transportation projects. Qualifications were solicited from the 14 firms on the list. Five proposals were received: Barton & Loguidice, P.C.; Bergmann Associates, P.C.; Clark Patterson Lee; C&S Companies; and T.Y. Lin International. A team of four City staff reviewed the proposals and, based on their qualifications and approach to the project, C&S Companies was selected.

Design services will begin in winter 2012 with construction planned for fall 2012. This project results in the creation/retention of the equivalent of 2.8 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-30

Ordinance No. 2012-75  
(Int. No. 83)

**Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Bicycle Enhancement Project And Appropriating Funds**

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

Section 1. 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 C&S Companies for design and resident project representation services for the Rochester Bicycle Enhancement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$15,000 shall be funded from the appropriation made in Section 2, \$17,000 shall be funded from the Federal Highway Administration funds

appropriated in Ordinance No. 2011-251, \$9,000 shall be funded from the Cash Capital allocation from prior years and \$5,000 shall be funded from the 2011-12 Cash Capital allocation.

Section 2. The sum of \$192,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Rochester Bicycle Enhancement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-76  
Re: Agreements - Mechanical, Electrical,  
Plumbing Engineering Services

Transmitted herewith for your approval is legislation authorizing agreements with the following firms for mechanical, electrical, plumbing engineering services related to City building renovation projects:

<u>Company</u>	<u>Address</u>
Clark, Patterson, Lee Associates	205 St. Paul Street, Suite 500, 14604
Hunt Engineer Architects & Land Surveyors, P.C.	4 Commercial Street, Suite 300, 14614
LaBella Associates, P.C.	300 State Street, Suite 201, 14614
M/E Engineering, P.C.	150 N. Chestnut Street, 14604
Q-Tech Engineering, P.C.	217 W. Commercial Street, 14445
RAM Tech Engineers	300 State Street, Suite 703, 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 engineering services have been in place since 2005. These services include: conducting mechanical system evaluations of existing facilities as requested by the City; design services including preparing contract documents for contracted maintenance work and providing inspection of that work during construction; and commissioning of systems after construction completion.

In December 2011, the Department of Environmental Services solicited proposals from 10 firms and also requested proposals through the City's website. Proposals were received from 13 firms: Clough, Harbour & Associates, LLP; Clark, Patterson, Lee Associates; Hunt Engineers, Architects & Land Surveyors, P.C.; IBC Engineering, P.C.; KCI Engineering, of New York P.C.; LaBella Associates, P.C.; Lakeside Engineering, P.C.; M/E Engineering, P.C.; Pathfinder Engineers & Architects, LLP; Q-Tech Engineering, P.C.; RAM Tech Engi-

neers; Stantec Consulting Services, Inc.; and T.Y. Lin International Company.

The recommendation for the six firms is based on the variety and availability of services provided, qualifications, and past experience. Q-Tech Engineering, M/E Engineering, and LaBella Associates participated in the previous contract for these services. RAM Tech Engineers, Hunt Engineers, Architects & Land Surveyors, and Clark, Patterson, Lee Associates are new providers.

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 three years.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-76  
(Int. No. 84)

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

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for mechanical, electrical and plumbing engineering services required for building renovation or capital projects as required by the City:

<u>Organization</u>	<u>Address</u>
Clark, Patterson, Lee Associates	205 St. Paul St., Suite 500, Rochester 14604
Hunt Engineers, Architects & Land Surveyors, P.C.	4 Commercial St., Suite 300, Rochester 14614
LaBella Associates, P.C.	300 State Street, Suite 201, Rochester 14614
M/E Engineering, P.C.	150 North Chestnut Street, Rochester 14604
Q-Tech Engineering, P.C.	217 W. Commercial St., East Rochester 14445
RAM-Tech Engineers	300 State Street, Suite 703, Rochester 14614

Section 2. The agreements shall extend for a term of three years and shall obligate the City to pay unit prices and a total 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. 2012-77 and  
Ordinance No. 2012-78  
Re: Agreement - LaBella Associates  
P.C., 414 Andrews Street HVAC  
Upgrades

Ordinance No. 2012-77  
(Int. No. 85)

Transmitted herewith for your approval is legislation related to HVAC upgrades at 414 Andrews Street, a City-owned facility. This legislation will:

1. Establish \$50,000 as maximum compensation for an agreement with LaBella Associates P.C. for mechanical engineering design, construction administration, and commissioning services. The cost of the agreement will be funded from the appropriation requested herein.
2. Authorize the issuance of bonds totaling \$402,000 and the appropriation of the proceeds thereof to finance the agreement and construction of the project.

The Andrews Street facility, built in 1936, is a 40,000 square foot building that currently houses the Department of Environmental Services Divisions of Architectural Services and Building Services, and the City's Record Archives. The mechanical system for this building is approximately thirty years old, in poor condition, and does not provide for any fresh air intake into the building. Parts for the system are no longer available for repairs and units require regular maintenance to keep them running. The majority of the steam piping is original, and in poor condition.

Prior evaluations of the building by Erdman Anthony and the New York Power Authority recommend two roof-top air conditioning units that will also address ventilation issues, and hot water units to heat the vehicle bay and storage areas. The project will also include the installation of a new boiler; the existing distribution piping will be evaluated for possible reuse.

The Department of Environmental Services issued a request for proposals in November 2011 which was posted on the City website and sent directly to six firms. Proposals were received from seven firms: Ram-Tech Engineers of Rochester P.C.; Erdman Anthony; KCI Engineering of NY, P.C.; Tetra Tech Architects and Engineers; IBC Engineering, P.C.; LaBella Associates P.C.; and Stantec Consulting Services Inc. Based on their qualifications, approach to the project and experience in completing similar projects, a team of four DES staff recommend LaBella Associates P.C.

The estimated project cost of \$350,000 will be funded from the proceeds of the bonds requested herein. This phase of the project will result in the creation or retention of .5 jobs. Design will begin in March 2012; it is anticipated that construction will begin in March 2013 with scheduled completion in October 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

**Establishing Maximum Compensation For A Professional Services Agreement For The 414 Andrews Street HVAC Upgrades Project**

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates PC for mechanical engineering services for the 414 Andrews Street HVAC Upgrades Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-78  
(Int. No. 86)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$402,000 Bonds Of Said City To Finance The Cost Of Repairs To The HVAC System Of The City Facility At 414 Andrews Street In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of repairs to the HVAC system of the City facility at 414 Andrews Street, a Class "B" building, 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 \$402,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$402,000 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 \$402,000 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 \$402,000. 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 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. 2012-79  
Re: Amendatory Agreement - Analytical Services, Inc., Water Monitoring Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Analytical Services, Inc. (Williston, VT) for additional water quality testing services. The original agreement (Ordinance No. 2011-112) authorized a three-year agreement at \$2,000 per year. This amendment will increase compensation by \$13,000 for a total of \$15,000 for the current year. The additional cost will be funded from the 2011-12 Department of Environmental Services Operating Budget (Water Fund).

The EPA recently granted the City an extension to its Bilateral Compliance Agreement (BCA) regarding installation of ultraviolet (UV) disinfection reactors at Cobbs Hill and Highland reservoirs. A condition of the amended BCA requires the City to test the water leaving Cobbs Hill and Highland reservoirs for the presence of the waterborne pathogens *Giardia* and *Cryptosporidium*. The purpose of the testing is to document that additional UV treatment is not needed. This additional testing was not anticipated under the original agreement.

Since the frequency of the testing has increased sharply, new bids will be solicited, and a new agreement created, to cover testing services after May, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-79  
(Int. No. 87)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Quality Testing Services**

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

Section 1. The sum of \$13,000, or so much thereof as may be necessary, is hereby established as the additional compensation to be paid for the current year of a professional services agreement between the City and Analytical Services, Inc. for water quality testing services. Said amount shall be funded from the 2011-12 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. 2012-80  
Re: Newbury Street Group Curb Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$446,000 and the appropriation of the proceeds thereof to partially finance street work related to the Newbury Street Group Curb Replacement Project.

The Newbury Street Group Curb Replacement Project was designed in-house and includes Newbury Street (Electric Avenue to Ridgeway Avenue) and Westmount Street (Electric Avenue to Ridgeway Avenue). The project includes: installation of new curbs, driveway aprons, and catch basins; replacement of sidewalks as needed; and topsoil and seed.

Pavement width changes which will provide for two travel lanes and on-street parking were previously approved by City Council in December 2011 (Ordinance No. 2011-401).

Bids for construction were received on January 31, 2012. The apparent low bid of \$444,788 was submitted by Genesee Building Restoration, Inc. which is 17.4% more than the engineer's estimate. An additional \$22,632 will be allocated for project contingencies.

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

Total	Street Bonds	Street Cash	Water Cash
Construction			
\$444,788	\$443,363	\$ 0	\$1,425
RPR			
45,000	0	45,000	0

Contingency				
	<u>22,632</u>	<u>2,637</u>	<u>19,850</u>	<u>145</u>
Totals	\$512,420	\$446,000	\$64,850	\$1,570

A public informational meeting was held on November 9, 2011. A copy of the meeting minutes are on file in the City Clerk's Office.

Construction is scheduled to begin in the spring of 2012 with substantial completion in the summer of 2012. This project results in the creation/retention of the equivalent of 4.8 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-31

Ordinance No. 2012-80  
(Int. No. 95)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$446,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Newbury Street Group Curb Replacement 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 the design, construction and reconstruction of certain streets as a part of the Newbury Street Group Curb Replacement Project, including improvements to Newbury Street from Electric Avenue to Ridgeway Avenue, and to Westmount Street from Electric Avenue to Ridgeway Avenue, in the City (the "Project"). The total currently estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$512,420. The plan of financing includes the issuance of \$446,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$66,420 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$446,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be in-

curred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

of the provisions of the Constitution.

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-81  
Re: Agreement - Pardi Partnership  
Architects, P.C., Sister Cities  
Garage Elevator Repairs

Transmitted herewith for your approval is legislation establishing \$61,000 as maximum compensation for an agreement with Pardi Partnership Architects, P.C. for architectural and engineering services for the Sister Cities Garage Elevator Evaluation and Repair project. The agreement will be financed from the 2011-12 Municipal Parking Cash Capital allocation.

Sister Cities Parking Garage, built in 1990, has two banks of elevators (four elevators total) with delayed and generally poor response times likely caused by obsolete pneumatic technology. This project will upgrade the elevators to address response times and maintenance issues, meet current code compliancy, mitigate water intrusion and related concerns as possible contributing factors to mechanical problems and evaluate cab conditions.

The project will address the immediate elevator deficiencies at the Sister Cities Parking Garage. Pardi Partnership Architects will provide full design services from evaluation and programming through construction administration and post-construction phase services.

In December 2011, the Department of Environmental Services issued a request for proposals directly to five firms and posted the RFP on the City website. Proposals were received from three firms: Stantec Consulting Services; Hunt Engineers, Architects & Land Surveyors, P.C.; and Pardi Partnership Architects, P.C. Based on their qualifications, approach to the project and experience in completing similar projects, Pardi Partnership Architects, P.C. was selected by a team that included four staff members: three from DES/Architecture and Engineering, and one from Municipal Parking.

Construction costs are estimated at \$189,780, which will be funded from the 2011-12 Municipal Parking Cash Capital allocation.

Design will begin in May 2012 with completion in December 2012; repairs are anticipated to be completed by June 2013. This project results in the

creation/retention of a .5 full-time job.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-81  
(Int. No. 96)

**Establishing Maximum Compensation For A Professional Services Agreement For The Sister Cities Garage Elevator Evaluation And Repair Project**

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

Section 1. The sum of \$61,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Pardi Partnership Architects, PC for architectural and engineering services for the Sister Cities Garage Elevator Evaluation and Repair 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 2011-12 Cash Capital allocation (Parking Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-82  
Re: Amendatory Agreement - Stantec Consulting Services, Inc., Inner Loop Improvement Project

Transmitted herewith for your approval is legislation related to the Inner Loop Improvement project. This legislation will:

1. Amend the 2011-12 Budget by transferring \$390,000 from Contingency to Cash Capital to finance a portion of the local costs for the Project.
2. Authorize the appropriation of \$1,651,000 in anticipated Federal Highway Aid to finance a portion of the Federal costs for the Project.
3. Authorize an amendatory agreement with Stantec Consulting Services, Inc. for additional design services for the project. The original agreement authorized \$480,000 as maximum compensation (Ord. No. 2007-101). This amendment will increase that amount compensation by \$1,950,000, for a total of \$2,430,000. The additional cost will be financed from the current Federal Highway Aid appropriated herein (\$1,560,000) and 2011-12 Cash Capital (\$390,000).
4. Amend Ordinance 2007-101 to correct the funding split for the original agreement to

80% Federal and 20% State. This amendment will change the amount of Federal funding from \$400,000 to \$384,000; and the amount of New York State funding from \$80,000 to \$96,000.

The Inner Loop is a Federal Aid "principal arterial street" on the National Highway System. The Inner loop, owned by New York State, was built in the late 1950s and early 1960s. At that time, the Inner Loop Expressway was part of the new network built to better distribute traffic through and around downtown, connecting to I-490 and ultimately intended to complete the extension of I-390 to the Central Business District area.

However, the I-390 extension to the Center City never came to fruition and, as a result, the Inner Loop East, generally the area from Main Street to Monroe Avenue, has never handled the traffic it was built to serve. Over the last two decades, many plans and studies have been completed with the goal of revitalizing the Center City and adjacent neighborhoods. Virtually all of these planning efforts have envisioned removal of some or all of the Inner Loop and its replacement with a more community-oriented street.

A study to determine the feasibility of realigning and raising a one-mile section of the Inner Loop East to grade level, and realigning and reconstructing the subgrade approaches to the raised section, was recently completed by Stantec under an agreement authorized by Council in April 2007. The study included: an evaluation of traffic, environmental, economic and other impacts; cost estimates for these concepts; and the preparation of appropriate reports to obtain future Federal and State construction funds for the project. A copy of the study is available in the City Clerk's office.

The City recently applied for \$14.7 million of 2011 US Department of Transportation TIGER Discretionary Grant Program funding for the Inner Loop East Reconstruction Program. Council authorized application for that grant in September 2011. The City was not awarded funding.

Feedback from the US DOT suggests that demonstrating progress in the final design of the project will better position the City's application for next round of TIGER funding, which was announced January 30, 2012. Applications are due March 19, 2012.

In 2007 (Ordinance No. 2007-101), Stantec was selected through a request for proposals for multi-phase design services for the Inner Loop project. The RFP was issued state-wide according to the process required for Federal aid projects. Stantec's successful completion of work on the scoping and preliminary design phases uniquely qualifies them to provide final design services for this phase of the Inner Loop East Reconstruction Project.

The tables below summarize the sources and uses of funding for the design portions of this project. Approval of the current amendment will leave a balance of \$111,000 in SAFETEA-LU funds for

use during the construction phase.

	SOURCES \$2,541,000		
	Federal	State	City
2003 FHWA TIP	\$ 400,000	\$100,000	\$390,000
2005 SAFETEA-LU*	\$1,651,000		
Totals	\$2,051,000	\$100,000	\$390,000

\*Congresswoman Slaughter earmark

	USES		
Stantec	Federal	State	
City	Totals		
2003 scoping study	\$ 384,000	\$96,000	\$ 480,000
2012 final design	\$1,560,000		\$1,950,000
Totals	\$1,944,000	\$96,000	\$2,430,000

It is anticipated that the final design will be completed in the spring of 2013.

This project results in the creation and/or retention of the equivalent of approximately 21 full-time positions.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-32

Ordinance No. 2012-82  
(Int. No. 97, As Amended)

**Establishing Maximum Compensation For A Professional Services Agreement For The Inner Loop East Reconstruction Project, Appropriating Funds, Amending Ordinance No. 2007-101 And The 2011-12 Budget And Amending Ordinance No. 2012-28**

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

Section 1. The sum of \$1,950,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for design of the Inner Loop East Reconstruction Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$1,560,000 shall be funded from the appropriation made in Section 3 and \$390,000 shall be funded from the 2011-12 Cash Capital allocation.

Section 2. Ordinance No. 2007-101, relating to an agreement with Stantec Consulting Services, Inc. for an Inner Loop East Traffic/Scoping Study, is hereby amended by reducing the funding from the Federal Highway Administration funds appropriated in Section 4 of Ordinance No. 2001-369 from \$400,000 to \$384,000, and by increasing the

funding from the State of New York funds appropriated in Section 4 of Ordinance No. 2001-369 from \$80,000 to \$96,000.

Section 3. The sum of \$1,651,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Inner Loop East Reconstruction Project.

Section 4. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$390,000 from the Contingency allocation to the Cash Capital allocation to fund the Inner Loop East Reconstruction Project.

Section 5. Ordinance No. 2012-28, relating to the 2012 Preventive Maintenance Project at Four Locations Project, is hereby amended by reducing the funding for the agreement in Section 4 thereof from anticipated reimbursements from the Federal Highway Administration from \$51,000 to \$40,000, and by increasing funding from the Cash Capital allocation from prior years from \$69,000 to \$80,000.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 79  
Re: Agreement - Bayer Landscape  
Architecture, PLLC, Genesee  
Valley Park West Master Plan

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with Bayer Landscape Architecture, PLLC, Honeoye Falls, NY, for development of the Genesee Valley Park West Master Plan, and appropriating \$60,000 from the 2009-10 New York State Department of State, Local Waterfront Revitalization Plan (LWRP) funding to partially finance the agreement. The balance of \$60,000 will be funded from prior years' Cash Capital allocations. The LWRP grant agreement was authorized in July 2008 (Ord. No. 2008-269).

The project will include the following:

- Inventory and analysis of current conditions, including boathouse, pool and ice rink complex, ball fields, tennis courts, vehicular and pedestrian circulation, lodge, play equipment, scenic vista/viewshed, and vegetation
- Historic landscape analysis
- Hydro-geological study of Genesee River shoreline along the immediate project area
- Alternative schematic designs for an expanded/new boathouse and the park
- Recommendations for historic landscape treatments
- Cost estimates

- Recommended implementation strategies and funding sources
- Management and operation recommendations
- Public input sessions
- Recommended master plan with SEQR Long Form Environmental Assessment

A request for proposals was posted on the City's website and sent directly to 21 firms. Nine firms submitted proposals: Bayer Landscape Architecture, PLLC; Bergmann Associates, P.C.; Barton & Loguidice, P.C.; WM Price Design LLC; QPK Design; T.Y. Lin International; edr Companies; McCord Landscape Architecture; and Stantec Consulting Services, Inc. Bayer Landscape Architecture is recommended based on their team's qualifications, project knowledge, proposal strength, and ability to complete the project on schedule.

This phase of the project results in the creation/retention of the equivalent of 1.3 full-time jobs. Planning is scheduled to begin in March 2012 and be completed in January 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 79

**ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE GENESEE VALLEY PARK WEST MASTER PLAN**

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

Section 1. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bayer Landscape Architecture, PLLC for preparation of the Genesee Valley Park West Master Plan. Of said amount, \$60,000 is hereby appropriated from funds to be received from the New York State Department of State under the Local Waterfront Revitalization Program, and \$60,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember McFadden  
February 21, 2012

To the Council:

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

Int. No. 88 - Authorizing An Agreement With The Town Of Brighton For Continuation Of Mutual Fire Assistance To West Brighton

Int. No. 89 - Amending The 2011-12 Budget For The HEART Coalition For A Drug-Free Rochester Program

Int. No. 90 - Authorizing Agreements For Sexual Health Promotion For Young People And Amending The 2011-12 Budget

Int. No. 91 - Authorizing An Agreement For Food Concessions At The Genesee Valley Park Sports Complex

Int. No. 92 - Authorizing An Agreement For Funding For The STOP DWI Program And Amending The 2011-12 Budget

Int. No. 98 - Establishing Maximum Compensation For A Professional Services Agreement For The Adult Softball Program

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

Int. No. 93 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 94 - Local Improvement Ordinance - Security At The Public Market

Respectfully submitted,  
Adam C. McFadden  
Matt Haag (*Abstained on Int. No. 90*)  
Loretta C. Scott (*Abstained on Int. No. 90*)  
Lovely A. Warren  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-83  
Re: Amending Agreement - Town of Brighton, West Brighton Fire Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Town of Brighton for the provision by the Rochester Fire Department of limited fire service to the West Brighton Fire Protection District. This amendment will extend the agreement for up to one additional year, through December 31, 2012. It is anticipated that authorization of a new agreement for the provision of primary services to the West Brighton Fire District will be requested before then.

The current agreement, authorized in 2007 (Ord. No. 2007-53), and extended through 2011 (Ord. No. 2011-121), the RFD provides six firefighters and apparatus for all calls classified as possible structure fire assignments, and at least four firefighters and apparatus for all automatic fire alarms at fifteen specified addresses on East River Road, East Henrietta Road, and Corporate Woods in the Town of Brighton.

The proposed agreement will have a term of up to one year with a fee of \$125,000. Upon execution of a new agreement, the fee will be prorated and the new agreement will supersede the current agreement.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-83  
(Int. No. 88)

**Authorizing An Agreement With The Town Of Brighton For Continuation Of Mutual Fire Assistance To West Brighton**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the Rochester Fire Department will continue to provide mutual assistance to the West Brighton Fire Protection District on structural fire calls and automatic alarms from specified addresses through a period not to exceed December 31, 2012.

Section 2. The agreement shall obligate the Town of Brighton to pay to the City the annual sum of \$125,000, which shall be prorated if the agreement is superseded earlier.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-84  
Re: Budget Amendment -  
HEART Coalition

Transmitted herewith for your approval is legislation amending the 2011-12 Budget of the Department of Recreation and Youth Services to re-appropriate \$8,000 in unspent 2010-11 U.S. Department of Health and Human Services grant funds for use in the 2011-12 program. This grant from the Substance Abuse and Mental Health Services Administration supports the HEART Coalition for A Drug-Free Rochester.

In 2010, the City was awarded a second five-year cycle of funding of \$125,000 annually. Ordinance No. 2011-335 (October) authorized the receipt and use of the 2011-12 grant and several agreements to implement the program. The overall goal of the project is to reduce substance abuse, especially of alcohol and marijuana, among youth ages 11-18, through the efforts of a community-wide coalition.

The re-appropriated 2010-11 amount will be used

to support 2011-12 programs as follows:

Printing and advertising	\$5,000
Educational and recreation supplies	2,000
Rent	<u>1,000</u>
	\$8,000

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-33

Ordinance No. 2012-84  
(Int. No. 89)

**Amending The 2011-12 Budget For The HEART Coalition For A Drug-Free Rochester Program**

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

Section 1. Ordinance No. 2011-188, the 2011-12 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 \$8,000, which amount is hereby reappropriated from 2010-11 United States Department of Health and Human Services Substance Abuse and Mental Services Administration funds for the HEART Coalition for a Drug-Free Rochester Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-85  
Re: Agreement and Budget Amendment -  
New York State Department of  
Health, Sexual Health Grant

Transmitted herewith for your approval is legislation related to funding for the Sexual Health Promotion through Youth Leadership (SHPYL) Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of \$15,538 in additional funding for the 2011-12 SHPYL Program. This amount reflects an unanticipated cost of living adjustment (COLA) provided by the DOH.
2. Amend the 2011-12 Budget of the Department of Recreation and Youth Services by \$15,600 to reflect a portion of these funds which will be used to purchase program supplies and equipment.
3. Authorize amendatory agreements with Baden Street Settlement/Metro Council for Teen Potential and AIDS Care to increase their maximum compensation by \$3,000 and

\$2,000, respectively, to reflect the COLA.

The agreements with service providers were authorized in July 2011 (Ord. No. 2011-258). The City was notified in January 2012 that the New York State Department of Health had authorized the COLA for the SHPYL Program, based upon a Congressional Budget Office calculation for state fiscal year 2011-12, resulting in an additional \$15,538.

This unanticipated revenue will support staff and youth service projects. The table below summarizes funding for the 2011-12 SHPYL program. Additional detail on the use of the funds is attached.

	Original Amount	Feb 2012 COLA	Final Amount
Baden/Metro Council for Teen Potential	\$ 99,130	\$ 3,000	\$102,130
AIDS Care	20,000	2,000	22,000
DRYS 2011-12 Operating Budget	74,605	10,538	85,143
Total	\$193,735	\$15,538	\$209,273

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-34

Ordinance No. 2012-85  
(Int. No. 90)

**Authorizing Agreements For Sexual Health Promotion For Young People And Amending The 2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for additional funding for the 2011-12 Sexual Health Promotion for Young People through Youth Leadership and Community Engagement Project.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential in an amount not to exceed \$3,000 to provide Project services.

Section 3. The Mayor is hereby further authorized to enter into an amendatory agreement with AIDS Care in an amount not to exceed \$2,000 to provide a part-time health education coordinator for Project activities.

Section 4. The agreements shall obligate the City 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 2011-12 Budget of the Department of Recreation and Youth Services.

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

Section 6. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$15,600, which amount is hereby appropriated from funds to be received from the New York State Department of Health for additional funding for the 2011-12 Sexual Health Promotion for Young People through Youth Leadership and Community Engagement Project.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Spaul - 7.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship, and Councilmember Scott abstained because of professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-86  
Re: License Agreement - Salvatore's Pizzeria, Food Concession at Genesee Valley Sports Complex

Transmitted herewith for your approval is legislation authorizing a license agreement with Salvatore's Pizzeria (Michael Delgaizo, principal) for the operation of the food concessions in Genesee Valley Sports Complex. The agreement is for one year with an option to renew for four one-year terms.

The current market rate for this space, as determined by an independent appraisal, is \$720 per month. However, as a result of amortizing a portion of the tenant's cost of improvements, the first year's rent will be reduced to \$350 per month. Upon renewal of the agreement, the rental rate will revert to current market value, to be determined at that time by an independent appraisal.

Equipment and supplies purchased by the operator that are not structural to the facility will be the property of the operator; the City will have the opportunity to purchase unwanted items upon termination of the agreement. The operator will not be entitled to any additional consideration for improvements made to the building.

A request for proposals to provide concession services was posted on the City website and advertised through a press release. Proposals were received from Harris Vending Services and Salvatore's Pizzeria. A review by City staff resulted in the selection of Salvatore's based on availability,

experience, and menu offerings. Salvatore's Pizzeria has operated in the Rochester area since 1978 and all locations are locally-owned.

The initial term of this agreement will be from April 1, 2012 to March 31, 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-86  
(Int. No. 91)

**Authorizing An Agreement For Food Concessions At The Genesee Valley Park Sports Complex**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Salvatore's Pizzeria for the operation of the food concessions at the Genesee Valley Park Sports Complex for a term of one year, with four additional one-year renewal options.

Section 2. The agreement shall initially obligate Salvatore's Pizzeria to pay the City \$350 per month for the concession rights. Said amount may be adjusted in subsequent years to reflect the market rate.

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. 2012-87  
Re: Agreement - Monroe County,  
Stop DWI 2012

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$133,142 in New York State funds for the 2012 Stop DWI Program, and amending the 2011-12 Budget of the Police Department by \$44,300 to reflect a portion of these funds. The balance of the award will be included in the proposed 2012-13 Budget of the Police Department. The agreement was authorized by the Monroe County Legislature on December 13, 2011 (Resolution No. 278).

These funds will be used for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2012 calendar year. Supported activities include expenses for overtime traffic enforcement patrols and enforcement against underage alcohol sales.

The agreement for the last round of funding of \$137,853 for calendar year 2011 was authorized in February 2011. During 2011, RPD officers arrested 790 individuals for DWI, 65 for DWAI, and 35 for DWAI-Drugs. In addition, the City STOP-DWI unit established 10 sobriety checkpoints.

No matching funds are required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-87  
(Int. No. 92)

**Authorizing An Agreement For Funding For The STOP DWI Program And Amending The 2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the 2012 STOP DWI Program.

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

Section 3. Ordinance No. 2011-188, the 2011-12 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 \$44,300, 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. 2012-88  
Re: Agreement - Adult Softball League

Transmitted herewith for your approval is legislation establishing \$165,000 as maximum compensation for an agreement with Brooklyn Sports Management (214 Filon Avenue, Rochester) for the operation of adult softball leagues and maintenance of associated softball fields. The cost of the agreement will be financed from the 2011-12 Operating Budget of the Department of Recreation and Youth Services, and subsequent annual budgets of the Department contingent upon their approval. Revenue from team registration fees offset 100% of the costs and are projected to provide a modest surplus of \$3,000-\$5,000 to the City.

A Request for Qualifications was posted on the City website and advertised through a press release. Submissions were received from four firms: Sports Officials of the Rochester Area (Henrietta, NY);

Roc Softball (Spencerport, NY); Big League Dreams (Chino Hills, CA); and Brooklyn Sports Management. A review by City staff resulted in the selection of Brooklyn Sports Management based on experience running a large league (Brooklyn Sports has operated the City League for over 35 years), demonstrated ability to maintain the fields for both the league and other users and equipment, and the ability to have an on-site presence during all games.

The adult softball program provides an opportunity for both men and women to participate in organized leagues on a regular basis. In 2011, approximately 4300 people played on 224 teams on the City's softball fields at Cobbs Hill and Norton Village.

The contractor will administer the program in accordance with policies and procedures established by the Bureau of Recreation and will be responsible for: hiring and scheduling all umpires; and preparing and maintaining nine fields for use by adult and interscholastic leagues teams and other users.

The agreement will be for one year with the option of four one-year renewals. During the first year, the contractor will be reimbursed \$435 per team which includes administration of the league and all field maintenance as well as reimbursable expenses as specified in the contract. This fee may be adjusted in subsequent years.

The proposed agreement will continue to provide for direct control by the City of all receipts and disbursements.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-88  
(Int. No. 98)

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

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

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year for a professional services agreement between the City and Brooklyn Sports Management for the continued operation of the adult recreational softball program and maintenance of associated softball fields. The agreement shall extend for a term of one year, with options to renew for four additional one-year terms. Said amount shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services. Amounts for the renewal years shall not exceed those set forth in the annual budgets of the Department of Recreation and Youth Services for said purpose, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1644 and  
Local Improvement Ordinance No. 1645  
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.

There are no increases for these services for 2012-13. The last time there was an increase was in 2010-11. The fees for 2012-13 are as follows:

Snow Removal

In 2012-13 for snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$2.83 per foot. The total amount of assessment will be \$5,625.66.

Fixed Fee	\$100
Properties	x 15
Total	\$1,500

Footage Fee	\$2.83
Footage	x 1,457.83
Total	\$4,125.66

Security Services

In 2012-13 for security services, the fixed fee remains at \$1,190 per property, and the front footage fee remains at \$10.29 per foot. The total amount of the assessment will be \$32,851.07.

Fixed Fee	\$1,190
Properties	x 15
Total	\$17,850

Footage Fee	\$10.29
Footage	x 1,457.83
Total	\$15,001.07

A public hearing on the Local Improvement Ordinance is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-35

Local Improvement Ordinance No. 1644  
(Int. No. 93)

**Local Improvement Ordinance - Snow Removal At The Public Market**

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

Section 1. The Council authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2012 to June 30, 2013.

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 2012-13 year shall be \$5,625.66. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and eighty-three cents (\$2.83) per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The snow plowing and salting ser-

vices 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, 2012 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Local Improvement Ordinance No. 1645  
(Int. No. 94)

**Local Improvement Ordinance - Security At The Public Market**

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

Section 1. The Council authorizes special security services for the Public Market during the fiscal year from July 1, 2012 to June 30, 2013.

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 2012-13 year shall be \$32,851.07. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$1,190.) per parcel plus ten dollars and twenty-nine cents (\$10.29) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50

35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2012 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

The meeting was adjourned at 8:06 P.M.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

REGULAR MEETING  
MARCH 27, 2012

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

Absent - None - 0.

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

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

Recognition Ceremony

Councilmember Haag welcomes students from School of the Arts

Retirement:  
Emergency Communications  
\*Thomas M. Litzinger  
Finance Department  
James B. Barclay  
Mayor's Office  
\*Andrew Turner  
\*Did not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of February 21, 2012 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

- The Mayor submits the following:
  - Public Disclosure - HOME Participation (2) 4073-12, 4074-12
  - Quarterly Reports 4075-12
    - 1<sup>st</sup> Quarter Professional Services Agreements of \$10,000 or less
    - 2<sup>nd</sup> Quarter Professional Services Agreements of \$10,000 or less

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spaul presented petition with 213 signatures opposing entertainment laws. Petition No. 1660

PUBLIC HEARINGS.

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

Amending Consolidated Community Development/2011-12 Annual Action Plan And Approving A Section 108 Loan For The College Town Development Project Int. No. 109 1 speaker: Alex White.

Amending Charter 120 Of The Municipal Code, The Zoning Code, With Respect To Permitted Uses In The Brooks Landing Urban Renewal District Int. No. 125 1 speaker: Joan Roby-Davison.

Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2012 Int. No. 120 No speakers.

Approving Increases In The Pavement Width Of Reservoir Avenue Int. No. 121 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
March 27, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 135 - Amending The 2011-12 Budget To Fund Election Inspectors For The Presidential Primary Election

Respectfully submitted,  
Carolee A. Conklin  
Loretta C. Scott  
Lovely A. Warren  
Dana K. Miller  
FINANCE COMMITTEE

Received, filed and published

Councilmember Conklin moved to amend Int. No. 135.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

TO THE COUNCIL:  
Ladies and Gentlemen:

Ordinance No. 2012-89  
Re: Budget Amendment: Presidential  
Primary

Transmitted herewith for your approval is a budget amendment appropriating \$54,500 in anticipated revenues from Monroe County to fund the cost of election inspectors for the Presidential Primary, and \$2,000 from the Contingency Account to fund the payroll check processing by a vendor to the budget of the City Council/City Clerk; therefore the Council/Clerk budget amendment totals \$56,500.

As you are aware, the City/Town Clerk in each municipality is responsible for the compensation of election inspectors within that jurisdiction. When the 2011-12 Budget was adopted, there had not been a decision about when the Presidential Primary Election for the year 2012 would be held. Since the dates have varied in recent years, it was unclear whether the election would be held in the current fiscal year or the next one. The date has now been set for April 24, 2012. Since Monroe County reimburses local municipalities for the cost of election inspectors, (\$54,500) the funds will be appropriated directly from that source.

In addition, the City has recently issued a request for proposals from payroll processing firms to process inspector checks rather than continue to do the project internally. It is expected that the funds from the Contingency Account (\$2,000) will reimburse this projected expense.

Respectfully submitted,  
Lovely A. Warren      Carolee A. Conklin  
President                      Chair, Finance Committee

Ordinance No. 2012-89  
(Int. No. 135, As Amended)

**Amending The 2011-12 Budget To Fund Election Inspectors For The [Presidential] Federal Primary Elections**

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

Section 1. Ordinance No. 2011-188, the 2011-12

Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the City Council/City Clerk by the sum of \$[54,500] 109,000, which amount is hereby appropriated from funds to be received from the County of Monroe to fund election inspectors for the [Presidential] Federal Primary Elections. The 2011-12 Budget is hereby further amended by transferring the sum of \$[2,000] 4,000 from the Contingency allocation to the City Council/City Clerk to fund payroll processing for the election inspectors.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Palumbo  
March 27, 2012

To the Council:

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

Int. No. 99 - Authorizing The Sale Of Real Estate

Int. No. 100 - Resolution Approving Appointment To The Board Of Examiners Of Stationary Engineers And Refrigeration Operators

Int. No. 101 - Resolution Approving Reappointment To The Rochester Environmental Commission

Int. No. 102 - Authorizing Agreements For The Neighborhood Stabilization Program In The Susan B. Anthony Neighborhood

Int. No. 103 - Authorizing An Agreement For Phase 3 Of The Exterior And Security Rehabilitation Program For Owner-Occupants

Int. No. 104 - Authorizing Agreements For Phase 3 Of The Exterior And Security Rehabilitation Program For Landlords

Int. No. 105 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Carriage Factory Project

Int. No. 106 - Authorizing A Loan Agreement For The Carriage Factory Project

Int. No. 107 - Authorizing The Lease Of The Premises At 448 Smith Street

Int. No. 108 - Authorizing Agreements For The Exterior And Security Rehabilitation Programs For Owner-Occupants And Landlords

The Neighborhood & Business Development Committee recommends for consideration the

following entitled legislation:

Int. No. 124 - Authorizing Agreements For The Flats At Brooks Landing Development Project And Approving Easements

Int. No. 125 - Amending Charter 120 Of The Municipal Code, The Zoning Code, With Respect To Permitted Uses In The Brooks Landing Urban Renewal District

The following entitled legislation is being held in Committee:

Int. No. 109 - Amending Consolidated Community Development/2011-12 Annual Action Plan And Approving A Section 108 Loan For The College Town Development Project

Respectfully submitted,  
 Carolee A. Conklin (Voted against Int. Nos. 124 and 125)  
 Jacklyn Ortiz  
 Lovely A. Warren  
 Dana K. Miller  
 NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-90  
 Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 25 properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 17 properties were sold at the January 13, 2012 public auction to pre-qualified purchasers, who will be required to complete the rehabilitation of the structures within 12 months of conditional closing. The pre-qualification review ensured that all bidders had no properties with delinquent taxes, unresolved code violations, previously foreclosed properties or that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The next property is a two-family structure that was sold via a Request for Proposal. The purchaser will rehabilitate the structure and maintain it as a two-family home. Rehabilitation must be completed within 12 months of the conditional closing.

The next seven properties are being sold to Flower City Habitat for Humanity. Six of the parcels will have single-family homes constructed and the remaining lot will have a two-family home constructed.

The first year projected tax revenue for these twenty five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$13,290.

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,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-36

Ordinance No. 2012-90  
 (Int. No. 99)

**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 Size</u>	<u>Use</u> <u>Purchaser</u>	<u>Price</u>
199 Atkinson St 120.44-3-4	28x82	1 Fam David Mankowski	\$7,900
172 Bartlett St 120.67-2-77.1	66x141	2 Fam Michael Wood	\$ 400
176 Bartlett St 120.67-2-76	33x141	2 Fam Musliha Ahmed	\$3,100
180 Bartlett St 120.67-2-75	36x141	2 Fam Michael Wood	\$ 400
195 Bay St 106.51-1-3	40x110	1 Fam Musliha Ahmed	\$7,500
783 Bay St 107.46-1-1	42x89	1 Fam Brian Abramson	\$4,100
418 Child St 105.82-1-42	100x39	1 Fam Tequila Wright	\$3,000
218 Durnan St 091.74-4-31	35x80	1 Fam Walter Moorehead	\$5,700
47 Eiffel Pl 091.79-3-88	36x140	1 Fam Johnny Harris	\$8,000
336 Emerson St 105.42-1-61	40x102	1 Fam Mariela Leyva	\$ 600
243 Frost Ave 120.68-2-19	33x140	2 Fam Michael Wood	\$ 800
412 Frost Ave 120.67-2-16	28x141	1 Fam Johnny Harris	\$3,800
46 Grover St 120.48-1-72	40x126	1 Fam Ross Conley	\$6,200
11 Klueh St 120.33-1-13	35x97	1 Fam Znovia Hill	\$5,700
12 LaSalle St 105.66-3-43	29x120	1 Fam Beverly Campbell	\$8,500
452 Tremont St 120.52-1-39	50x136	1 Fam Znovia Hill	\$5,700
120 Woodward St 106.74-1-3	33x131	1 Fam Grace Joseph	\$3,500

Section 2. The Council hereby approves the sale of the following parcel of improved property by request for proposal (RFP):

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Use</u> <u>Purchaser</u>	<u>Price</u>
56 Shelter St 120.75-3-56	42x86	2 Fam Veronica Anthony	\$2,000

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 Size</u>	<u>Sq. Ft.</u> <u>Purchaser</u>	<u>Price</u>
505 Brown St 120.35-3-2	43x128	4,580 Flower City Habitat For Humanity*	\$ 425
531 Brown St 120.35-3-7.1	74x127	8,231 Flower City Habitat For Humanity*	\$ 525
556 Brown St 120.35-2-26.1	82x110	6,984 Flower City Habitat For Humanity*	\$ 475
628 Brown St 120.35-2-39	49x200	9,872 Flower City Habitat For Humanity*	\$ 550
629 Brown St 120.35-3-72.1	68x105	7,193 Flower City Habitat For Humanity*	\$ 500
632 Brown St 120.35-2-40	40x140	5,670 Flower City Habitat For Humanity*	\$ 450
644 Brown St 120.35-2-42	43x205	9,199 Flower City Habitat For Humanity*	\$ 550

\* Board Members: Thomas Rogers, Chairman; Russ Bullock, Vice Chairman; Jeffery Lewis, Treasurer; Tim Scahill, Secretary, Arthur Woodward, President & CEO

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-10  
Re: Appointment - Board of Stationary  
Engineers

Transmitted herewith for your approval is legislation confirming the appointment of Michael J. Kaiser, 794 Washington Street, Spencerport, NY, to the Board of Stationary Engineers. City residency is not required for this board.

Mr. Kaiser's expertise in refrigeration ensures representation of that field on the board. He will fill a position that has been vacant for more than a year. His three-year term will extend to December 31, 2014.

A summary of the Board's roles and membership is attached. Mr. Kaiser's resume is on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-37

Resolution No. 2012-10  
(Int. No. 100)

**Resolution Approving Appointment To The Board Of Examiners 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 Michael J. Kaiser, 794 Washington Street, Spencerport, New York, to the Board of Examiners of Stationary Engineers and Refrigeration Operators for a term which shall expire on December 31, 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-11  
Re: Reappointment - Rochester  
Environmental Commission

Transmitted herewith for your approval is legislation confirming the reappointment of Rosemary Jonientz, 379 Broadway, to the Rochester Environmental Commission.

Ms. Jonientz was originally appointed in April 2002, and most recently re-appointed in May 2011. Her current term expires April 2012; her new term will extend to April 2015. During her service since her last appointment, she attended seven of seven meetings.

A copy of Ms. Jonientz's resume is on file in the Office of the City Clerk.

A summary of membership and responsibilities for the Rochester Environmental Commission is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-38

Resolution No. 2012-11  
(Int. No. 101)

**Resolution Approving Reappointment 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 reappointment of Rosemary Jonientz to the Rochester Environmental Commission for a term that will expire on April 30, 2015.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-91  
Re: Agreements - Susan B. Anthony Homeownership Project

Transmitted herewith for your approval is legislation to the Neighborhood Stabilization Program (NSP) Susan B. Anthony Homeownership Project. This legislation will establish maximum compensation for agreements as follows:

<u>Amount</u>	<u>Firm</u> Services
\$2,575	Environmental Testing & Consulting lead hazard evaluation
\$52,900	Habza Architecture, PC architecture and engineering

Both agreements will be funded from the NSP grant appropriated via Ordinance No. 2012-14. These services are required to implement the project, which will restore three historic single-family houses in the Susan B. Anthony Neighborhood for subsequent sale to purchasers with income between 60 and 120% of the area median income.

A request for proposals for architectural and engineering services was distributed to six firms. Proposals were received from: Architectura PC (Rochester 14607); Chait Studios (Rochester 14614); Habza Architecture, PC (Rochester 14607); and Torchia Engineering (Rochester 14625). A team of three staff members of the Department of Neighborhood and Business Development reviewed the proposals. Habza Architecture is recommended based on their cost estimates and approach to the project.

Habza Architecture will produce construction documents necessary for the rehabilitation work and will assist with the approval process for the City Preservation Board and the New York State Historic Preservation Office.

To satisfy the requirements of the environmental review, asbestos and lead hazard evaluation services will be needed. Reports will be produced for

each property to identify the presence of environmental hazards and the control measures that will be necessary to remediate the hazards. Environmental Testing & Consulting has several contracts with the City for similar services which exceed the \$10,000 threshold for Council authorization.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-91  
(Int. No. 102)

**Authorizing Agreements For The Neighborhood Stabilization Program In The Susan B. Anthony Neighborhood**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Environmental Testing & Consulting, Inc. for lead hazard evaluation services for the Neighborhood Stabilization Program in the Susan B. Anthony neighborhood.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$2,575, and said amount, or so much thereof as may be necessary, shall be funded from the New York State Housing Finance Agency funds appropriated in Section 3 of Ordinance No. 2012-14.

Section 3. The Mayor is hereby further authorized to enter into an agreement with Habza Architecture, P.C. for architectural and engineering services for the Neighborhood Stabilization Program in the Susan B. Anthony neighborhood.

Section 4. The agreement shall obligate the City to pay an amount not to exceed \$52,900, and said amount, or so much thereof as may be necessary, shall be funded from the New York State Housing Finance Agency funds appropriated in Section 3 of Ordinance No. 2012-14.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-92  
Re: Agreement - NCS Community Development Corporation, Inc., Focused Investment Strategy Exterior and Security Rehabilitation Program for Owner-Occupants

Transmitted herewith for your approval is legislation related to the Exterior and Security Rehabilitation Program for Owner- Occupants. This legisla-

tion will:

1. Establish \$1,000,000 as maximum compensation for an agreement with NCS Community Development Corporation, Inc. to implement the Program, a component of the City's Focused Investment Strategy.
2. Appropriate a total of \$1,000,000 from the 2009-10 (\$262,358) and 2011-12 (\$737,642) Focused Investment Strategy accounts of the Neighborhood and Asset-Based Planning Fund of the Community Development Block Grant to fund the agreement.

The FIS Exterior and Security Rehabilitation Program for Owner-Occupants was initially authorized via Ordinance Nos. 2009-145 (May 2009) and 2010-206 (June 2010). A total of 47 properties were completed in Phase 1. The second phase of the program, authorized in February 2011 (Ord. No. 2011-24), is nearing full enrollment of 40 properties.

Through the proposed agreement with NCS, Phase 3 will provide financial assistance to approximately 30 eligible properties at an average of \$30,000 per property. NCS Community Development Corporation will be allowed to collect \$100,000 in program implementation fees (10% of the total). This phase will continue to provide funding to owner-occupants for exterior repairs and the control of lead-based paint hazards. Properties must conform to the established design standards and receive a lead-based paint clearance at the conclusion of the project. Funding for this program will also allow for landscaping treatments not to exceed \$1,000 per property.

Joint Venture Partner organizations (collaborations of neighborhood organizations) will continue to provide application intake and construction management services for each enrolled property. NCS Community Development Corporation will continue to act as the fiduciary agency for the program.

Each enrolled property will require a lead-based paint inspection/risk assessment to address any existing lead-based paint hazards.

The Neighborhood and Asset-Based Planning Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-92  
(Int. No. 103)

**Authorizing An Agreement For Phase 3 Of The Exterior And Security Rehabilitation Program For Owner-Occupants**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with NCS Community Development Corporation, Inc. for Phase 3 of the Exterior and Security Rehabilitation Program for Owner-Occupants as a part of the Focused Investment Strategy.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,000,000, and of said amount, or so much thereof as may be necessary, \$737,642 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2011-12 Community Development Block Grant and \$262,358 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-93  
Re: Focused Investment Strategy  
Exterior and Security Rehabilitation  
Program for Landlords

Transmitted herewith for your approval is legislation related to the Exterior and Security Rehabilitation Program for Landlords which is a component of the City's Focused Investment Strategy. This legislation will:

1. Appropriate \$1,076,000 from the Focused Investment Strategy account of the Neighborhood and Asset Based Planning Fund of the 2011-12 Community Development Block Grant for the City's use to operate the program (\$1,000,000); and
2. Establish \$76,000 as maximum compensation for agreements with NeighborWorks Rochester, Inc. to provide professional services for the program. The cost of the agreement will be funded from the above appropriation.

During the first phase of this program, authorized in August 2009 (Ord. No. 2009-279), 46 properties were completed. The second phase authorized in February 2011 (Ord. No. 2011-34), and still in process, is nearing full enrollment of 40 properties.

Phase 3 will provide financial assistance to approximately 30 eligible properties at an average of \$33,000 per property. This phase will continue to provide funding to landlords for exterior repairs and the control of lead-based paint hazards. Properties must conform to the established design standards and receive a lead-based paint clearance

at the conclusion of the project. Funding for this program will also allow for landscaping treatments not to exceed \$1,000 per property.

NeighborWorks Rochester will continue to provide application intake services for each enrolled property. This agency has provided these services for both Phase 1 and Phase 2 of the program and has performed to the satisfaction of the City.

Each enrolled property will require a lead-based paint inspection/risk assessment to address any existing lead-based paint hazards.

The Neighborhood and Asset-Based Planning Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-93  
(Int. No. 104)

**Authorizing Agreements For Phase 3 Of The Exterior And Security Rehabilitation Program For Landlords**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester, Inc. to provide administrative services for Phase 3 of the Exterior and Security Rehabilitation Program for Landlords as a part of the Focused Investment Strategy.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$76,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 4.

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

Section 4. The sum of \$1,076,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2011-12 Community Development Block Grant to fund Phase 3 of the Exterior and Security Rehabilitation Program for Landlords.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-94 and  
Ordinance No. 2012-95  
Re: Agreements - DePaul Properties,  
Carriage Factory Project

Transmitted herewith for your approval is legislation relating to the Carriage Factory project at 33 Litchfield Street to be undertaken by DePaul Properties, Inc. This legislation will:

1. Authorize a property tax exemption and payment-in-lieu of taxes agreement with CFSN Housing Development Fund Company, Inc. or a non-profit affiliate of DePaul Properties Incorporated. This agreement will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
2. Authorize a loan agreement not to exceed \$600,000 with Carriage Factory Special Needs Apartments, L.P.; and appropriating that amount from the Affordable Housing Fund allocation of the Housing Development Fund 2011-12 HOME program to finance the loan.
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for the tax credits and other financing sources for the project.

DePaul Key Housing will acquire and rehabilitate the vacant 4-story building (formerly the Cunningham Carriage Factory). This 1.55 acre site zoned Center City District directly borders the Susan B. Anthony preservation district. The project will provide 71 units of affordable rental housing to accommodate special needs occupants, and accessory parking. The building will feature environmentally friendly systems and materials including: Energy Star heating and cooling equipment, appliances and light fixtures; low volume plumbing fixtures; Green Label certified floor coverings; and a construction waste management plan to reduce landfill materials by 25%.

The proposed HOME loan will be used for construction and permanent financing, for a term of 30 years with 1% annual interest payments and the principal deferred to the end of the loan term. The first year's tax payment under the PILOT agreement will be \$24,372; the current annual tax payment received for the property is \$7,044.

The project budget is summarized below:

Costs:	
Acquisition	\$ 550,000
Construction	13,109,679
Professional services	2,027,660
Carrying and finance	571,405
Construction contingency	985,271
Development fee	2,559,100
Operating reserves	198,100
Total	<u>\$20,001,215</u>

Sources:

CPC loan	\$ 1,989,412
NYS Tax Credit Equity	11,966,803
Federal tax credits	3,420,000
Housing Trust Fund	2,025,000
City HOME loan	<u>600,000</u>
Total	\$20,001,215

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-39

Ordinance No. 2012-94  
 (Int. No. 105)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Carriage Factory 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 33 Litchfield Street, to be owned by CFSN Housing Development Fund Company, Inc., and to be used for housing as a part of the Carriage Factory 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.

Ordinance No. 2012-95  
 (Int. No. 106)

**Authorizing A Loan Agreement For The Carriage Factory 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 Carriage Factory Special Needs Apartments, L.P. for the rehabilitation of housing at 33 Litchfield Street as the Carriage Factory Project. 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 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 of Rochester to pay an amount not to exceed \$600,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2011-12 HOME 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. 2012-96  
 Re: Lease Agreement - REDCO,  
 448 Smith Street

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Economic Development Corporation (REDCO) for the lease of space in the REDCO-owned facility at 448 Smith Street (also known as the Maguire Building) which is adjacent to the soccer stadium. The City will provide annual lease payments of \$1.00 to REDCO and will be responsible for all associated carrying costs including taxes, insurance, and utilities.

Three separate areas of the facility will be leased. Area One is 10,314 square feet and currently houses the Rhinos offices and team area. Area Two is a storage area of 9,051 square feet. Area Three is 5,151 square feet currently used by the City Department of Environmental Services for storage.

The term of the lease will be from March 2012-December 2022 for Area One; and from March 2012-December 2013 for Areas Two and Three. The shorter lease for the latter areas provides flexibility for REDCO should other tenants be available for those spaces.

The lease will allow for the installation of locker rooms and amenities as authorized in January 2012 (Ord. 2012-35).

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-40

Ordinance No. 2012-96  
 (Int. No. 107)

**Authorizing The Lease Of The Premises At 448 Smith Street**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation (REDCO) whereby the City shall lease space in the premises at 448 Smith Street for use in conjunction with the soccer stadium and for storage. Annual lease payments shall be \$1.00, and the City shall be liable to pay building carrying costs, including taxes, insurance and utilities. Said amounts shall be funded from the annual City budgets, conditioned upon adoption of said budgets. The lease for Area One of the building shall extend from March 2012 through December 2022 to allow for the construction of locker room facilities for the soccer stadium, and the lease of Areas Two and Three shall extend from March 2012 through December 2013.

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. 2012-97  
Re: Term Agreements - Lead Hazard Evaluation Services for Exterior And Security Rehabilitation Programs

Transmitted herewith for your approval is legislation establishing \$40,000 as aggregate maximum compensation for agreements with the three firms listed below to provide lead hazard evaluation services, and appropriating \$40,000 from the 2011-12 Focused Investment Strategy allocation of the Neighborhood and Asset-Based Planning Fund of the Community Development Block Grant Program to fund the agreements.

Environmental Testing & Consulting  
Batavia, NY  
Envoy Environmental  
Rochester  
Lew Corporation  
Rochester

The firms were selected through a request for proposal process in 2010, and were previously authorized to provide lead hazard evaluation services through Ordinance No. 2011-23. They will offer combined lead-based paint inspections/risk assessments for 60 property owners enrolled in the programs. It is anticipated that each consultant will complete approximately 30 inspections at a cost of \$445 per unit.

Each of these consultants has provided these ser-

vices for the City since 2004 and all have performed to the City's satisfaction.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-97  
(Int. No. 108)

**Authorizing Agreements For The Exterior And Security Rehabilitation Programs For Owner-Occupants And Landlords**

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 Environmental Testing & Consulting, Inc., Envoy Environmental Consultants, Inc., and Lew Corporation for lead hazard evaluation services for Phase 3 of the Exterior and Security Rehabilitation Programs for Owner-Occupants and Landlords.

Section 2. The agreements shall obligate the City to pay an aggregate amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2011-12 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-98 and  
Ordinance No. 2012-99  
Re: Brooks Landing Revitalization Project - The Flats at Brooks Landing

Transmitted herewith for your approval is legislation relating to the second major phase of development associated with the Brooks Landing Revitalization Project. This legislation will:

1. Establish an agreement with an entity to be formed by Ronald Christenson (Developer), for site environmental remediation in conjunction with the development of the Flats at Brooks Landing;
2. Authorize an amendatory Land Disposition Agreement with Rochester Riverfront Properties, L.P., or an entity to be formed by the Developer, to establish \$385,000 as maximum compensation for the environmental

remediation associated with the development of Sub-Area 1 within the Brooks Landing Renewal District;

3. Amend Chapter 120-120L of the Zoning Code of the City of Rochester, by amending the Brooks Landing Urban Renewal Plan and District Regulations by adding drive-through operations with up to 2 lanes, accessory to a staffed branch of a financial institution, to the list of permitted uses in the District; and
4. Amend existing access and utility easement agreements authorized by City Council Ordinance No. 2003-349 as required for the development of the project.

The Flats at Brooks Landing is located near the west bank of the Genesee River at the southeast corner of the intersection of Brooks Avenue and Genesee Street. The approximately 1.1 acre development site is just north of the Staybridge Suites hotel at Brooks Landing within the Brooks Landing Urban Renewal District (BLURD). The site is bounded by Genesee Street on the west, South Plymouth Avenue on the north, Genesee Valley Park on the east and the Staybridge Suites development site on the south (see attached location map).

The project consists of three main development components: a first-floor restaurant (approximately 5,000 s.f.) and 170 beds of student housing to be combined in one 11-story building; and a credit union building (approximately 4,000 s.f.) with a drive-through operation. The existing on-site parking lot and the parking lot at 1315 South Plymouth Avenue will be modified to accommodate student housing parking.

As part of the Brooks Landing Revitalization Project planning and associated Brooks Landing Urban Renewal Plan (BLURP), the site was planned for the development of a 5,000 s.f. waterfront restaurant with parking. However, since the adoption of the BLURP and subsequent development of the adjacent hotel, increasing construction costs and further analysis of site conditions precludes the economic feasibility of a stand-alone 5,000 s.f. restaurant. The University of Rochester's projected need for increased student housing, and the community's desire for a financial institution, provided the opportunity for an expanded and more feasible development plan.

A financial analysis determined that, even with a more feasible development plan, with conventional financing there remained significant gaps in the project pro forma. A package of financial assistance was prepared in order to offset these gaps. This package includes: a REDCO low-interest loan of up to \$750,000; City's environmental reimbursement of up to \$385,000; and, \$5,590,000 in equity leveraged by New Market Tax Credits. In addition, the Developer will pursue property tax abatement assistance through COMIDA.

The sources and uses of funds for the project are as follows:

Uses of funds:	
Construction costs	\$15,783,000
Soft costs	<u>4,180,000</u>
Total	\$19,963,000

Sources of funds:	
Bank loan	\$12,038,000
REDCO loan	750,000
Developer equity	1,200,000
New Markets Tax	
Credit Equity	5,590,000
City agreement/env. work	<u>385,000</u>
Total	\$19,963,000

Economic benefits of the project include:

- Increasing residential opportunities in the City
- Redevelopment of underutilized land in the City
- Incremental property tax revenue on prior City-owned property
- Increasing commercial development, investment and job creation

In concert with new development and through grants awarded from NYSDOS and NYSDOT, the City will complete improvements to the adjacent Genesee Valley Park. These improvements include enhanced/increased public access, interpretive signage, public art and landscaping.

#### Zoning Code Amendment

A drive-through operation is currently not a permitted use in the Riverfront Commercial Area of the BLURD. In order to make the proposed credit union drive through a permitted use, a Zoning Text Amendment is required. The City Planning Commission will hold an informational meeting on this matter on Monday, March 12, 2012. The minutes and recommendation from that meeting will be forwarded to Council prior to the March 15 Council Committee meetings.

Construction for the development project is expected to begin in Spring of 2012 and be completed within 18 months.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed project and actions will not result in any significant impacts. A negative declaration has been issued.

A public hearing on the Zoning Text amendment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-41

Ordinance No. 2012-98  
(Int. No. 124)

**Authorizing Agreements For The Flats At Brooks Landing Development Project And Approving Easements**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with an entity to be formed by Ronald Christenson for site environmental remediation in conjunction with the Flats at Brooks Landing Development Project. The Mayor is further authorized to enter into an amendatory Land Disposition Agreement with Rochester Riverfront Properties, L.P., or an entity to be formed by Ronald Christenson, whereby the funding provided herein shall be established as the maximum amount of City compensation to be provided for the environmental remediation associated with the development of Sub-Area I within the Brooks Landing Renewal District.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$385,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years.

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

Section 4. The Council hereby further approves the granting or acceptance of amendatory access and utility easements necessary for the Flats at Brooks Landing Development Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-99  
(Int. No. 125)

**Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Permitted Uses In The Brooks Landing Urban Renewal District**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by amending Section 120-120L(1)(c)[1], relating to permitted uses in the Riverfront Commercial Land Use Area of the Brooks Landing Urban Renewal District, by adding thereto a new 120-120L(1)(c)[1][i] to read in its entirety as follows:

- [i] Drive-thru services, with up to two lanes, when attached to an employee-occupied financial institution with indoor teller service.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 109  
Re: Amend the 2011-12 Consolidated Community Development Plan - College Town Development Project

Transmitted herewith for your approval is legislation relating to the Mt. Hope College Town Development Project. This legislation will:

1. Amend the 2011-12 Consolidated Community Development Plan to add Section 108 Loan authority in the amount of up to \$20,000,000 for the College Town Development Project; and
2. Authorize the Mayor to submit an application to and enter into a Section 108 Loan agreement with the Department of Housing and Urban Development (HUD) and to execute such other agreements or instruments as may be necessary for this purpose.

The City proposes to assist in the private development of a mixed-use new construction project at a 16-acre gateway site to the 534-acre University of Rochester River Campus. The redevelopment project will front on the Mt. Hope Avenue commercial corridor between Crittenden Blvd. to the south and Elmwood Ave. to the north. The project is also immediately adjacent to the University's Medical Center and Strong Memorial Hospital. The pedestrian-scaled development will showcase street level retail and restaurants, outdoor patios, spacious sidewalks, and a public gathering space. Specifically, the development will include a 25,000 sq. ft. two-level bookstore, 20,000 sq. ft. gourmet market, 64,000 sq. ft. of other retail, 75,000 sq. ft. of office, 150 units of market rate residential units and a 150 room hotel and conference center. The project also includes a proposal for an 850-space parking garage and RGRTA multi-modal center.

The developer of the project is College Town Rochester, LLC, a joint venture between Fairmount Properties LLC and Gilbane Development Company. Both companies have extensive experience with similar projects undertaken with other universities in the northeast. The University will own the 16 acre site and enter into a long-term lease with the developer.

The proposed City assistance would be a Section 108 Loan of up to \$20,000,000. The City would borrow the Section 108 funds directly from HUD and then repay the loan from payments it receives through a portion of a Payment-in-Lieu-of-Tax agreement with College Town Rochester, LLC.

Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) Program. Section 108 provides CDBG entitlement

communities with a source of financing for economic development, housing rehabilitation, public facilities, and large scale physical development projects. A local government borrowing funds guaranteed by Section 108 must pledge its current and future CDBG allocations to cover the loan amount as security for the loan and from which to make any loan payments that are in default. The maximum repayment period for a Section 108 loan is 20 years. Activities assisted by Section 108 loans must comply with CDBG rules and requirements.

An entitlement community may apply for up to five times the latest approved CDBG entitlement amount, minus any outstanding commitments and/or principal balances related to Section 108 loans. The City has six outstanding Section 108 loans with a combined principal balance of \$5,664,000, resulting in current Section 108 loan capacity of \$37,923,925. The City is current on all its payments to HUD.

If approved by HUD, Section 108 funds will be used as construction/permanent financing for the College Town development. The development costs for the project are estimated at approximately \$82 million. This amount does not include cost for the proposed hotel and conference center, since that will be financed and constructed separately by a third party.

Approval to apply for the Section 108 Loan will provide leverage as the project seeks funding from additional sources. Once all funding sources have been secured, additional approvals relating to the project will be required from City Council.

The projected sources and uses of funds for the proposed College Town Project are as follows:

<u>Sources of Funds</u>	
Primary lender	\$37,890,000
Section 108 Loan	20,000,000
New Markets Tax Credits	5,400,000
NYS grant (proposed)	4,000,000
City infrastructure (CIP)	3,300,000
Brownfield	2,700,000
Equity	4,368,000
HUD 108 Interest Reserve	(900,000)
Misc. (RG&E, COMIDA benefits, etc.)	2,806,000
Sources TBD	<u>2,950,000</u>
Total	<u>\$82,514,000</u>

<u>Uses of Funds</u>	
Demolition and abatement	\$ 2,700,000
Primary roads and infrastructure	3,458,000
Hard costs	63,541,000
Soft costs	<u>12,815,000</u>
Total	<u>\$82,514,000</u>

The project is expected to commence construction in November 2012 and be completed in May 2014. It has been estimated that the project can create up to 985 construction jobs and up to 582 permanent jobs.

A public hearing is required to amend the Consoli-

dated Community Development Plan.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 109

**AMENDING CONSOLIDATED COMMUNITY DEVELOPMENT/2011-12 ANNUAL ACTION PLAN AND APPROVING A SECTION 108 LOAN FOR THE COLLEGE TOWN DEVELOPMENT PROJECT**

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

Section 1. The Council hereby approves an amendment to the Consolidated Community Development/2011-12 Annual Action Plan to add Section 108 Loan authority in an amount not to exceed \$20,000,000 for the College Town Development Project.

Section 2. The Mayor is hereby authorized to submit an application to and enter into a Section 108 Loan Agreement with the Department of Housing and Urban Development, and to execute such other agreements or instruments as may be necessary, to implement the Section 108 Loan Program for the College Town Development Project.

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

Section 4. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Scott  
March 27, 2012

To the Council:

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

Int. No. 110 - Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

Int. No. 111 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Chestnut Street Firehouse

Int. No. 112 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$550,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing Repairs To The Chestnut Street Firehouse In The City

Int. No. 113 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Water Operations Center Con-

crete Floor Project

Int. No. 114 - Establishing Maximum Compensation For The Replacement Of Filter Media At The Hemlock Lake Water Filtration Plant

Int. No. 115 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of The Removal And Replacement Of Underground Fuel Storage Tanks At Firehouses In The City

Int. No. 116 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For High Falls Area Improvements

Int. No. 117 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services

Int. No. 118 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Energy Optimization Upgrades Project

Int. No. 119 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Port Of Rochester Riverfront Improvements

Int. No. 127 - Authorizing An Agreement For An Economic Development Grant For A River Harbor Transportation Project

Int. No. 128 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[213,000] 216,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Mt. Hope Avenue Improvement Project, As Amended

Int. No. 129 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[918,000] 914,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Mt. Hope Avenue Improvement Project, As Amended

Int. No. 130 - Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Avenue Improvement Project And Appropriating Funds, As Amended

Int. No. 79 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park West Master Plan

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

Int. No. 120 - Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2012

Int. No. 121 - Approving Increases In The Pavement Width Of Reservoir Avenue

Respectfully submitted,

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

Received, filed and published.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-100  
 Re: Agreement - Foodlink, Inc., Lot Maintenance

Transmitted herewith for your approval is legislation establishing \$27,400 as maximum annual compensation for an agreement with Foodlink, Inc. for the maintenance of vacant lots. The cost of the agreement will be funded from the 2011-12 Budget of the Department of Environmental Services.

Foodlink will hire City residents between the ages of 18 to 28 to provide light debris and trash removal and grass cutting at each of approximately 315 City-owned 4,000 square-foot lot-equivalents. The lots will be concentrated within the southwest section of the City. A total of \$10.84 will be paid for each cleaning and cutting of each lot equivalent. Eight cutting cycles are planned between May and October.

This program is offered by Rochester Landscape Technicians, which is now unit of Foodlink, Inc, as a transitional jobs program, promoting work readiness and self-sufficiency. Participants receive assistance to reduce negative behaviors and to complete requirements for a GED. Since 2008, the program has enrolled 43 participants, with the following outcomes:

Outcome	Percent of Participants	Participants
completed/left early with a positive outcome	29	67
terminated for attendance/behavior issues	<u>14</u> 43	<u>33</u> 100
obtained GED	4	9
employed within 9 months of exiting program	23	53
became incarcerated	3	7

Lot maintenance was previously authorized by Council in March 2010. The agreement will be for a term of one year, with an option for a one-year renewal.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Ordinance No. 2012-100  
(Int. No. 110)

**Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program**

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

Section 1. The sum of \$27,400, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and Foodlink, Inc. for a lot maintenance services jobs training program for a term of one year, with a one-year renewal option. Said amounts shall be funded from the 2011-12 and 2012-13 Budgets of the Department of Environmental Services, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-101 and  
Ordinance No. 2012-102  
Re: Chestnut Firehouse Plumbing  
Upgrades

Transmitted herewith for your approval is legislation related to the plumbing upgrades project at the Chestnut Firehouse. This legislation will:

1. Authorize an amendatory agreement with IBC Engineering, P.C., Rochester, for additional engineering design and construction administration services. Ord. 2010-326 established maximum compensation of \$105,000 for design of Phases I and II, and administration services for Phase I. This amendment will increase compensation by \$37,500 to a total of \$142,500, and will be funded from the proceeds of the bonds requested herein.
2. Authorize the issuance of bonds totaling \$550,000 and the appropriation of the proceeds thereof to finance construction of the project.

The Chestnut Firehouse upgrade addresses the need for an overhaul of plumbing systems in this three-story, 30,534 square foot facility. Piping throughout the building will be replaced, along with 30 toilets/urinals; 33 sinks/lavatories, and 11 showers, affecting 17 rooms. Given the cost of the overall project, it was budgeted in three phases.

Phase I incorporated design and construction of repairs to portions of the building occupied by Engine 17 and Rescue 11/ Hazardous Materials. This phase also included design services for Phase II work to be done in areas occupied by the Protectives and Supply Depot.

During design, it was discovered that additional work would be required, including asbestos abatement, and additional tile and other interior finish work. When the construction of Phase II was authorized in the 2011-12 Budget, there was an opportunity to combine the phases. This provided economies of scale in the construction contract and efficiencies in coordination of the work and scheduling, freeing up funds to address the additional work.

The amendatory agreement will allow IBC Engineering to provide necessary revisions to the contract documents for a combined bid package, and additional construction administration services for Phase II.

The total project cost for Phases I and II is \$1,077,000. Bids for construction were received on February 15, 2012. The apparent low bids totaling \$796,932 were submitted by Crane-Hogan (General Contractor), Nairy Mechanical (Plumbing), and Blackmon-Farrell Electric (Electrical) and are less than 1% below the engineer's estimate. An additional \$131,298 will be allocated for project contingencies.

Phase III, intended to address additional renovation needs, is not currently funded.

This phase of the project will result in the creation or retention of 8.7 jobs. Construction will begin in May 2012 with scheduled completion in June 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-101  
(Int. No. 111)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Chestnut Street Firehouse**

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

Section 1. The sum of \$37,500, 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 IBC Engineering, PC for engineering design and construction administration services for the Chestnut Street Firehouse Plumbing Upgrades Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-102  
(Int. No. 112)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$550,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing Repairs To The Chestnut Street Firehouse In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of planning and implementing repairs to the plumbing systems of the Chestnut Street Firehouse at 185 North Chestnut Street, a Class "B" building, including but not limited to the design and construction of repairs to the plumbing systems for the Engine 17 and Rescue 11/HazMat 1&2 quarters, the Protectives quarters and the Supply Depot, in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be \$1,077,000. The plan of financing includes the issuance of \$550,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$527,000 bonds appropriated in Bond Ordinance No. 2010-327, 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 \$550,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$550,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 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. 2012-103  
 Re: Agreement - Ravi Engineering,  
 P.C., Water Operations Center  
 Concrete Floor Repairs

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Ravi Engineering, P.C. for structural engineering design and construction phase services needed for the repairs to the concrete floor of the Water Operations Center indoor vehicle parking garage. The cost of the agreement will be funded from prior years' Cash Capital (Water Fund).

In 2011, concrete spalling and de-lamination of the top 0.5 inch of concrete was observed, along with extensive spider-like cracking at several locations throughout the indoor vehicle parking facility. It is theorized that the spalling and de-lamination are caused by a combination of deicing salts and inadequate concrete cover over the reinforcing steel.

The garage was designed by LaBella Associates, and built by Christa Construction in 2006, with the Pike Company acting as construction manager and providing inspection and quality control services during the construction phase. The agreement will assist the City in determining the cause and extent of the concrete failures, the corrective action to be taken, and whether responsibility may lie with any of the original parties. Ravi Engineering, P.C. will perform extensive investigation and testing to identify the floor areas in need of repair, design concrete repairs including a durable finish that will protect the entire floor from further damage from deicing salts. They will also provide construction phase engineering, administration, and resident project representation services.

Three firms were directly solicited and responded with proposals for this work: LaBella Associates (Rochester); Herrick Saylor Engineers (Pittsford, NY); and Ravi Engineering & Land Surveying (Rochester 14618). Proposals were evaluated by a team of four staff members from the Department of Environmental Services Water and Architecture & Engineering Bureaus. Based on the firm's expertise and experience with design and repair of reinforced concrete vehicle parking garages, Ravi Engineering, P.C. is recommended.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Ordinance No. 2012-103  
 (Int. No. 113)

**Establishing Maximum Compensation For  
 An Amendatory Professional Services Agree-  
 ment For The Water Operations Center Con-  
 crete Floor Project**

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

Section 1. The sum of \$60,000, or so much  
 thereof as may be necessary, is hereby established

as the compensation to be paid for an amendatory professional services agreement between the City and Ravi Engineering, P.C. for engineering design and construction administration services for the Water Operations Center Concrete Floor 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 Cash Capital allocation (Water Fund) from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-104  
 Re: Agreement - Calgon Carbon  
 Corporation, Anthracite Filter  
 Media for Hemlock Water  
 Filtration Plant

Transmitted herewith for your approval is legislation establishing \$270,000 as maximum compensation for an agreement with Calgon Carbon Corporation (Pittsburgh, PA) for the replacement of filter media at the Hemlock filtration plant. The cost of the agreement will be financed from the prior years' Cash Capital.

Since 2005, granular activated carbon (GAC) has been used as the filtering medium for the City water supply from Hemlock Lake. GAC was adopted to treat the mild taste and odor problem that developed following the inadvertent introduction of zebra mussels in Lake Hemlock. The taste and odor problem no longer exists; this dissipation over several years following the invasion of zebra mussels has been documented throughout the Finger Lakes region.

Given the high cost of GAC and the need to replace it every three years, the City will return to using anthracite as the filter medium, which remains effective for 20 years.

The agreement with Calgon includes the purchase, delivery and installation of anthracite, as well as the removal of the old GAC media. The project includes coordination of removal of old media and installation of anthracite to the eight, 720 square feet, dual-media filters. Currently, each filter contains 12" gravel, 15" sand, 36-48" granular activated carbon (GAC). This project will replace existing GAC media in each filter with 36" of anthracite media.

Qualifications were solicited from and submitted by seven firms: Reading Anthracite (Pottsville, PA); Anthrafilter, Inc., Northern Filter Media (Quincy, IL); Unifilt Corporation (Elwood City, PA), Carbon Enterprises, Inc. (Circleville, OH); ITT Water & Wastewater (Zelienople, PA); and Calgon Corporation. Qualifications were reviewed by a team of four Water Bureau staff.

Calgon Carbon Corporation is recommended based on cost, and satisfactory performance of similar work for the City in 2005 and 2008. Also, since Calgon is the current provider of the GAC, only one contractor will be involved in the removal of GAC and installation of anthracite media, which results in superior coordination of this critical step in the project.

It is anticipated that this work will be completed in May 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-104  
(Int. No. 114)

**Establishing Maximum Compensation For The Replacement Of Filter Media At The Hemlock Lake Water Filtration Plant**

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

Section 1. The sum of \$270,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement with Calgon Carbon Corporation for the replacement of filter media at the Hemlock Lake Water Filtration Plant. Said amount shall be funded from the Cash Capital allocation (Water Fund) from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-105  
Re: Fire Houses Underground Storage Tank Removal and Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$200,000, and the appropriation of the proceeds thereof to finance the cost of removing and replacing underground storage tanks at five City firehouses.

The City of Rochester Division of Environmental Quality has evaluated the tanks to determine the compliance status of the tanks and to make recommendations for their removal and/or replacement. The evaluation identified areas of non-compliance with State regulations as well as tank system and dispenser condition issues.

All five sites will have equipment removed (specified below); only two will have replacements installed since the other three have alternate fueling sites nearby for their use.

The following summarizes the work to be done at

each site:

232 Allen Street  
Remove 1,000 gallon diesel tank, piping and dispenser  
Replacement in-kind

4090 Lake Avenue  
Remove 1,000 gallon diesel and 1,000 gallon gasoline tanks  
Replacement 500 gallon diesel and 500 gallon gasoline tanks with fire suppression

1215 N. Clinton Avenue  
Remove 1,000 gallon diesel tank, piping and dispenser  
Alternate site RCSD Hudson Ave.

873 Genesee Street  
Remove 600 gallon diesel tank, piping and dispenser  
Alternate site Monroe County Scottsville Rd.

740 N. Goodman Street  
Remove two 1,000 gallon diesel tanks  
Alternate site RGRTA

The project is anticipated to begin in spring 2012 and to be completed by summer 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-105  
(Int. No. 115)

**Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of The Removal And Replacement Of Underground Fuel Storage Tanks At Firehouses In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the removal and replacement of underground fuel storage tanks at City firehouses at 242 Allen Street and 4090 Lake Avenue, and the removal of underground fuel storage tanks at City firehouses at 1215 North Clinton Avenue, 873 Genesee Street and 740 North Goodman Street, in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$200,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal

amount of \$200,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.88 of the Law, is ten (10) years.

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

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

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

- (a) such obligations are authorized for an object

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-106  
Re: Amendatory Agreement - LaBella Associates, P.C., High Falls Heritage Area/Brown's Race Historic District Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C., for additional structural engineering services for the High Falls/Brown's Race Improvements project. The original agreement authorized in February 2010 established \$71,000 as maximum compensation. A previous amendment (July 2010) increased compensation by \$58,000 for an expanded scope of work funded by a grant from New York State. This current amendment will increase maximum compensation by \$23,000 to a total of \$152,000. The cost of the agreement will be financed from prior years' Cash Capital.

The original and first amendatory agreements addressed work to be completed at the former festival site of the High Falls Heritage Area. In a separate agreement authorized in July 2011, LaBella was hired to evaluate the condition of the gorge wall at the former festival site. Recent findings from that work indicate the wall is unstable, requiring additional work there to cease.

The work at the festival site was to be funded by a grant from the New York State Office of Parks, Recreation & Historic Preservation as authorized in Ord. No. 2009-312, and a \$290,000 match of City cash capital. The State has agreed that the City can transfer the grant to address other areas of the Heritage area, including the sealing of the Triphammer Forge Water Wheel, repairs to the Brown's Race Footbridge and Wet Well, and repairing and relo-

cating the Moseley & Motley Mill Stone. Interpretive signage will also be included. LaBella will, through the amendment requested herein, provide the necessary additional design work.

Design will begin in April 2012; it is anticipated that construction will begin in March 2013 with completion scheduled for July 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-42

Ordinance No. 2012-106  
(Int. No. 116)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For High Falls Area Improvements**

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

Section 1. The sum of \$23,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for an amendatory professional services agreement with LaBella Associates for structural engineering services for High Falls Heritage Area/Brown's Race Historic District Improvements. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-107  
Re: Agreement - Vanguard Engineering PC, Resident Project Representation Services

Transmitted herewith for your approval is legislation establishing \$320,000 as maximum compensation for an agreement with Vanguard Engineering PC (Rochester 14610) to provide resident project representation (RPR) services as needed. The term of this contract will be two years. The cost of the agreement will be financed from prior years' Cash Capital.

Typically, RPR or inspection services for City-designed construction projects are provided by either City personnel or private consultants on a project-by-project basis. However, during peak periods of the summer construction season, sufficient City personnel are not available to inspect all of the City projects. In order to meet the increased demand, Vanguard will be available to provide RPR services primarily for curb replacement projects, which require particular skill and experience. This general agreement allows for greater flexibility in the assignment of RPR and inspection ser-

vices for these projects.

A request for proposals was posted on the City's web site. Four firms responded: Lu Engineers, Passero Associates, Stantec Consulting Services, and Vanguard Engineering.

The proposals were reviewed by a team of four staff of Architecture and Engineering Bureau of the Department of Environmental Services. Vanguard Engineering was selected based on ratings of their experience with similar City projects, expertise, and availability of staff.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-43

Ordinance No. 2012-107  
(Int. No. 117)

**Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services**

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

Section 1. The sum of \$320,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Vanguard Engineering P.C. for resident project representation services for two years. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-108  
Re: Amendatory Agreement - LaBella Associates, P.C., Energy Optimization Upgrades Project, High Falls and Court Street Garages

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C., Rochester, for additional construction administration services for the Energy Optimization Upgrades Project. Maximum compensation of \$80,000 was established for the original agreement in August 2010 (Ord. No. 2010-303) for engineering design, commissioning, and resident project representation services related to lighting upgrades at the High Falls and Court Street Garages. That agreement was amended in January 2012 (Ord. No. 2012-29) to increase compensation by \$60,000 to provide the same services for the lighting upgrades at the Sister Cities Garage. This

amendment will increase compensation by \$15,000 to a total of \$155,000, to provide for additional work required at the High Falls and Court Street Garages. The additional cost will be financed from prior years' Cash Capital.

The construction period for this project needs to be extended to allow for additional services related to commissioning and system calibrations. The additional time is also needed to address additional requirements for adherence and oversight of the buy-American provisions as specified by the New York State Energy Research and Development Authority and the American Recovery and Reinvestment Act.

The project was substantially completed in December 2011. This amendatory agreement will provide for continued RPR services for the necessary 12 week extension of the project schedule.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-44

Ordinance No. 2012-108  
(Int. No. 118)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Energy Optimization Upgrades 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 LaBella Associates, PC for construction administration services for lighting upgrades at the High Falls and Court Street Parking Garages as a part of the Energy Optimization Upgrades Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-109  
Re: Amendatory Agreement - Passero Associates, Port of Rochester- Riverfront Parking Lot Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Passero Associates for additional engineering design and construction phase services related to

public improvements at 1000 North River Street, the site of the Port Terminal Building. The original agreement (Ord. No. 2010-50) established \$125,500 as maximum compensation for engineering design and construction phase services. This amendment will increase compensation by \$16,400 for a total of \$141,900; the additional cost will be financed from prior years' Cash Capital.

This project involves improvements to the existing paved parking lot and to unpaved areas located north of the Port Terminal Building and adjacent to the public riverwalk. The improvements will include development of additional landscaped parking for use by terminal lessees and patrons and the general public. Passero has completed an evaluation of programming requirements for the parking lot, drive isles, and entrance requirements to the north side of the Terminal Building. The existing agreement also includes design, bid/award and construction inspection services.

The amendatory agreement is necessary due to extra design phase costs associated with:

- 1) Revision to the project stormwater pollution prevention plan in response to new State regulations for runoff reduction and green infrastructure.
- 2) Additional coordination and revisions to plans and specifications associated with updated City standard specifications and with environmental management requirements for regulated subsurface fill materials that will be excavated during the project.
- 3) Extra project coordination due to a one-year delay in finalizing plans and specifications and additional work associated with RG&E electric and natural gas facilities that needed to be completed in advance of the construction of the parking lot.

The Riverfront parking lot construction project has been advertised, and it is anticipated that construction will begin in April and be completed in June 2012. The project will result in an increase in the number of available parking spaces from 76 to 218, including seven new handicap spaces adjacent to the terminal building.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-45

Ordinance No. 2012-109  
(Int. No. 119)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Port Of Rochester Riverfront Improvements**

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

Section 1. The sum of \$16,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Passero Associates for engineering design and resident project representation services for parking and public improvements at the Port of Rochester/Genesee Riverfront. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-110  
Re: Agreement - Dormitory Authority  
Of the State of New York, NY  
Economic Development Program  
Grant, Stutson Street (Lake  
Avenue-River Street) Improvement  
Project

Transmitted herewith for your approval is legislation authorizing an agreement with Dormitory Authority of the State of New York (DASNY) for the receipt and use of a \$300,000 award in anticipated reimbursements for construction of The Rochester Historic River Harbor Transportation Improvement Project. The project, a component of the Stutson Street (Lake Avenue - River Street) Improvement Project, includes the following:

Sidewalks. Stutson Street was originally paved with 2 1/4" brick cubes, which still exist on portions of the street under the asphalt road surface. In order to reflect the original construction of Stutson Street, brick cubes will be recovered when excavating the water main trench to be done as part of the Stutson Street Improvement Project. These cubes will be used as brick highlights installed transversely across the Stutson Street sidewalk in a repeating pattern. Each highlight strip will consist of a double row of the brick cubes. An additional 150 feet of sidewalk currently planned to be retained under the Stutson Street project will also be replaced in order to include the brick highlights.

Street Lighting. Enhanced street lighting fixtures will be installed on the existing RG&E wood pole distribution system, and on new metal poles to supplement the lighting where the spacing of the wood poles are not conducive to a good lighting layout. The streets to receive the enhanced lighting are:

- Stutson Street (Lake Ave. - River St.)
- River Street (Stutson St. - St. John's Pk.)
- Ellis Place
- Lakeport Street
- Petten Street

Design of the improvements will be provided by City staff. The project cost estimate is \$745,000, inclusive of construction, resident project representative services, and contingencies. The project will be funded by the NYEDP grant funds (\$300,000) and 2008-09, 2009-10, 2010-11 and 2011-12 Department of Environmental Services Transportation Program funds (\$445,000).

The NYEDP funds were secured through the sponsorship of State Senator Joseph Robach.

Construction on this project is expected to begin in spring 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-46

Ordinance No. 2012-110  
(Int. No. 127)

**Authorizing An Agreement For An Economic Development Grant For A River Harbor Transportation 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 Dormitory Authority of the State of New York for funding under the New York Economic Development Program for the Rochester Historic River Harbor Transportation Improvement Project.

Section 2. The sum of \$300,000 is hereby appropriated in anticipated reimbursements from the Dormitory Authority of the State of New York to fund the Rochester Historic River Harbor Transportation Improvement Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-111,  
Ordinance No. 2012-112 and  
Ordinance No. 2012-13  
Re: Mt. Hope Avenue (Elmwood Avenue  
to Rossiter Road) Improvement and  
Mt. Hope Cemetery Fence  
Improvements Projects

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue Improvement Project. This legislation will:

1. Authorize the issuance of bonds totaling

- \$213,000 and the appropriation of the proceeds thereof to finance the street improvements portion of project costs;
- 2. Authorize the issuance of bonds totaling \$918,000 and the appropriation of the proceeds thereof to finance the water improvements portion of the project costs;
- 3. Appropriate \$5,675,000 in anticipated Federal Highway aid to finance a portion of the Federal aid-eligible project costs;
- 4. Appropriate \$665,000 in anticipated New York State aid to finance a portion of the Federal aid-eligible project costs; and
- 5. Establish \$1,035,000 as maximum compensation for an agreement with Bergmann Associates, P.C. for resident project representation (RPR) services. The funding for this agreement is summarized in the table below.

The Mt. Hope Avenue Improvement Project

This Federal aid eligible project will reconstruct Mt. Hope Avenue between Elmwood Avenue and Rossiter Road, and includes: pavement reconstruction; new curbs, center traffic median, signalized intersection on Mt. Hope Avenue, and street lighting; widened and enhanced Collegetown sidewalks; water main improvements; and various streetscape enhancements commensurate with the vision of the Collegetown C-V zoning district. This project was designed by Bergmann Associates. A summary of related previous legislation is attached.

Bids for construction were received on February 27, 2012. Two bids were received. Based upon NYSDOT bidding requirements, the apparent low bid was submitted by Villager Construction, Inc., in an amount of \$5,653,684, which is 8% less than the engineer's estimate. An additional \$984,849 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are summarized below. The RPR amount also includes the projected cost for the Mt. Hope Cemetery Fence Improvements project.

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Total</u>
	<u>Contingency</u>		
Federal	\$4,174,899	\$ 734,746	
	\$765,355		\$5,675,000
State	536,502	-0-	
	128,498		665,000
Prior State appropriations	32,758	100,185	
	-0-		132,943
Local - City bond	166,706	29,339	
	16,955		213,000
Local - City water bond	718,684	126,482	
	72,834		918,000

Cemetery cash	-0-	40,000	
	-0-		40,000
Monroe County Traffic	24,135	4,248	
	1,207		29,590
Total	\$5,653,684	\$1,035,000	
	\$984,849		\$7,673,533

Bergmann Associates was selected to provide RPR services for the project based on their familiarity with the project, the firm's qualifications, and the capabilities and availability of their staff.

Mt. Home Cemetery Fence Improvements Project

The Bergmann agreement will also include the provision of RPR services for this project. It is not part of the Mt. Hope Avenue Improvement Project, but it is in the same area and will be constructed at the same time. Using Bergmann Associates for RPR services for both projects will facilitate coordination between the two projects, resulting in efficiencies of time and money.

The Mt. Hope Cemetery Fence Improvements Project consists of improvements to the perimeter fence at Mt. Hope Cemetery at the northwest corner of Mt. Hope and Elmwood Avenues and along selected locations of fence along Mt. Hope and Elmwood Avenues. Work will include installation of new fence, new concrete walls and sidewalk and plantings. The project was designed by City Architecture and Engineering Bureau staff. Bids for construction will be opened on March 13, 2012, construction is expected to begin June 2012, and it is expected that construction will be complete by August, 2012. The construction estimate for the project is \$438,000. The cost of the cemetery fence construction will be financed from prior years' Cemetery Cash Capital allocations.

The Mt. Hope Avenue Improvement Project will result in the creation or retention of 61.5 jobs. The Mt. Hope Cemetery Fence Improvements Project will result in the creation or retention of 4.8 jobs. Construction for the Mt. Hope Avenue Improvement Project will begin in May 2012 with scheduled completion in August 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-47

Ordinance No. 2012-111  
(Int. No. 128, As Amended)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[213,000] 216,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Mt. Hope Avenue Improvement Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets as a part of the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$[6,715,533] 6,750,081. The plan of financing includes the issuance of \$[213,000] 216,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$[5,675,000] 5,709,000 appropriated from Federal Highway Administration funds, \$[797,943] 798,977 appropriated from New York State funds and \$[29,590] 26,104 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$[213,000] 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 \$[213,000] 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 class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

Section 6. Subject to the provisions of this

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

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

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

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

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2012-112  
(Int. No. 129, As Amended)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[918,000] 914,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Mt. Hope Avenue Improvement Project**

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

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

hereby authorized to finance the cost of reconstruction of certain water mains related to the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$[918,000] 914,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$[918,000] 914,000 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 \$[918,000] 914,000 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 \$[918,000] 914,000. 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2012-113  
(Int. No. 130, As Amended)

**Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Avenue Improvement Project And Appropriating Funds**

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

Section 1. The sum of \$1,035,000, 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, P.C. for resident project representation services for the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project and the Mt. Hope Cemetery Fence Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection

of the projects. Of said amount, \$[734,746] 735,359 shall be funded from the appropriation made in Section 2, \$[100,185] 100,088 shall be funded from the New York State funds appropriated in Section 3 of Ordinance No. 2009-70, \$[29,339] 29,806 shall be funded from a bond ordinance adopted for street reconstruction, \$[126,482] 126,000 shall be funded from a bond ordinance adopted for water main reconstruction, \$40,000 shall be funded from the Cash Capital allocation from prior years (Cemetery Fund) and \$[4,248] 3,747 shall be funded from the Cash Capital allocation from prior years.

Section 2. The sum of \$[5,675,000] 5,709,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project.

Section 3. The sum of \$[665,000] 666,000 is hereby appropriated from anticipated reimbursements from the State of New York to fund the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 79 was introduced February 21, 2012 and appears in its original form with its transmittal letter on page 80 of the current Council Proceedings.

Ordinance No. 2012-114  
(Int. No. 79)

**Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park West Master Plan**

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1646  
Re: Care and Embellishment of Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2012 and appropriating the associated costs of \$28,334 among the benefitted properties.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Environmental Services or street or neighborhood associations. Minimum standards of maintenance are established by the department, and the appropriate street associations are asked whether they wish to assume responsibility for this maintenance.

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

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

In 2011, affected property owners for 11 malls elected to have them maintained by a street or neighborhood association, thereby accepting the apportioned cost. The total authorized cost absorbed by the owners was \$30,608. The City maintained 13 malls at no cost to the associated properties.

In 2012, street associations will be responsible for the maintenance of 10 malls and the City will maintain 14 malls. The Lakeview Park owners were part of the assessed group last year; they have elected the City maintenance option this year.

A public hearing is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-48

Local Improvement Ordinance No. 1646  
(Int. No. 120)

**Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2012**

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

Section 1. It is hereby determined that for 2012 the street malls on the following streets shall be maintained at least in accordance with minimal standards established by the Department of Environmental Services, in the following amounts:

Arnold Park	\$ 0
Hazelwood Terrace	830
Highland Parkway	891
Hillside Avenue	1,000
Huntington Park	3,600
Lafayette Park	2,350
Nunda Boulevard	6,810
Oxford Street	10,000
Rundel Park	903
Sibley Place	<u>1,950</u>
Total	\$28,334

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, 2012.

Section 4. The total cost of such improvements and work, estimated at \$28,334, 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. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein 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 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-115  
Re: Pavement Width Changes - Reservoir  
Avenue Group Curb Replacement  
Project

Transmitted herewith for your approval is legislation authorizing pavement width changes on Reservoir Avenue as follows as part of the Reservoir Avenue Group Curb Replacement Project:

1. An increase of 6 feet, from 20 feet to 26 feet beginning at South Avenue to a point 220 feet east of South Ave; and
2. An increase of 3 feet from 31 feet to 34 feet beginning at the later point to 320 feet east of South Avenue.

Included in the project are: Reservoir Avenue (Mt. Hope Ave. to 320 feet east of South Ave); Alpine Street (South Avenue to Mt. Vernon Avenue); and Burkhard Place (South Ave. east to dead end). The project includes installation of new granite curbs, underdrain, and driveway aprons; replacement of sidewalks as needed; adjustment or replacement of catch basins; topsoil and seed; and the restoration of all areas disturbed by construction.

The existing three-foot wide concrete gutters on Reservoir Avenue east of South Ave. are deteriorated and will be removed. Installation of the new curbs requires the additional pavement where the gutters will be replaced. The project is being designed in-house.

No additional right-of-way is required to accommodate the changes in pavement width.

Design of the project is scheduled to be completed in spring 2012. Construction is expected to begin in summer 2012, and be completed by fall 2012.

A public informational meeting was held December 14, 2011. The minutes of that meeting are attached. The pavement width changes required for the project will be presented to the Traffic Control Board for endorsement on March 6, 2012.

A public hearing on the pavement width changes is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-49

Ordinance No. 2012-115  
(Int. No. 121)

**Approving Increases In The Pavement Width Of Reservoir Avenue**

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

Section 1. The Council hereby approves an increase of 6 feet, from 20 feet to 26 feet, in the pavement width of Reservoir Avenue, from South Avenue to a point 220 feet east of South Avenue, as a part of the Reservoir Avenue Improvement Project.

Section 2. The Council hereby further approves an increase of 3 feet, from 31 feet to 34 feet, in the pavement width of Reservoir Avenue, from a point 220 feet east of South Avenue to a point 320 feet east of South Avenue, as a part of the Reservoir 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.

By Councilmember McFadden  
March 27, 2012

To the Council:

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

Int. No. 122 - Establishing Maximum Compensation For An Agreement With The Protectives, Inc. For Property Protection And Salvage Services

Int. No. 123 - Establishing Maximum Compensation For An Agreement For The Provision Of Prescription Medication For Injured City Firefighters

Int. No. 126 - Authorizing An Agreement For An Urban Area Security Initiative Grant And Amending The 2011-12 Budget

Int. No. 131 - Establishing Maximum Compensation For A Professional Services Agreement For Firefighter Training

The following entitled legislation is being held in Committee:

Int. No. 132 - Amending Chapter 66 Of The Municipal Code, Junkyard Operators, Junk Dealers And Scrap Processors

Int. No. 133 - Amending Chapter 80 Of The Municipal Code, Pawnbrokers

Int. No. 134 - Amending Chapter 96 Of The Municipal Code, Secondhand Dealers

Respectfully submitted,  
Adam C. McFadden  
Matt Haag  
Loretta C. Scott  
Lovely A. Warren  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-116  
Re: Agreement - Protectives, Inc.,  
Auxiliary Fire Department Services

Transmitted herewith for your approval is legislation authorizing an agreement with Protectives, Inc. for the continued provision of auxiliary services to the Fire Department. The most recent agreement, authorized via Ordinance No. 2009-165, expires June 30, 2012. This agreement includes provision for use of certain City facilities, medical services, and financial support.

The Rochester Protectives, Inc., established in 1858, is a volunteer firefighter assistance organization that works with the Rochester Fire Department. Its mission is to provide both fire and non-fire salvage services to city residents at emergency incidents. The Protectives provide assistance to the Rochester Fire Department and protect private property of citizens from unnecessary damage by performing the following activities:

- Covering or removing property
- Recovering family valuables
- Providing ventilation through the use of smoke-ejecting fans
- Set-up of emergency scene lighting
- Pumping water from flooded buildings
- Securing broken windows and doors

Over 25,000 hours of services are provided annually by approximately 35 active members who each volunteer a minimum of twelve hours per week.

The Fire Department provides 5,600 square feet of space within the Chestnut Street Firehouse facility for office, storage and bunking purposes, and a truck and driver to transport equipment.

To ensure the health and safety of emergency responders, the Fire Department will provide annual Hepatitis B vaccinations and annual physicals to the Protectives members who use breathing apparatus at the fire scene. Similar vaccinations and annual physicals are currently provided by the City to other emergency personnel as required under state and federal regulations.

City funds support the operating and administrative costs of the program, including but not limited to: facility maintenance, administrative services, office supplies, and accident and sickness insurance. The annual amounts of \$49,000, \$50,000, and \$51,000 will be funded from the Budgets of the Fire Department beginning with fiscal year 2012-13, contingent upon their approval.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-116  
(Int. No. 122)

**Establishing Maximum Compensation For An Agreement With The Protectives, Inc. For Property Protection And Salvage Services**

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

Section 1. The sum of \$49,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of an agreement between the City and The Protectives, Inc. for property protection, salvage and related services to the Fire Department. Said agreement may extend for a term of three years, with maximum amounts of \$50,000 and \$51,000 in the second and third years. The Fire Department shall also be obligated to pay for the costs of physical examinations and hepatitis B vaccinations for members of the Protectives. Said amounts shall be funded from the 2012-13 and subsequent Budgets of the 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. 2012-117  
Re: Agreement - Wegmans Food and Pharmacy, Fire Department Prescriptions

Transmitted herewith for your approval is legislation establishing \$100,000 as annual maximum compensation for an agreement with Wegmans

Food and Pharmacy for the provision of prescription medication for firefighters who have been injured on the job. This amount will be funded from the 2011-12 and subsequent (contingent upon approval) Budgets of the Fire Department.

On December 2, 2011, a request for proposals was posted to the City website and mailed directly to the following pharmacies: Wegmans Food and Pharmacy, CVS Caremark Corp., Rite Aid Pharmacies, Walgreens Pharmacy, Tops Markets/Pharmacies, Saratoga Pharmacy, Pleasant St. Pharmacy, RDrugs Etc., Clinton Pharmacy, Warrens Pharmacy, Southside Apothecary, NCS Healthcare of NY, and the Medicine Shoppe Pharmacy.

Wegmans Food and Pharmacy was the only vendor to submit a proposal and has provided this service since 1983. The most recent agreement was authorized via Ordinance No. 2007-428. The agreement will provide prices at 86.5% of the average wholesale price (AWP), plus \$2.75 for brand name drugs; and 80% of the AWP plus \$2.50 for generic drugs. Pricing will be at these rates, or Wegmans' Usual and Customary charge, whichever is less.

This agreement will have an initial term of two years with an option for one two-year renewal. The total cost for the initial two years plus the one two-year renewal will not exceed \$400,000. The average cost of prescription drugs for injured firefighters for 2010 and 2011 was \$70,000 per year.

The current agreement expires on April 30, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-50

Ordinance No. 2012-117  
(Int. No. 123)

**Establishing Maximum Compensation For An Agreement For The Provision Of Prescription Medication For Injured City Firefighters**

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

Section 1. The sum of \$100,000, 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 Wegmans Food and Pharmacy for the provision of prescription medication for injured City Firefighters for a term of two years, with one two-year renewal option. Said amount shall be funded from the 2011-12 and subsequent Budgets of the Rochester Fire Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-118  
Re: Agreement - Urban Area Security Initiative 2010 Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of a \$995,640 Urban Area Security Initiative (UASI) 2010 grant, and amending the 2011-12 Budget of the Fire Department to include \$5,000 of these funds for special operations training.

This 2010 award builds on the 2008 and 2009 UASI grants which focus on chemical, biological, radiological, nuclear, and explosive threats; HAZMAT readiness and response; and urban search and rescue.

The Police Department will use \$869,115 of the grant to purchase a mobile command vehicle to replace the current one, mobile command vehicle electronics, surveillance equipment, and an equipment trailer.

The Fire Department will use \$75,371 of the grant to purchase hydraulic tools for breaching, an entry link camera, and modular responder training facility equipment.

The balance of the grant, \$46,154 Fire Department overtime, training, and travel, will be included in the 2012-13 budget request. No matching funds are required.

Uses of the grant are summarized below:

RPD Equipment	\$869,115
RFD Equipment	75,371
RFD Training (2011-12)	5,000
RFD Training, Travel, OT (2012-13)	46,154
Total	\$995,640

The term of the grant is August 1, 2010 to July 31, 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-118  
(Int. No. 126)

**Authorizing An Agreement For An Urban Area Security Initiative Grant And Amending The 2011-12 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 Homeland Security and Emergency Services for funding for the Rochester Police and Fire Departments under the Urban Area Security Initiative Grant Program.

Section 2. The sum of \$944,486 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund equipment purchases for the Rochester Police and Fire Departments.

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

Section 4. Ordinance No. 2011-188, the 2011-12 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 \$5,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-119  
Re: Agreement - Firefighter Bail Out  
Equipment Training

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with All Hands Fire Equipment (Neptune, NJ) to provide training for the use of firefighter bail out equipment. The cost of this agreement will be funded from the 2011-12 Operating Budget of the Fire Department.

The Rochester Fire Department is required to provide firefighters with self-rescue ropes systems equipment and training in its use, as per *Code rule 800.7, NFPA 2003 E Standard for Fire Service Life Safety Rope and Equipment for Emergency Services*, an unfunded mandate recently adopted by the New York State Department of Labor. This regulation sets new standards to ensure the safety of firefighters who are trapped at an elevation above the ground floor of a structure. Bail out equipment provides them with a means to safely exit out of a second story when all other means of egress are compromised.

In late Spring 2011, the RFD received a federal Assistance to Firefighters Grant for \$182,000 to help fund the more than \$300,000 purchase of bail out equipment to achieve compliance with Code rule 800.7. The process to test and choose the components and equipment to implement the escape system began soon after funding was secured. A bid package for the equipment was issued in late October and All Hands Fire Equipment was awarded the bid in early December. However, on December 16, 2011, the RFD was cited by New York State Public Employment Safety and Health (PESH) for non-compliance with Code rule 800.7.

Bail out training has been an ongoing component of training for all RFD firefighters. Once the newly specified equipment is secured, and the requisite

training on its use is in place, the RFD will have met the requirements of the new code. Given the timing and need to expedite a compliance deadline of April 25, 2012, All Hands Fire Equipment was solicited for a proposal to ensure thorough, appropriate and efficient training on their equipment.

The training will include:

- Certified Bail Out Equipment Trainers;
- A combination train the trainer and end-user training;
- Proper techniques for configuration of escape system;
- Proper documentation of training and record keeping skills;
- Training and presentation materials;
- Digital copies of all course documentation.

It is anticipated that training will begin upon approval and execution of the agreement, and initial training to be completed by the end of April 2012. Ongoing training will be done in-house as needed.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-119  
(Int. No. 131)

**Establishing Maximum Compensation For A Professional Services Agreement For Firefighter Training**

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 by the City for a professional services agreement with All Hands Fire Equipment for firefighter training on the proper use of firefighter bail out equipment. Said amount shall be funded from the 2011-12 Budget of the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-120,  
Ordinance No. 2012-121 and  
Ordinance No. 2012-122  
Re: Amending the Municipal Code -  
Licensing Codes

Transmitted herewith for your approval is legislation amending the Municipal Code to revise certain licensing provisions related to Pawnbrokers (Chapter 80), Secondhand Dealers (Chapter 96), and Junkyard Dealers (Chapter 66).

Over the past 10 years, Rochester has experienced a 40% increase in burglaries, with the number peak-

ing at 3,384 in 2011. In particular, increases in the prices of scrap metal have led to a significant increase in the number of burglaries and thefts related to copper, tin, iron, and other metals.

Research and experience demonstrate that most often the intent of these crimes is to quickly convert stolen property to cash. The most commonly stolen items, such as jewelry, tools, and consumer electronics, are also among the most common items pawned or sold in secondhand transactions.

As you know, amendments to Chapters 66, 80, and 96 of the City Code were proposed last year, and were held in Committee for further review. Since then, several long-time licensed pawn, secondhand, and scrap dealers have worked with staff from RPD, the Law Department, and the Clerk's Office to revise these amendments. It is believed that the resulting changes will assist local law enforcement efforts to respond to the rise in burglaries while also ensuring good business practices and minimizing regulatory burden to dealers.

The key elements of the Code amendments include:

*Electronic reporting of transactions.* This will provide the ability to more efficiently track stolen goods and will eliminate most of the current paper reporting process.

*Ensuring consistency within the Code.* Additional Code changes represent an effort to ensure that these sections more closely reflect other recently revised Chapters, including administrative cancellation of an application; compliance with the Municipal Code; payment of outstanding fines before an application can be processed; prohibition from issuing a license for one year after an applicant has been found guilty of operating without a secondhand dealers license; adding a general operations section; adding a provision regarding the issuance of conditional licenses; and standardizing the penalty section.

*License renewal deadline.* A shift from December 31 to May 31, when there is no snow on the ground, will allow for more appropriate inspection of any zoning conditions that may apply.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-51

Councilmember McFadden moved to discharge Int. No. 132 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted unanimously.

Ordinance No. 2012-120  
(Int. No. 132)

**Amending Chapter 66 Of The Municipal Code, Junkyard Operators, Junk Dealers And**

### Scrap Processors

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

Section 1. Chapter 66 of the Municipal Code, Junkyard Operators, Junk Dealers and Scrap Processors, as amended, is hereby further amended as follows:

- (a) Section 66-4, License fee, is amended by amending the first sentence thereof to read in its entirety as follows:

The annual license fee shall be \$300, except that in 2013 the renewal fee shall be \$425.

- (b) Section 66-6, Expiration of license, is amended by amending the body thereof to read in its entirety as follows:

Licenses shall expire on May 31 after their date of issuance.

- (c) Section 66-7, Restrictions on licensing and operation, is amended by adding the following new subsection:

I. Junkyard operators, junk dealers, or scrap processors shall not knowingly possess stolen property.

- (d) Section 66-8, Recordkeeping requirements, is amended by amending Subsection A and B thereof to read in its entirety as follows:

A. Every junkyard operator, junk dealer, and scrap processor shall keep a record in which shall be documented, at the time of the purchase or receipt of any item, a description thereof, the name, age and personal description of the person from whom the purchase was made, the date and time when the purchase was made and where the seller obtained the item. The identity of the seller shall be verified by use of a New York State driver's license or New York State nondriver identification card and the license or identification card number shall also be recorded in the record with the other identifying information. All such records shall be open to inspection by any member of the Police Department of the City of Rochester. The records shall be legibly written in the English language and shall show the amount paid for each item along with the check number issued for payment of said item. No such record shall be erased, obliterated, altered or defaced.

B. Every junkyard operator, junk dealer, and scrap processor shall make out every business day, on blank forms to be furnished by, or in a format ap-

proved by, the Chief of Police, a record containing the details of all purchases and receipt of junk from individual sellers who are not institutional clients during the preceding business day. The dealer shall deliver such record to the Chief of Police, or his or her representative, by mail or in person and then exclusively by computer transmission as prescribed in §66-9, on the same day in which the record is completed. The details to be reported on each purchase shall be prescribed by regulations promulgated by the Chief of Police.

- (e) Sections 66-9 through 66-11 are renumbered as Sections 66-10 through 66-12, respectively, and there is added the following new Section 66-9:

Section 66-9. Electronic reporting of transactions.

- A. From and after the date called for by the phase-in schedule in subsection E, every junkyard operator, junk dealer, or scrap processor, except those exempted by operation of subsection F, shall, by close of business each day, upload to the Chief of Police electronic records of all reportable transactions occurring the same business day. Each transaction record shall contain all information required by §66-8, and shall be uploaded via internet connection to an electronic reporting service provided by the Rochester Police Department according to the following procedures:

- (1) Junkyard operators, junk dealers or scrap processors using point of sale software shall review compatibility of their software with the electronic reporting service provided by the Police Department, and dealers with compliant point of sale software shall electronically upload all required information from their point of sale software to the specified electronic reporting service via internet connection using the upload process of the reporting service; or
- (2) Junkyard operators, junk dealers, or scrap processors using non-compliant point of sale software, or not using point of sale software, shall manually enter all reportable transactions into the electronic reporting service via internet connection.

- B. The Chief of Police shall establish by rule the format and requirements of the transmission of data and may re-

strict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission under subsection A shall not be reported on paper forms unless the Chief of Police so requests.

- C. In the event a junkyard operator, junk dealer or scrap processor is unable to successfully upload transaction records via the electronic reporting service, the junkyard operator, junk dealer or scrap processor shall, within 24 hours, notify the Police Department of the reason for the submission failure and shall provide the Police Department with an estimated time of compliance. For every day the junkyard operator, junk dealer or scrap processor is unable to upload electronic transactions records via the electronic reporting service, the junkyard operator, junk dealer or scrap processor shall provide the Chief of Police a daily electronic data table or spreadsheet of all transactions that would otherwise have been submitted via the electronic reporting service. This data shall be either hand delivered or emailed to the Police Department no later than one (1) business day after the transaction date.

- D. If the upload problem is determined by the Police Department to be the fault of the junkyard operator, junk dealer or scrap processor, the junkyard operator, the junk dealer or scrap processor shall be charged a daily reporting failure fee of Ten Dollars (\$10.00) until the error is corrected. This fee is to offset the Rochester Police Department's costs in converting the data from paper format into electronic format. If the problem is determined by the Police Department to be due to factors not associated with the junkyard operator, junk dealer or scrap processor, the junkyard operator, junk dealer or scrap processor shall not be charged the reporting failure fee. Upon correction of the problem, the junkyard operator, junk dealer or scrap processor shall electronically upload the required information.

- E. Junkyard operators, junk dealers or scrap processors shall report their transactions electronically to the Chief of Police as required by subsections A and B from and after the following dates:

- (1) For each business for which a junkyard operator, junk dealer or scrap processor license is first obtained on or after the effective

date of the ordinance codified in this section, effective upon commencing business or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;

Ordinance No. 2012-121  
(Int. No. 133)

**Amending Chapter 80 Of The Municipal Code, Pawnbrokers**

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

- (2) For each business for which a junkyard operator, junk dealer or scrap processor license was first obtained before the effective date of the ordinance codified in this section no later than one (1) month after the effective date of the initial rules adopted pursuant to subsection B;

Section 1. Chapter 80 of the Municipal Code, Pawnbrokers, as amended, is hereby further amended as follows:

- (a) Section 80-2, Expiration of license, is amended by amending the body thereof to read in its entirety as follows:

Licenses shall expire on May 31 after their date of issuance.

- (b) Section 80-3, Fee, is amended by amending the first sentence thereof to read in its entirety as follows:

The annual license fee shall be \$250, except that in 2013 the renewal fee shall be \$283.

- (c) Section 80-5, Regulations, is amended by amending subsections A and L and adding a new subsection C, to read in their entirety as follows:

A. Pawnbrokers shall report daily in writing to the Chief of Police, on a blank form to be furnished by the Police Department, a description of all articles received by said pawnbroker within the 24 hours immediately preceding the delivery of such report, the name, date of birth, residence address, physical description of the person from whom the articles were received, the date and time when the articles were received, and the name of the employee receiving the articles. The pawnbroker shall deliver such record to the Chief of Police, or his or her representative, by mail or in person until required to do so by computer transmission as prescribed in §80-6, on the same day in which the record is completed. The contents of such report shall not be communicated to any person for the purpose of publication, but shall be used expressly for protecting the public. No person shall make any false entry in such report, and whenever the Chief of Police shall notify any pawnbroker not to sell or permit to be redeemed any property so received on deposit, such property shall not be sold or be permitted to be redeemed until the said Chief shall so direct.

- (3) The Chief of Police may for good cause shown grant a junkyard operator, junk dealer or scrap processor an extension of the otherwise applicable deadline to a date not later than six (6) months after the effective date of this ordinance. An extension may only be granted: Upon written application by the junkyard operator, junk dealer or scrap processor; upon a showing that the junkyard operator, junk dealer or scrap processor is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission; and upon agreement by the junkyard operator, junk dealer or scrap processor to pay to the City a daily reporting fee of Ten Dollars (\$10.00) to offset the Rochester Police Department's costs in converting the data from paper format into electronic form.

- F. If, after establishing the format and requirements for the transmission of computerized reports of transactions the Chief of Police alters the required format, junkyard operators, junk dealers or scrap processors shall be given at least thirty (30) days to comply with the new format requirements.

Section 2. This ordinance shall take effect on June 1, 2012.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 133 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

- C. No pawnbroker shall make any purchase or otherwise receive any articles from any person without first as-

certaining that such articles are the property of the person offering to sell them and were not stolen.

- L. No pawnbroker shall receive or purchase any article unless the person selling the same identifies himself or herself by the individual's true name, date of birth and residence address, which shall be verified by a New York State Driver's License, New York State Non-Driver's Identification Card, police identification card or other means of identification approved by the Chief of Police.
- (d) Section 80-6 is renumbered as Section 80-7 and there is added the following new Section 80-6:

§80-6. Electronic reporting of transactions.

- A. From and after the date called for by the phase-in schedule in subsection E, every pawnbroker, except those exempted by operation of subsection F, shall, by close of business each day, upload to the Chief of Police electronic records of all reportable transactions occurring the same business day. Each transaction record shall contain all information required by §80-5, and shall be uploaded via internet connection to an electronic reporting service provided by the Rochester Police Department according to the following procedures:
- (1) Pawnbrokers using point of sale software shall review compatibility of their software with the electronic reporting service provided by the Police Department, and dealers with compliant point of sale software shall electronically upload all required information from their point of sale software to the specified electronic reporting service via internet connection using the upload process of the reporting service; or
  - (2) Pawnbrokers using non-compliant point of sale software, or not using point of sale software, shall manually enter all reportable transactions into the electronic reporting service via internet connection.
- B. The Chief of Police shall establish by rule the format and requirements of the transmission of data and may restrict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission under subsection A shall

not be reported on paper forms unless the Chief of Police so requests.

- C. In the event a pawnbroker is unable to successfully upload transaction records via the electronic reporting service, the pawnbroker shall, within 24 hours, notify the Police Department of the reason for the submission failure and shall provide the Police Department with an estimated time of compliance. For every day the pawnbroker is unable to upload electronic transactions records via the electronic reporting service, the pawnbroker shall provide the Chief of Police a daily electronic data table or spreadsheet of all transactions that would otherwise have been submitted via the electronic reporting service. This data shall be either hand delivered or emailed to the Police Department no later than one (1) business day after the transaction date.
- D. If the upload problem is determined by the Police Department to be the fault of the pawnbroker, the pawnbroker shall be charged a daily reporting failure fee of Ten Dollars (\$10.00) until the error is corrected. This fee is to offset the Rochester Police Department's costs in converting the data from paper format into electronic format. If the problem is determined by the Police Department to be due to factors not associated with the pawnbroker, the pawnbroker shall not be charged the reporting failure fee. Upon correction of the problem, the pawnbroker shall electronically upload the required information.
- E. Pawnbrokers shall report their transactions electronically to the Chief of Police as required by subsections A and B from and after the following dates:
- (1) For each pawnbroker business for which a pawnbroker license is first obtained on or after the effective date of the ordinance codified in this section, effective upon commencing business or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;
  - (2) For each pawnbroker business for which a pawnbroker license was first obtained before the effective date of the ordinance codified in this section no later than one (1) month after the effective date of the initial rules adopted pursuant to subsection B;

(3) The Chief of Police may for good cause shown grant a pawnbroker dealer an extension of the otherwise applicable deadline to a date not later than six (6) months after the effective date of this ordinance. An extension may only be granted: Upon written application by the pawnbroker; upon a showing that the pawnbroker is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission; and upon agreement by the pawnbroker to pay to the City a daily reporting fee of Ten Dollars (\$10.00) to offset the Rochester Police Department's costs in converting the data from paper format into electronic form.

F. If, after establishing the format and requirements for the transmission of computerized reports of transactions the Chief of Police alters the required format, pawnbrokers shall be given at least thirty (30) days to comply with the new format requirements.

(e) There are added the following new Sections 80-8 through 80-12:

§80-8. Promulgation of rules and regulations.

The Chief of Police shall, consistent with the express standards, purposes and intent of this chapter, promulgate, adopt and issue such interpretations, procedural rules, regulations and forms as are in the Chief of Police's opinion necessary to effective administration and enforcement of the provisions of this chapter. These interpretations, rules, regulations and forms shall be available to the public at the License Clerk's Office. Such rules, regulations and forms shall be effective upon filing with the City Clerk as a communication to the City Council.

§80-9. Transfer of license.

A. Pawnbrokers licenses shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location, a new pawnbroker's license shall be required. A pawnbroker's license shall not be transferred to any person who holds power of attorney.

B. A pawnbroker's license shall be deemed null and void when the licensee is not found operating the business for a period of one (1) month and fails to respond in person to the

Chief of Police or his or her designee after having been sent a seven (7) day notification letter.

§80-10. Denial of licenses or renewals.

A. The Chief of Police may deny a license or deny the renewal of a license to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter or who makes a material misrepresentation on the license application. The Chief of Police shall give a written notification to an applicant of the reasons for the denial of a license.

B. When an investigation reveals that the applicant has violated either federal, state or local laws or rules and regulations, the Chief of Police may authorize the issuance of a conditional license. The conditional license shall state the grounds for the conditional license, the conditions under which the applicant shall operate his or her business, be signed by the applicant, and contain a provision which provides that any violation of the conditional license, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional license.

C. The Chief of Police shall have the power to investigate and inquire into license applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

§80-11. Inspection of pawnbroker's records and items.

A pawnbroker shall allow a law enforcement officer, acting in the line of duty, to enter the premises during business hours and inspect any record of transactions subject to this chapter and any items on the premises.

§80-12. Severability.

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this chapter are declared to be severable.

Section 2. This ordinance shall take effect on June 1, 2012.

Passed unanimously.

Councilmember McFadden moved to discharge Int.

No. 134 from Committee.

The motion was seconded by Councilmember Haag

The motion was adopted unanimously.

Councilmember McFadden moved to amend Int. No. 134.

The motion was seconded by Councilmember Miller.

The motion was adopted unanimously.

Ordinance No. 2012-122  
(Int. No. 134, As Amended)

**Amending Chapter 96 Of The Municipal Code, Secondhand Dealers**

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

Section 1. Chapter 96 of the Municipal Code, Secondhand Dealers, as amended, is hereby further amended to read in its entirety as follows:

Chapter 96. SECONDHAND DEALERS

§96-1. License required.

- A. No person, firm, corporation, partnership, association, trust or any type of business enterprise shall carry on the business of secondhand dealer without obtaining a license from the Chief of Police.
- B. The business of secondhand dealer shall mean a business which engages in the purchase of any secondhand gold, silver, platinum, diamonds or other precious gems or any items containing gold, silver, platinum, diamonds or other precious gems; bicycles; radios; televisions; stereo equipment; jewelry; watches; cameras and accessories; furniture; appliances; consumer electronics and office equipment; tools; stamps; coins; automotive parts or equipment; or motor vehicles. A "purchase" of a secondhand item, as used in this chapter, in addition to its usual meaning of "buy" or "pay for", shall also be construed to include an exchange, trade, transfer or other means of acquisition for consideration of a secondhand item.

§96-2. Exemptions from Chapter.

This Chapter shall not apply to:

- A. Any person licensed as a Junkyard Operator, Junk Dealer or Scrap Processor under Chapter 66 of this Code; or
- B. Any secondhand dealer that is exempt from taxation under §501(c)(3) or §501(c)(4) of the Internal Revenue Code; or
- C. Garage sales, basement sales, porch sales, yard sales and other such events at which a person desires to sell or trade his or her personal used

items, household goods, furniture or equipment upon his or her premises, said premises not being a regular place of business for purchase or sale of secondhand items, shall be exempted from the license requirement of this chapter. No more than one (1) such sale shall be conducted by the same person or persons upon the same premises within one (1) calendar year, and each such sale shall not exceed three (3) consecutive days; or

- D. Sales conducted for charitable purposes shall be exempted from the license requirement of this chapter. The determination of whether a sale is being conducted for a charitable purpose shall be made by the Chief of Police; or
- E. This chapter shall not apply to the return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.

§96-3. Application for license.

- A. An application for a secondhand dealer's license shall be made by the owner and operator, if other than owner, on forms provided by the Chief of Police and filed with the City Clerk. The application shall request relevant information relating to the owner and operator, if any, of the business to be conducted at the premises and names and dates of birth of all employees. Where the owner is not directly involved with the day-to-day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day-to-day operation of the business. In this situation, the secondhand dealer's license shall be issued to the operator, the names, addresses and phone numbers of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses listing street and number. The application shall also require the legal address of the premises where such business is to be carried on, and whether the applicant or any officer and operator has previously been involved in the purchase or sale of secondhand goods and, if so, the name of the business, its location and the dates of involvement. The application shall be signed and sworn to before a notary public or other official authorized to administer oaths in the City.
- B. Applications shall only be accepted where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension or revocation, or who has had an application for a secondhand dealer's license denied, is ineligible to apply for a secondhand dealer's license during a period of suspension or for a period of one (1) year from the date of revocation or denial. The applicant(s) must also demonstrate to the Chief of Police that he or she has procured all neces-

sary licenses and permits for the business.

- C. Upon receipt of an application for a secondhand dealer's license, and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Chief of Police shall cause an inspection to be made of the applicant's business premises to determine whether public safety problems exist, and the Chief of Police shall cause an investigation to be made of the background of the owner and operator of the business. Before the issuance of a license, the Chief of Police and his or her representatives shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. After a license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand businesses, may be made in areas open to the public or other areas with consent, and the Chief of Police shall have the authority to seek warrants where the same are constitutionally required.
- D. The Chief of Police shall cause an application to be administratively canceled if the applicant fails, with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations or to pay any outstanding judgments rendered by the Parking/Municipal Code Violations Bureau, avoidable alarm fees or to complete a building permit or zoning application.
- E. Any changes in any facts or information required on said application occurring after filing thereof shall be reported by the licensee, in writing, to the Chief of Police within five (5) days of the change.
- C. Except as provided in New York Correction Law, Article 23-A, the Chief of Police reserves the right to deny a secondhand dealer's license to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business.
- D. No secondhand dealer's license shall be issued unless the applicant and business have fully complied with the provisions of this article and have obtained all necessary licenses and permits for the operation. No secondhand dealer's license shall be issued to a premises while charges are pending pursuant to §3-15 of the City Charter or while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.
- E. No secondhand dealer's license shall be issued unless the business premises is in compliance with the Municipal Code.
- F. No secondhand dealer's license shall be issued to any business or applicant against whom judgment has been rendered by the Parking/Municipal Code Violations Bureau and avoidable alarm fees relating to the business or business premises, which judgment has not been satisfied.
- G. No secondhand dealer's license shall be issued for a period of one (1) year after the applicant has been found guilty of operating a business without a secondhand dealer's license.
- H. It shall be the duty of all holders of a secondhand dealer's license to notify the Chief of Police of any changes in information supplied on their license applications within twenty (20) days of such changes.

#### §96-4. Additional inspections.

The Fire Chief may cause an inspection of the premises to be made to determine whether the applicant is in compliance with the laws and ordinances which the Rochester Fire Department is charged with enforcing. The Fire Chief and members of his or her staff shall have the right to enter upon any premises for which a secondhand dealer's license is sought when the business is open for the purpose of making such an inspection of areas open to the public, or other areas with consent, and shall also have the authority to seek warrants where the same are constitutionally required.

#### §96-5. Issuance of secondhand dealer's license.

- A. All new applications for a secondhand dealer's license shall be issued or denied within thirty (30) days after a fully completed application has been accepted and an inspection has found the premises to be code compliant.
- B. The owner, operator and employees of any secondhand business shall be of good moral character and shall maintain good order on the business premises at all times.

#### §96-6. Expiration of licenses.

Secondhand dealer licenses shall expire on May 31 of each year except for licenses issued for the 2012 licensing year, which licenses will be valid until May 31, 2013.

#### §96-7. License fee.

The annual fee for a secondhand dealer's license shall be \$200, except that in 2013 the renewal fee shall be \$354. There shall be a fee of \$10 for replacement of a lost license.

#### §96-8. General operation of secondhand dealer's businesses.

- A. Secondhand dealers shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of businesses and the occupation, use and maintenance of the premises, and shall ensure that all of his or her employees and agents do also. Where the secondhand dealer is also a pawn dealer, the secondhand dealer shall comply with Article 5 of the New York State General Business entitled *Collateral Loan Broker Law*.

- B. Secondhand dealers shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, Commissioner of Neighborhood and Business Development and the Director of Planning and Zoning governing the occupation and use of the premises.
- C. Secondhand dealers shall not employ any person who has been convicted within three (3) years of any felony related to the operation of a business or who has had a secondhand dealer's license revoked or denied within the past year.
- D. Secondhand dealers shall cause the secondhand dealer's license and business permit to be posted in a conspicuous place immediately visible upon entering the business.
- E. No secondhand dealers shall have his or her place of business open for the transaction of business except between the hours of 8:00 a.m. and 11:00 p.m. The hours of operation of secondhand businesses may be further limited by the Zoning Code of the City of Rochester and whichever section is more restrictive shall govern.
- F. Secondhand dealers shall maintain good order on and about the premises at all times when the business is open. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots and the land on which the building is located. The owner or operator of any secondhand dealer's business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:
  - (1) The premises to become disorderly, including fighting or lewdness.
  - (2) Gambling.
  - (3) Prostitution.
  - (4) Illegal possession, use, gift, sale or offer for sale of alcoholic beverages.
  - (5) Illegal possession, use, gift, sale or offer for sale of cigarettes or tobacco products.
  - (6) Food stamp or welfare fraud or criminal diversion of prescription medications and prescriptions.
  - (7) Litter.
  - (8) Possession, use, gift, sale or offer for sale of illegal drugs.
  - (9) Noise violations.

- (10) Knowingly be in possession of stolen property.
- (11) Operating beyond the legal hours of operation.
- (12) Illegal possession, use, gift, sale or offer for sale of dangerous weapons.
- (13) Unlawfully dealing with a child or allowing or permitting sexual performances by a child.
- (14) Any other nuisance activity listed in §3-15 of the City Charter.
- G. In case any suspicious or known dishonest person shall offer for sale to any secondhand dealers any article of value or the secondhand dealer has reason to believe from any circumstances that an article has been stolen or acquired by dishonest means, it shall be his or her duty to immediately report the offer to the Chief of Police or his or her representatives.
- H. Secondhand dealers shall only purchase, sell or offer for sale new items which have been purchased from authorized retailers or wholesalers. This provision shall not apply to the purchase or sale of new items purchased from individuals who sell less than three (3) of an identical or same type of goods within one (1) calendar year.

§96-9. Licensed premises.

A secondhand dealer's license shall be valid only for the location designated upon the application. All activities regarding secondhand dealing must be conducted at the licensed premises.

§96-10. Prohibited Transactions.

- A. Secondhand dealers shall not receive or purchase any secondhand goods from any person under the age of eighteen (18) years unless said minor is accompanied by his or her parent or legal guardian, nor shall secondhand dealers receive or purchase any secondhand goods from any person who is visibly intoxicated or under the influence of drugs.
- B. Secondhand dealers shall not make any purchase or otherwise receive any secondhand goods from any person without first ascertaining, [verbally or] in writing, that such goods are the property of the person offering to sell the goods and were not stolen.
- C. Secondhand dealers shall not purchase or sell any pharmaceuticals, prescription medicine or any other new items that have been identified as a problem by the Chief of Police and listed in the Chief of Police's Rules and Regulations.

§96-11. Transferor to provide true information.

An individual who transfers or otherwise disposes of an item to a secondhand dealer shall not fail or

refuse to give:

- A. The individual's true name, date of birth and residence address which shall be verified by a New York State Driver's License, New York State Non-Driver's Identification Card, police identification card or other means of identification approved by the Chief of Police; and
- B. If the individual is acting as an agent for a principal, proof of the principal's true name, date of birth and residence address.

§96-12. Record of purchases and sales.

Every secondhand dealer shall keep a substantially bound book, not less than six (6) inches in either length or width, in which shall be legibly written in ink and in English at the time of every purchase or sale a description of every secondhand article so purchased, the number or numbers, any monograms, inscriptions or other marks of identification that may appear on the article, the name, date of birth, residence address, general description and signature of the person from whom such purchase was made, the date and time when the purchase was made, the purchase price, the tag number attached to each item, and the name of the employee who accepted the item. All such record books shall be open to inspection by any member of the Rochester Police Department during the hours of business operations. No entry in such book shall be erased, obliterated, altered or defaced and such book shall be maintained for a period of three (3) years from the date of the latest purchase or sale entry made therein. All such record books shall be open to inspection by any member of the Rochester Police Department. [The Police Chief shall have the legal authority to discontinue, by amendment to the rules and regulations governing this chapter, the requirement to record purchases and sales in a bound book when the Chief is satisfied that the reporting of such transactions are being successfully accomplished by computer reporting.] The Police Chief shall promptly notify individual licensees that entries in such book may be discontinued, upon confirmation of satisfactory electronic reporting by said licensee pursuant to Section 96-15.

§96-13. Tagging items.

Every secondhand dealer shall at the time of purchase and until resale attach and keep affixed a properly numbered tag to, or otherwise keep legibly numbered, each secondhand article purchased, and shall also make entry of such number in the book provided for in §96-12 and on the purchase receipt.

§96-14. Daily reporting requirements.

Each secondhand dealer shall submit to the Chief of Police a daily report of each purchase of secondhand goods that day. The report shall:

- A. Be for each item purchased or each group of substantially similar items purchased as part of a single transaction which has an aggregate price equal to or greater than Ten Dollars (\$10.00);

B. Include the following information:

- (1) The date, place, and time of each transaction, including the location where the secondhand dealer purchased or received the item or group of items;
- (2) A description of the item or group of items, including:
  - (a) The specific type and number of items;
  - (b) The manufacturer, model number and year of manufacture, if known, and any unique identifying number found on the item;
  - (c) The color, size, style and approximate age;
  - (d) For jewelry (other than costume jewelry meeting standards set by the Chief of Police), a description by weight (if payment is based on weight), style, gender, number and configuration of stones and any initials or distinguishing marks or inscriptions;
  - (e) A statement of whether or not the item appears to have been altered by any means, including:
    - [1] Obscuring a serial number or identifying feature;
    - [2] Melting; or
    - [3] Recutting a gem.
  - (f) The amount paid or other consideration; and
  - (g) Additional items added identified by the Chief of Police in the Rules and Regulations.
- (3) For each individual from whom the secondhand dealer purchases an item: the individual's name, date of birth, residence address and physical description of the person from whom the purchase was made and the date and time when the purchase was made, and the name of the employee purchasing the item. The identity of the seller shall be verified by use of a New York State Driver's License or New York State Non-Driver's Identification Card, police identification card or other means of identification approved by the Chief of Police. The license or identification card number shall also be recorded in the record with the other identifying information and the license or identification card shall be precisely recorded electronically through scanning or webcam and maintained for one year.
- (4) When the Police Department after review of the electronic form submitted by a se-

cond hand dealer has reason to believe that an item on that electronically submitted form is stolen then the Police Department shall request that the second hand dealer submit a photograph of the item, by electronic transmittal or by mail or hand delivery.

§96-15. Electronic reporting of transactions.

A. From and after the date called for by the phase-in schedule in subsection E, every secondhand dealer, except those exempted by operation of subsection F, shall, by close of business each day, upload to the Chief of Police electronic records of all reportable transactions occurring the same business day. Each transaction record shall contain all information required by §96-14, and shall be uploaded via internet connection to an electronic reporting service provided by the Rochester Police Department according to the following procedures:

- (1) Secondhand dealers using point of sale software shall review compatibility of their software with the electronic reporting service provided by the Police Department, and dealers with compliant point of sale software shall electronically upload all required information from their point of sale software to the specified electronic reporting service via internet connection using the upload process of the reporting service; or
- (2) Secondhand dealers using non-compliant point of sale software, or not using point of sale software, shall manually enter all reportable transactions into the electronic reporting service via internet connection.

B. The Chief of Police shall establish by rule the format and requirements of the transmission of data and may restrict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission under subsection A shall not be reported on paper forms unless the Chief of Police so requests.

C. In the event a secondhand dealer is unable to successfully upload transaction records via the electronic reporting service, the secondhand dealer shall, within 24 hours, notify the Police Department of the reason for the submission failure and shall provide the Police Department with an estimated time of compliance. For every day the secondhand dealer is unable to upload electronic transactions records via the electronic reporting service, the secondhand dealer shall provide the Chief of Police a daily electronic data table or spreadsheet of all transactions that would otherwise have been submitted via the electronic reporting service. This data shall be either hand delivered or emailed to the Police Department no later than one (1) business day after the transaction date.

D. If the upload problem is determined by the Police Department to be the fault of the

secondhand dealer, the secondhand dealer shall be charged a daily reporting failure fee of Ten Dollars (\$10.00) until the error is corrected. This fee is to offset the Rochester Police Department's costs in converting the data from paper format into electronic format. If the problem is determined by the Police Department to be due to factors not associated with the secondhand dealer, the secondhand dealer shall not be charged the reporting failure fee. Upon correction of the problem, the secondhand dealer shall electronically upload the required information.

E. Secondhand dealers shall report their transactions electronically to the Chief of Police as required by subsections A and B from and after the following dates:

- (1) For each secondhand business for which a secondhand dealer license is first obtained on or after the effective date of the ordinance codified in this section, effective upon commencing business or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;
- (2) For each secondhand business for which a secondhand dealer license was first obtained before the effective date of the ordinance codified in this section no later than one (1) month after the effective date of the initial rules adopted pursuant to subsection B;
- (3) The Chief of Police may for good cause shown grant a secondhand dealer an extension of the otherwise applicable deadline to a date not later than ninety (90) days after the effective date of this ordinance. An extension may only be granted: Upon written application by the secondhand dealer; upon a showing that the secondhand dealer is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission; and upon agreement by the secondhand dealer to pay to the City a daily reporting fee of Ten Dollars (\$10.00) to offset the Rochester Police Department's costs in converting the data from paper format into electronic form.

F. If, after establishing the format and requirements for the transmission of computerized reports of transactions the Chief of Police alters the required format, secondhand dealers shall be given at least thirty (30) days to comply with the new format requirements.

§96-16. Holding requirements.

A. No secondhand dealer shall permit any item which has been purchased or received by him or her to be sold, defaced or broken down until five (5) days have elapsed after the giving of the notice of purchase of such article as re-

quired in §96-14, unless the secondhand dealer is also a pawnbroker. As required by §47 of the New York State General Business Law, secondhand dealers who are also pawnbrokers shall not permit any jewelry, watches, precious stones, precious metals or coins which have been purchased or received by him or her to be sold, defaced or broken down until fourteen (14) days have elapsed after the giving of the notice of purchase of such article as required in §96-14.

- B. After the initial holding period required by subsection A of this section, a secondhand dealer shall continue to hold an item if:
- (1) The Rochester Police Department requests that the secondhand dealer hold the item; and
  - (2) The Rochester Police Department has reasonable cause to believe that the item has been stolen; and
  - (3) The item has not been identified under §96-17.
- C. If an item is placed on additional police hold under this subsection, the secondhand dealer shall:
- (1) Continue to hold the item until:
    - (a) The police seize it;
    - (b) The Police Department releases the police hold or directs the item to be released to its owner; or
    - (c) Ninety (90) days after the additional police hold was imposed.
  - (2) If requested to do so, submit to the Police Department a photograph of the item, either by electronic transmittal or by mail or hand delivery, by the same deadline as required by §96-15.

§96-17. Release of stolen property.

- A. A secondhand dealer shall release to the Police Department any item in the secondhand dealer's possession:
- (1) If the item is established to be stolen;
  - (2) The owner of the item or the victim of the theft has positively identified the item and provided an affidavit of ownership and made a report of the theft to a law enforcement agency;
  - (3) The stolen property report describes the item by one (1) or more of the following: Date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, a statement of facts that show the item is one of a kind or a unique engraving; and

- (4) The secondhand dealer is given a receipt for the item released.

- B. When the police no longer need an item for evidence, it shall be returned to the owner.
- C. A secondhand dealer who is required to release an item under this section is not entitled to demand, or to condition the release on, any reimbursement from the Police Department, the owner of the item or the victim of the theft. A secondhand dealer who is a victim of a crime may seek restitution or reparation in accordance with Section 60.27 of the Penal Law.

§96-18. Promulgation of rules and regulations.

The Chief of Police shall, consistent with the express standards, purposes and intent of this chapter, promulgate, adopt and issue such interpretations, procedural rules, regulations and forms as are in the Chief of Police's opinion necessary to effective administration and enforcement of the provisions of this chapter. These interpretations, rules, regulations and forms shall be available to the public at the License Clerk's Office. Such rules, regulations and forms shall be effective upon filing with the City Clerk as a communication to the City Council.

§96-19. Transfer of license.

- A. Secondhand dealer's licenses shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location, a new secondhand dealer's license shall be required. A secondhand dealer's license shall not be transferred to any person who holds a power of attorney.
- B. A secondhand dealer's license shall be deemed null and void when the licensee is not found to be operating the business for a period of one (1) month and fails to respond in person to the Chief of Police or his or her designee after having been sent a seven (7) day notification letter.

§96-20. Denial of licenses or renewals.

- A. The Chief of Police may deny a license or deny the renewal of a license to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter or who makes a material misrepresentation on the license application. The Chief of Police shall give a written notification to an applicant of the reasons for the denial of a license.
- B. When the investigation conducted pursuant to §96-3 reveals that the applicant has violated either federal, state or local laws or rules and regulations, the Chief of Police may authorize the issuance of a conditional license. The conditional license shall state the grounds for the conditional license, the conditions under which the applicant shall operate his or her business, be signed by the applicant, and contain a provision which provides that any violation of the

conditional license, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional license.

- C. The Chief of Police shall have the power to investigate and inquire into license applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

[§96-21. Inspection of secondhand dealer's records and items.

A secondhand dealer shall allow a law enforcement officer, acting in the line of duty, to enter the premises during business hours and inspect any record of transactions subject to this chapter and any items on the premises.]

§96-[22] 21. Additional regulations; penalties for offenses.

- A. Violations of this chapter may be referred to the Municipal Code Violations Bureau, where-in violators shall be subject to the penalties set forth in §13A-11 of the Municipal Code.
- B. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- C. Violations of the licensing provisions of this chapter may be enforced pursuant to Chapter 68 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- D. The Chief of Police shall revoke, without a hearing, the license of any person found guilty in court or in the Municipal Code Violations Bureau of five (5) or more violations of this chapter arising from separate incidents during any period of two (2) years. Nothing herein shall prevent the Chief of Police from revoking a license of any person with fewer than five (5) violations, on written charges and an opportunity for a hearing thereon, pursuant to §68-10 of the Municipal Code.

§96-[23] 22. Severability.

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this chapter are declared to be severable.

Section 2. This ordinance shall take effect on June 1, 2012.

Bracketed material deleted; underlined material added.

Passed unanimously.

Councilmember McFadden moved to discharge Int.

No. 40A from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted unanimously.

Councilmember McFadden moved to amend Int. No. 40A.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Introductory No. 40A was introduced January 24, 2012 and appears in its original form with its transmittal letter on 53 of the current Council Proceedings.

Ordinance No. 2012-123  
(Int. No. 40A, As Amended)

**Approving An Agreement For The Job Creation/Youth Development 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 following organization in an amount not to exceed the following, for a Youth Services Project:

Organization: Art Peace, Inc.  
 Program: Creative Entrepreneurs Project  
 Amount: \$[31,700] 26,700

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$[31,700] 26,700, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 8:10 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

REGULAR MEETING  
APRIL 24, 2012

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo,

Scott, Spaul - 9

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Recreation & Youth Services

Hector L. Arguinzoni

Fire Department

John D. Caufield

Police Department

\*Robert J. Brady

\*Joao C. Nobrega

\*David A. Salvatore

\*Herminio Santos Jr.

\*Thomas J. Sawnor

*\*Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of March 27, 2012 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:  
Quarterly Report - Delinquent Receivables 4076-12

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

61 signatures opposing entertainment center licenses. Petition No. 1661

PUBLIC HEARINGS.

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

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement Int. No. 146 No speakers.

Authorizing An Amendatory Lease For The Soccer Stadium Parcels Int. No. 155 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District Int. No. 156 No speakers.

Authorizing An Amendatory 2011-12 Community Development Program Plan, Authorizing Agreements And Appropriating Funds For The Emergency Solutions Grant (ESG) Program Int. No. 157 No speakers.

Local Improvement Ordinance - Establishing The 2012 Cost Of The Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District Int. No. 183 No speakers.

Amending Consolidated Community Development/2011-12 Annual Action Plan And Approving A Section 108 Loan For The College Town Development Project Int. No. 109 5 speakers: Dan Hurley, Melanie Warren, Richard Rowe, Alex White, Bob Good.

Approving An Increase In The Pavement Width Of Marburger Street Int. No. 167 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 168 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 169 No speakers.

Amending The Official Map By Abandonment Of Lehaco Street Int. No. 170 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 171 No speakers.

Amending The Official Map By Dedicating Parcels As East Avenue For The East Avenue Wegmans Development Project And Accepting Donations Int. No. 172 No speakers.

Local Improvement Ordinance - Establishment Of The Mt. Hope Avenue Neighborhood Commercial Parking Lot Int. No. 191 No speakers.

Local Improvement Ordinance - Maintenance Of Upgraded Streetscape Features As A Part Of The Mt. Hope Avenue (Elmwood Avenue To Rossiter Road) Improvement Project Int. No. 192 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
April 24, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 136 - Resolution Approving Reappointment To The Municipal Civil Service Commission

Int. No. 137 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks Displays

Int. No. 138 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

Int. No. 139 - Authorizing Extension Of A Professional Services Agreement For The Customer Relationship Management System

Int. No. 140 - Establishing Maximum Compensation For A Professional Services Agreement For Web Development Services

Int. No. 141 - Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Services

Int. No. 143 - Amending Chapter 23 Of The Municipal Code, Waterworks, With Respect To Delinquent Water Charges

Int. No. 144 - Authorizing Extension Of Agreements For Merchant Card Payments

Int. No. 145 - Standard Workday And Reporting Resolution

Int. No. 182 - Establishing Maximum Compensation For A Professional Services Agreement For A Benefits Audit

Int. No. 188 - Amending The 2011-12 Budget To Reflect Updated Financial Projections

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 142 - Local Law Amending The City Charter With Respect To The Payment Of Interest And Penalties On Taxes, Assessments Or Charges

Int. No. 146 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Loretta C. Scott  
Lovely A. Warren  
Dana K. Miller  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-12  
Re: Reappointment - Civil Service  
Commission

Transmitted herewith for your approval is legislation confirming the reappointment of Sally Farrell Partner, 76 Vassar Street, Rochester 14607, to the

Civil Service Commission. Ms. Partner was appointed February 2010 to complete the term of a commissioner who resigned. Her new term will expire May 31, 2018.

Ms. Partner has been an active and valuable member of the Commission and has attended 22 of 27 regularly-scheduled meetings held since her appointment. Ms. Partner has also served on multiple occasions as the Commission representative on the Police Officer Review Panel that hears appeals from disqualified candidates. In addition, Ms. Partner has made herself available several times when an urgent matter has required the Commission's immediate attention.

Ms. Partner's resume is available for review in the City Clerk's Office.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-12  
(Int. No. 136)

**Resolution Approving Reappointment To The Municipal Civil Service Commission**

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

Section 1. The Council hereby approves the reappointment of Sally Farrell Partner, 76 Vassar Street, to the Municipal Civil Service Commission for a term which shall expire on May 31, 2018.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:  
Ladies and Gentlemen:

Ordinance No. 2012-124  
Re: Agreement - Young Explosives  
Corporation, Fireworks Displays

Transmitted herewith for your approval is legislation establishing \$47,000 as maximum compensation for an agreement with Young Explosives Corporation, Rochester, to provide fireworks displays. The cost of this agreement will be funded from the Rochester Events Network Trust Fund (\$18,000) and the 2012-13 Budget of the Bureau of Communications (\$29,000), pending approval of said budget.

The firm will provide aerial fireworks displays on July 4, 2012 and December 31, 2012, and a ground fireworks display on December 1, 2012. The July 4 display will be the largest Independence Day show in the area, and will extend for about 20 minutes. The December 31 display will be part of the New Year's Eve Celebration in downtown Rochester and will extend for about 18 minutes. Both displays will be launched over the Genesee River. The December 1 ground fireworks display will high-

light the season opening of the Manhattan Square Park Ice Rink.

Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1 million of liability insurance. Young Explosives does not employ any persons below the age of 18. Further, in order to be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed. Young Explosives has assured us that their domestic purchases come solely from licensed vendors.

The most recent agreement for these services was authorized by Ordinance No. 2011-183.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-124  
(Int. No. 137)

**Establishing Maximum Compensation For A Professional Services Agreement For Fireworks Displays**

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

Section 1. The sum of \$47,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for fireworks displays. Of said amount, \$29,000 shall be funded from the 2012-13 Budget of the Bureau of Communications, contingent upon adoption of said budget, and \$18,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-125  
Re: Agreement - SMG/Blue Cross Arena,  
Festival Site Management

Transmitted herewith for your approval is legislation establishing \$24,800 as maximum compensation for an agreement with SMG/Blue Cross Arena (Jeff Calkins, Manager) for management and promotion of the Riverside Festival Site. The cost of this agreement will be funded from the 2011-12 (\$10,000) and 2012-13 (\$7,800, contingent upon approval) budgets of the Bureau of Communications, and the Rochester Events Network Trust Fund (\$7,000).

The Festival Site is a City-owned parking lot located at the corner of Court Street and Exchange Boulevard. SMG will provide management of the

site for the 2012 summer season, including reservation and promoter management, barricade set up, provision of two office and talent trailers, and the displacement of parking on event days. These services account for a maximum of \$17,800 of the cost of the agreement.

SMG will also provide box office services, including ticket taking services, for ten City-produced Party in the Park concert events. Box office services will cost an average of \$700 per event, for a maximum of \$7,000. The 2011 actual cost for box office services was \$4,970, lower than the authorized amount of \$6,000. This year's amount is higher in order to accommodate potentially larger crowds with better weather.

Party in the Park concert events will take place on ten consecutive Thursday evenings beginning June 7. The nominal facility fee of \$2 will be continued. In 2011, this fee resulted in \$61,584 in new revenue to the City.

A similar agreement with SMG in the amount of \$23,800 was authorized by Ord. No. 2011-126 in May 2011.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-125  
(Int. No. 138)

**Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management**

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

Section 1. The sum of \$24,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG for the management and promotion of the Riverside Festival Site. Of said amount, \$10,000 shall be funded from the 2011-12 Budget of the Bureau of Communications, \$7,800 shall be funded from the 2012-13 Budget of the Bureau of Communications, contingent upon adoption of said budget, and \$7,000 is hereby appropriated from the Rochester Events Network Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-126  
Re: Amendatory Agreement - Tribridge  
Consulting, CRM/GIS Integration

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Tribridge Holdings, LLC (formerly Navint Con-

sulting, LLC of Pittsford, NY), Tampa, FL, to extend the term of the agreement through December 31, 2012. No additional funding is being requested for the amendatory agreement; a balance of \$25,773 remains available for additional services related to the integration of the City's customer service management and geographic information systems (CRM and GIS).

Under the existing agreement, Tribridge has helped the City to implement CRM software for use in the planning and management of key customer processes, such as those currently managed in Neighborhood and Business Development and the Communications Bureau. The extension will allow Tribridge to explore alternatives, develop and deploy an integration solution, and provide support for the implemented solution.

Tribridge will automate the retrieval and upload of the City's GIS-specific data into the CRM, enabling immediate updates to the CRM database.

The original agreement was authorized in July 2008 (Ordinance 2008-247).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-126  
(Int. No. 139)

**Authorizing Extension Of A Professional Services Agreement For The Customer Relationship 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 the extension of a professional services agreement with Tribridge Holdings, LLC for the integration of the Customer Relationship Management System and the Geographic Information System throughout calendar year 2012, without additional funding.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-127  
Re: Agreement - NimbleUser, Web Site Upgrades and Enhancements

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with NimbleUser (formerly VanDamme Associates), Pittsford, NY, for upgrades and enhancements to the City of Rochester

web site. The cost of this agreement will be funded from prior years' cash capital.

Under this agreement, NimbleUser will upgrade the web site to the newest version of the Ektron content management system and alter and test customized code to align with the new release. NimbleUser will also launch mobile web templates that will enable optimized viewing of the City web site on smart phones and other mobile devices.

NimbleUser has been the primary developer of the City's web site since the redesign was initiated in 2008. The term of this agreement will be for one year.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-127  
(Int. No. 140)

**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 \$70,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with NimbleUser for web development services for the City's Website. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-128  
Re: Agreement - First Consulting, Inc., Information Technology Support Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with First Consulting, Inc. (Rochester) to provide technical assistance and support services for various information technology activities through April of 2013. The cost of this agreement will be funded from the 2011-12 (\$27,000) and 2012-13 (\$23,000, contingent upon approval) Budgets of the Information Technology Department.

First Consulting will provide consultants with appropriate expertise as needed to assist the Business Process Services/Information Technology Department with documentation and analysis, including the refinement of Finance process documentation.

As part of the PSI Finance stabilization phase, a sub-team has been formed to work on areas where a need for process redesign has been identified. Once procedures have been modified, the related documentation will need to be updated, communicated to impacted City departments, and published on the Employee Portal. Additional MUNIS training may also result in the need for updated procedural documentation.

Outsourcing these services is necessary since ITD staff assignments are already fully devoted to other projects. And, the volume of technical writing required can be accomplished much more efficiently by the consultants.

First Consulting was selected for this agreement based on their local presence and the high quality of their prior work for the IT Department.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-128  
(Int. No. 141)

**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 \$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 First Consulting, Inc. for support services for Information Technology projects and initiatives through April 30, 2013. Of said amount, \$27,000 shall be funded from the 2011-12 Budget of the Information Technology Department and \$23,000 shall be funded from the 2012-13 Budget of the Information Technology Department, contingent upon adoption of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Law No. 1 and  
Ordinance No. 2012-129  
Re: Amending the City Charter and  
City Code - Tax Charges and Billing

Transmitted herewith for your approval is legislation amending the City Charter and City Code related to taxes and other charges listed on the tax bill. This legislation is being presented jointly and is a result of collaborative work between the Administration and City Council. Amendments to Sections 6-111, 6-93, and 6-94 of the City Charter, and Section 23-18 of the City Code will incorporate the following changes:

- The interest rate on delinquent taxes and other charges listed on the tax bill will be reduced from 1.5% to 1% per month (18% to 12% per annum) for taxes levied effective July 1, 2012 and after. The interest rate on balances levied on or before July 1, 2011 will remain at 1.5% (18% per annum).
- For accounts billed quarterly, the late payment charge will be reduced from 5% to 3% per quarter. These charges will be compounded as is the current practice.
- For accounts billed monthly, the late payment charge will be reduced from 2% to 1% per month. These charges will be compounded as is the current practice.
- The Administrative Fee for any delinquent accounts that are added to the tax bill will increase from \$15 to \$20, effective July 1, 2012.
- The maximum amount for the City and School tax levies and residential refuse charges that can be spread evenly over the four tax bill installments will increase from \$6,200 (\$1,550 per installment) to \$8,200 (\$2,050 per installment).

Delinquent Tax Interest Rates

The interest assessed on delinquent taxes and other City charges was last set in 1979 (Local Law No. 4) and increased the interest rate on delinquent taxes from 1% per month (12% per annum) to 1.5% per month (18% per annum). These rates were increased based on significantly accelerated interest rate increases in the U.S. economy at that time. For example, between 1972 and 1981, the Federal Funds rate (i.e., the rate on overnight loans between member banks of the Federal Reserve) increased from an annual average of 4.44% to 16.39%. And, the U.S. Prime Rate increased from 5.25% to 20.39%. The rationale for the City increase was "...to deter people who might be tempted to use the City as a source of credit" (Introductory No. 34, April 10, 1979).

Over the past 30 years, there has been a precipitous decline in the overall trend of interest rates in the U.S. economy. Federal Funds currently stands at a targeted rate of 0 to 0.25%, and the Prime Rate is at 3.25%. However, the late penalty interest rate charged by the City has remained at 18%.

As a matter of fairness and equity, while also minimizing the risk of the City being used as a form of credit, it is deemed appropriate to return the City to an interest penalty rate of 12% per annum.

Delinquent Water Charges

The annualized rates of 20% (quarterly) and 24% (monthly), have been in effect since 1979, when the average water bill was much lower than today's average of \$329 for the typical City homestead. Given this change, and the lower interest rate environment, it is also deemed appropriate that this rate is reduced consistent with the late penalty rate for property taxes.

Added-to-tax Administrative Fee

The last time this fee was adjusted was in 1994 when it was increased from \$10 to the current \$15. Approximately 24,000 delinquent accounts were added to the tax bill for fiscal year 2012.

Maximum Installment Amount

This amount was last increased in 1995 from \$3,500 (\$875 per installment) to the current \$6,200 (\$1,550 per installment). Since that time, the total bill has increased and the proposed adjustment maintains the proportional relationship of the payments. This will provide a significant benefit to owners of small businesses, who are the primary class with tax bills of this size.

Budgetary Impact

For FY2013, the total revenue reduction for all funds associated with the reduction in late penalty interest rate is estimated at \$816,000 (\$222,000 General Fund; \$548,000 Water Fund; \$46,000 Refuse Fund). Due to the phasing in of new delinquent account balances over time at 12%, the annual General Fund reduction is estimated at \$796,500 from the FY2012 estimated revenue level of \$2,659,500 to \$1,863,000 by FY2014. This would result in a reduction for all funds of approximately \$1.3 million by FY2014.

Increasing the administrative fee for accounts added to the tax bill results in additional revenue of \$74,000.

Increasing the maximum amount to be divided over the four installments results in estimated foregone interest earnings - at current rates - of \$5,400 for FY2013.

This legislation is submitted at this time due to the technical requirements associated with preparation of the 2012-13 tax bill and the issuance of water and refuse bills effective July 1, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Carolee A. Conklin  
Chair, Finance Committee  
Councilmember-At-Large

Local Law No. 1  
(Int. No. 142)

**Local Law Amending The City Charter With Respect To The Payment Of Interest And Penalties On Taxes, Assessments Or Charges**

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending the second and third undesignated paragraphs of Section 6-111, Collection of taxes by City Treasurer, to read in their entirety as follows:

All taxes may be paid, without interest, on or before July 31. Alternatively, at the option of the taxpayer, taxes may be paid in four installments, due on or before July 31, September 30, January 31 and March 31. For parcels of property for which the total ad valorem tax is equal to \$8,200 or less, the four installments of the tax shall be substantially equal in amount. For parcels of property for which the total ad valorem tax is greater than \$8,200, the July installment shall consist of the entire ad valorem tax less \$6,150, and the September, January and March installments shall be \$2,050 each. Any amount levied on or before July 1, 2011 and paid after its due date shall continue to be paid with interest equal to 1-1/2 % per month, or any part thereof, from the due date until the date of payment. Any amount levied on or after July 1, 2012 and paid after its due date shall be paid with interest equal to 1% per month, or any part thereof, from the due date until the date of payment.

Direct assessments, delinquent assessments, water rents and other charges inserted for collection in the tax rolls shall be payable on or before July 31 of the year in which they were inserted for collection in the tax rolls. Any such amount inserted for collection in the tax rolls on or before July 1, 2011 and paid after its due date shall continue to be paid with interest equal to 1-1/2 % per month, or any part thereof, from the due date until the date of payment. Any such amount inserted for collection in the tax rolls on or after July 1, 2012 and paid after its due date shall be paid with interest equal to 1% per month, or any part thereof, from the due date until the date of payment.

Section 2. Section 6-93 of the City Charter, Late payment charges, as amended, is hereby further amended by amending the final sentence thereof to read in its entirety as follows:

The amount of the late payment charge shall be equal to 3% of the delinquent balance for charges which are billed quarterly and 1% of the delinquent balance for charges which are billed monthly, which interest shall be compounded.

Section 3. Section 6-94 of the City Charter, Adding amounts to taxes, as amended, is hereby further amended by increasing the administrative charge for each delinquent account as established in the second sentence of subsection A thereof from "\$15" to "\$20".

Section 4. This local law shall take effect on July 1, 2012, provided that the change made in Section 3 shall apply to delinquent accounts added to the 2012-13 tax bill.

Passed unanimously.

Ordinance No. 2012-129  
(Int. No. 143)

**Amending Chapter 23 Of The Municipal Code, Waterworks, With Respect To Delinquent Water Charges**

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

Section 1. Section 23-18 of the Municipal Code, Delinquent water charges, as amended, is hereby further amended by amending the final sentence of subsection A to read in its entirety as follows:

The amount of the late payment charge shall be equal to 3% of the delinquent balance for charges which are billed quarterly and 1% of the delinquent balance for charges which are billed monthly, which interest shall be compounded.

Section 2. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-130  
Re: Agreements - M&T Bank and Hamer Enterprises, Credit Card Processing

Transmitted herewith for your approval is legislation authorizing agreements with Manufacturers and Traders Trust Company (M&T Bank) Buffalo, New York and HECORP, Inc. d/b/a Hamer Enterprises, McAllen, Texas, for the processing of merchant card payments without direct charge to the City.

The City is currently under contract with M&T Bank for merchant card services as authorized by Ordinance No. 2005-136. M&T Bank was selected through a request for proposal process conducted in 2005. The original contract was for an initial three-year period with provision for three one-year renewals. M&T Bank has a contractual relationship with Hamer Enterprises for the provision of web-based merchant card processing.

As authorized by City Council Ordinance No. 2010-68, the City also has a contract with Hamer Enterprises for the provision of credit card services for tax payments. This contract provides for the acceptance of credit cards for tax payments with a convenience fee of 3% passed on to the taxpayer ensuring no cost to the City for credit card processing for taxes.

Given the implementation of the City's new financial system, both contracts were extended for a one-year period per City Council Ordinance No. 2011-55 to minimize the risks inherent with additional system interface changes.

The financial software system, Munis, includes online payment functionality and billing systems, and the timeframe and specifications for the online payment solutions and billing systems are currently under review by the Departments of Information Technology and Finance. However, implementation is not planned for 2012-13. Since these specifications must be included in the RFP, it is recommended that the current contracts be extended.

The renewal of the agreements with M&T Bank and Hamer Enterprises would be for a one-year period effective through June 30, 2013 with provision for an additional one-year renewal.

All terms of conditions of the current agreements will apply to the extension.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-130  
(Int. No. 144)

**Authorizing Extension Of Agreements For Merchant Card Payments**

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

Section 1. The Mayor is hereby authorized to enter into the extension of agreements through June 30, 2013, with an additional one-year renewal option, with Manufacturers and Traders Trust Company (M&T Bank) and HECORP, Inc., d/b/a Hamer Enterprises, for the processing of certain merchant card payments, upon the same terms and conditions as the current agreements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:  
Ladies and Gentlemen:

Resolution No. 2012-13  
Re: Standard Work Day and Reporting Resolution

Transmitted herewith for your approval is a resolution codifying employer requirements for reporting to the New York State Local Retirement Systems (NYSLRS) the standard work day by City of Rochester elected and appointed officials. As you will recall, Resolutions 2010-22 and 2010-25 approved the standard work day for the City Council, and Resolution 2011-23 approved the standard work day for the Mayor.

In order to fully comply with the NYSLRS revised rules and regulations, this proposed resolution documents the City of Rochester's preparation of Forms RS 2417-A and RS 2417-B for submission to the Retirements Systems as required. This resolution further directs the City Clerk to publish on the City of Rochester's website for a period of at least thirty consecutive calendar days, a copy of this resolution, the two above-mentioned forms, and a completed Affidavit of Posting, and to file these documents with the Comptroller of the State of New York. Forms RS 2417-A and RS 2417-B are on file in the Clerk's Office.

Respectfully submitted,  
Lovely A. Warren  
President

Attachment No. AL-54

Resolution No. 2012-13  
(Int. No. 145)

**Standard Workday And Reporting Resolution**

WHEREAS, the New York State Local Retirement Systems (NYSLRS) initially published and continues to revise their rules and regulations governing Employer Reporting of Days Worked for Elected and Appointed Officials as codified in 2 NYCRR 315; and

WHEREAS, the City Council, as the governing body of the City of Rochester, in order to ensure the uninterrupted crediting of retirement system benefits to City Employees, Elected Officials and their Appointees, and to comply with the current rules, regulations and guidance of the NYSLRS as relates to 2 NYCRR 315, has previously approved Resolution No. 2011-23, relating to the standard workday for the Mayor, and Resolutions No. 2010-22 and 2010-25, relating to the standard workday for Councilmembers, and now will undertake the specific actions listed herein to be in full compliance therewith.

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

Section 1. The City Council, in order to comply with 2 NYCRR 315, which codifies employer requirements for reporting to the NYSLRS the Days Worked by City of Rochester Elected and Appointed Officials, does hereby again confirm the Number of Hours in a Standard Work Day to be eight (8) hours for the Mayor and for appointed officials in a standard forty (40) hour work week, and six (6) hours for Councilmembers in a standard thirty (30) hour work week, and further, that the Number of Standard Work Days in a Calendar Year shall be two-hundred and sixty (260) comprised of twenty-six (26) Payroll Periods each containing ten (10) Standard Workdays inclusive of authorized leave time, and the corresponding reporting by the City of Rochester of monthly and annual workdays to the NYSLRS.

Section 2. The City Council does hereby adopt for City use together with the annual revision thereof as needed, the Cover Memo included by enclosure entitled "Transmittal of Record of Work Activities (ROA) pursuant to 2NYCRR 315" and does hereby mandate completion thereof by any elected or appointed official of the City of Rochester opting to prepare and submit their respective Record of Work Activities (ROA) as an alternative to utilizing the City's Time and Attendance system for purposes of complying with 2 NYCRR 315.

Section 3. The City Council, by enclosure, does hereby document the City of Rochester's preparation of Forms RS 2417-A and RS 2417-B with supporting schedules coded as EL-Elected Officials and AP-Appointed Officials, for submission to the NYSLRS as required by 2 NYCRR 315.

Section 4. The City Council does hereby direct the City Clerk to publish on the City of Rochester's website for a period of at least thirty (30) consecutive calendar days, a copy of this Resolution together with the enclosures cited herein, without full social security numbers.

Section 5. The City Council hereby directs the City Clerk to complete the attestations, as required by 2NYCRR 315, on the Affidavit of Posting included by enclosure, and on forms RS 2417-A and RS-2417-B, and to file copies thereof with the Comptrollers of the State of New York and the City of Rochester, and to acknowledge completion of such action by separate notice to this City Council for its record keeping purposes.

Section 6. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-131  
Re: Agreement - Employee Benefits  
Audit

Transmitted herewith for your approval is legislation establishing \$47,000 as maximum compensation for an agreement with HMS Employer Solutions (Jeffersonville, IN) for a dependent-verification audit of employee and retiree benefits. The cost of this agreement will be funded from the 2011-12 Budget for Undistributed Expense.

The audit will review dependents covered on all City-provided insurance benefits to ensure that dependents meet eligibility criteria established by the City of Rochester to receive such benefits. The discovery and removal of ineligible dependents will result in savings in premiums and the removal of health insurance liability to the City. For example, if it is discovered that 2% of dependents (120 individuals) are ineligible, the projected first-year savings would be \$560,000. The discovery of 10 ineligible dependents would be the breakeven point for the cost of the agreement.

Bids for audit services were solicited resulting in five proposals from: ConSova (Lakewood CO); AonHewitt (Rochester NY/Boston MA); HMS Employer Solutions; Coresource (Lakeforest IL/Lancaster PA); and Insero/TMDG (Rochester NY/Baltimore MD).

A four-member cross-departmental committee reviewed the proposals and unanimously agreed upon recommending HSM Employer Solutions. The recommendation is based on the following:

- HMS offers the most cost-effective and comprehensive service that will ensure the City is receiving a highly customized audit that adheres to the standards dictated by the City's policies and industry regulations;
- HMS does not outsource any part of the audit

process;

- HMS offers the largest number of response methods for employees and retirees to use when communicating (dedicated call center, multilingual associates, customized web portal);
- HMS can integrate the Medicare Secondary Payer mandated collection of dependent Social Security Numbers into the process;
- HMS has a greater than 95% response rate;
- HMS offers several performance guarantees to ensure accuracy, timeliness, and responsiveness;
- Assurance that the project will be cost-neutral. If fewer than 10 ineligible dependents are discovered, HMS will refund, in full, any shortfall.

The project shall commence immediately upon execution of the agreement; it is anticipated that the audit will be completed before the end of this calendar year.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-131  
(Int. No. 182)

**Establishing Maximum Compensation For A Professional Services Agreement For A Benefits Audit**

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

Section 1. The sum of \$47,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and HMS Employer Solutions for an audit of the eligibility of dependents receiving employee and retiree health benefits. Said amount shall be funded from the 2011-12 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-132  
Re: Amending the 2011-12 Budget -  
Improved Sales Tax Collections  
And Acceleration of Demolitions

Transmitted herewith for your approval is legislation amending the 2011-12 Budget to reflect updated financial projections by the Office of Management and Budget and to address various operating and capital adjustments that have been identified by

the City Senior Management Team.

*Revenues Exceeding the 2011-12 Budget Estimate*

Sales Tax The 2011-12 Budget assumed a slow recovery from the recession and a 1% increase in sales subject to sales tax. Actual growth rates for the first and second quarters have been 7.3% and 5.8%, respectively, resulting in additional sales tax collections. The proposed amendment will add \$2,000,000 in sales tax collections to 2011-12 Cash Capital.

A portion of this amount will be used to accelerate the demolition program; \$1,050,000 will fund the demolition of an additional 48 vacant structures currently identified for demolition. Funding these demolitions now will provide some flexibility in the development of the 2012-13 Budget.

The remaining \$950,000 would be used to mitigate the impact of the reduction in Federal Community Development Block Grant (CDBG) funding for 2012-13. These funds will be applied to expenses originally planned to be covered by the 2012-13 CDBG: \$750,000 will support the demolition program, and \$200,000 will fund aquatics equipment (additional spray and bucket features) for the Carter Street Community Center, Gantt Community Center, Jefferson/#4 School playground, Ryan Center, Sinkler Community Center, South Avenue Community Center and the Conkey/Clifford park.

The use of the funds from the additional sales tax will enable more time for community discussion on how to adjust for the loss of Federal CDBG funding and allow time for lobbying to have these valuable funds restored.

Red Light Cameras More red light cameras were deployed in 2011-12 than was assumed in the budget, resulting in \$950,000 in additional revenue from the cameras, and additional lease and collection expenses of \$550,000 due to Redflex. Approximately \$15,000 of the latter amount is the cost to mail notices of judgment for the 10,000 outstanding violations that are over 90 days old. Such notification enables the City to subsequently submit unpaid violations to the collection agency.

The remaining revenue of \$400,000 will be used by the Fire Department for the replacement of aged Fire Department turnout gear.

*Operating and Capital Adjustments Funded from Contingency and Fund Balances*

Rundel Fire Suppression The need for a sprinkler system in the lower stacks of the Rundel Library has been identified. The Bureau of Architectural Services anticipates the required improvements will be completed in 2012-13. It is proposed that this project be funded by transferring \$448,000 from the Library Fund Balance and \$39,000 from Contingency to Cash Capital.

River Wall Railing The Bureau of Architectural Services inspection survey identified a river wall railing near the Blue Cross Arena that had been

damaged. The proposed \$50,000 transfer from Contingency to Cash Capital will enable this safety concern to be addressed.

Accounting Workload and Tax Lien Sale Temporary personnel resources were added to the Bureau of Accounting in Fall 2011 to assist in the processing of invoices with the implementation of MUNIS. Also, a significant increase in the number of properties (359 to 750) withheld from the tax lien sale for the purpose of commencing City tax foreclosures resulted in additional printing and advertising costs of \$6,100. A transfer of \$148,100 from Contingency to the Budget of the Finance Department will enable on-going staff support in the Accounting Bureau (\$142,000) and the additional expense for the Treasury Bureau (\$6,100).

Fiber Connections The Information Technology Department and the Bureau of Architecture and Engineering Services identified an opportunity to provide fiber connection to the Animal Control Facility and the Sister Cities Garage in connection with other planned work at those facilities. Appropriating \$15,000 from the Animal Control Fund balance and \$40,000 from the Parking Fund balance would enable these installations.

Specifically, this legislation will amend the 2011-12 Budget by:

1. Increasing revenue, and appropriating those funds as follows:

<u>Source</u>	<u>To</u>	<u>Use</u>	<u>Amount</u>
Estimated sales tax collections	Cash Capital	demolition (add'l)	\$1,050,000
Estimated sales tax collections	Cash Capital	demolition (CDBG)	750,000
Estimated sales tax collections	Cash Capital	aquatics equipment	200,000
Red light cameras	Budget of RPD	Redflex expenses	550,000
Red light cameras	Cash Capital	firefighter gear	<u>400,000</u>
Total			\$2,950,000

2. Appropriating funds and transferring them as follows:

<u>From</u>	<u>Amount</u>	<u>Use</u>	<u>To</u>
Library Fund Balance	\$448,000	Rundel sprinkler system	Cash Capital
Parking Fund Balance	\$ 40,000	fiber connections	Cash Capital
Animal Fund Balance	\$ 15,000	fiber connections	Cash Capital

3. Transferring funds from Contingency to:

<u>Use</u>	<u>Amount</u>
Cash Capital river wall railing repair	\$ 50,000
Cash Capital Rundel sprinkler system	39,000
Budget of the Finance Dept. staffing	142,000

Budget of the Finance Dept.	<u>6,100</u>
tax lien printing & advertising	
Total	\$237,100

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-132  
(Int. No. 188)

**Amending The 2011-12 Budget To Reflect Updated Financial Projections**

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$2,000,000, which amount is hereby appropriated from increased revenue from sales tax collections.

Section 2. Ordinance No. 2011-188, the 2011-12 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 \$448,000, which amount is hereby appropriated from the Library Fund Balance, and by transferring the sum of \$39,000 from the Contingency allocation to the Cash Capital allocation.

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$400,000, and to the Rochester Police Department by the sum of \$550,000, which amounts are hereby appropriated from increased revenue from red light cameras.

Section 4. Ordinance No. 2011-188, the 2011-12 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 \$55,000, of which amount \$15,000 is hereby appropriated from the Animal Control Fund Balance and \$40,000 is hereby appropriated from the Parking Fund Balance.

Section 5. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$148,100 from the Contingency allocation to the Finance Department and the sum of \$89,000 from the Contingency allocation to the Cash Capital allocation.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Scott moved to amend Int. No. 146.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1647  
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 2012-13 budget of the program;
2. Approve the assessments to be apportioned to the properties within the Downtown Special Services District;
3. Establish \$529,200 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2012 to June 30, 2013. This agreement will be funded from assessments to participating properties and a portion of the existing fund balance.

The Downtown Special Services Program, previously referred to as the Downtown Guides Program, initially authorized by Council on March 15, 1994 and re-authorized in 1999, 2004, and 2009, is administered by a non-profit corporation, Downtown Special Services, Inc. The corporation is directed by an 11-member board which includes representatives from downtown businesses, the tourist industry, and City and County governments.

A description of the regular services of the Safety Services team is attached. The team also offers an on-demand evening walking service to downtown employees between the hours of 3 p.m. and 9 p.m., Monday through Friday. And, a small Information Services team operates the Downtown Information Center and maintains a portion of the [www.rochesterdowntown.com](http://www.rochesterdowntown.com) website that draws approximately 140,000 visitors per year. The center is open weekdays from 10:00 a.m. to 4:00 p.m.

The 2012-13 budget for the program of \$529,200 was approved at a joint meeting of the board and membership held on March 27, 2012. Upon application of \$27,367 from the fund balance, the total assessment for 2012-13 will be \$503,509, which includes a delinquency reserve.

The assessment to cover the expenses of the program will be apportioned among all non-homestead properties within the district boundaries, except those owned by the federal or state governments. The apportionment is based on relative assessed valuation.

Upon approval of this legislation, the tax levy for individual properties will be prepared and submitted to Council for approval as part of the annual budget review process. Property owners will be provided with an opportunity to review and comment on the levies.

A public hearing on the budget and assessments is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-55

Local Improvement Ordinance No. 1647  
(Int. No. 146, As Amended)

**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 2012-13 fiscal year for the Downtown Special Services District, is established at \$503,509, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446, 1528 and 1606. All property owners shall be notified prior to the issuance of this assessment, and future assessments are to be preceded by fully noticed public hearings.

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 \$529,200, and of said amount, or so much thereof as may be necessary and an amount to cover delinquencies, \$503,509 is hereby appropriated from the assessments authorized herein and \$27,367 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, 2012.

Underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

By Councilmember Palumbo  
April 24, 2012

To the Council:

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

Int. No. 147 - Authorizing The Sale Of Real Estate

Int. No. 149 - Resolution Approving An Appointment To The Rochester Economic Development Corporation

Int. No. 150 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Int. No. 151 - Appropriating Funds And Authorizing Agreements For The Homebuyer Assistance Program

Int. No. 152 - Resolution To Continue A COMIDA Downtown Tax Abatement Program For Owner-Occupied Housing

Int. No. 153 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District

Int. No. 154 - Authorizing The Lease Of Space In The Douglass Campus

Int. No. 158 - Amending Chapter 39 Of The Municipal Code, Building Code, Relating To Building Permits For Detached Structures

Int. No. 180 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Son House Housing Project

Int. No. 181 - Authorizing A Loan Agreement For The Son House Housing Project And Removing Deed Restrictions

Int. No. 187 - Resolution Approving Reappointment To The City Planning Commission

Int. No. 196 - Amending Ordinance No. 2011-273 Relating To The Latta-Meech House Project

Int. No. 109 - Amending Consolidated Community Development/2011-12 Annual Action Plan And Approving A Section 108 Loan For The College Town Development Project

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

Int. No. 155 - Authorizing An Amendatory Lease For The Soccer Stadium Parcels

Int. No. 156 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

Int. No. 157 - Authorizing An Amendatory 2011-12 Community Development Program Plan, Authorizing Agreements And Appropriating Funds

For The Emergency Solutions Grant (ESG) Program

Int. No. 183 - Local Improvement Ordinance - Establishing The 2012 Cost Of The Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District, As Amended

The following entitled legislation is being held in Committee:

Int. No. 148 - Establishing Maximum Compensation For A Professional Services Agreement For GIS Services

Respectfully submitted,  
Carla M. Palumbo  
Carolee A. Conklin  
Jacklyn Ortiz  
Lovely A. Warren (*Voted against Int. Nos. 152, 180 and 181*)  
Dana K. Miller (*Abstained on Int. No. 149*)  
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-133  
Re: Sale of Real Estate

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

The first four properties are vacant lots and are all being sold to their adjacent owners. All parcels being sold will be combined with the buyers' current parcels and used as green space.

The next five parcels are unbuildable vacant lots; all are being sold to their adjacent owners to be combined with their existing properties.

The first year projected tax revenue for these nine properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,487.

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,  
Thomas S. Richards  
Mayor

Attachment No. AL-56

Ordinance No. 2012-133  
(Int. No. 147)

**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>Sq. Ft.</u>	<u>Price</u>
1525 N. Goodman St 092.69-1-16	40x105 Maria Vazquez	4,126	\$425
17 Hickory St (east side) Pt. of 121.63-2-6	15x150 David A. Lyon, Jr.	5,604	\$325
1604 E. Main St (east side) Pt. of 107.70-3-28.1	16x120 Robert Frantz	2,016	\$150
75 Ravine Av 105.35-3-4.1	50x132 Andrea Neal, Jeffrey C. Neal, Jeffrey G. Neal, Jessica Neal	7,260	\$475

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>Purchaser</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>
WH of 414 Alphonse St WH of 106.26-3-33	Terry & Linda Marcinek	18.5x143	2,654
EH of 414 Alphonse St EH of 106.26-3-33	18.5x143	2,654	
186 Fulton Av 105.35-3-31	Timothy Halter II Andrea Neal, Jeffrey C. Neal, Jeffrey G. Neal, Jessica Neal	33x105	3,465
4 Merle St 106.50-3-38	32x86 Valerie Lawrence	2,747	
698 Seward St 135.27-2-54	36x161 Nathaniel & Eleanor Whitte	5,492	

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-14  
Re: Appointment- Rochester Economic Development Corporation

Transmitted herewith for your approval is legislation confirming the appointment of Dana K. Miller as a member of the Rochester Economic Development Corporation.

Mr. Miller resides at 265 Melrose Street, 14619 and is the Vice President of the Rochester City Council. Mr. Miller will replace Elaine M. Spaul, who has resigned from the board.

Mr. Miller's term will extend to July 30, 2013.

A copy of Mr. Miller's resume is on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-14  
(Int. No. 149)

**Resolution Approving An Appointment To The Rochester Economic Development Corporation**

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

Section 1. The Council hereby approves the appointment of Council Vice President Dana K. Miller as a Member of the Rochester Economic Development Corporation (REDCO), to replace Councilmember Elaine Spaul, for a term which shall expire on July 30, 2013.

Section 2. This resolution shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Miller abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-134  
Re: Lease - 1015 Thomas Avenue

Transmitted herewith for your approval is legislation authorizing a lease agreement with Voyager Boat Sales, Inc. for the continued use of the premises located at 1015 Thomas Avenue. Voyager has leased this area from the City for more than thirty years.

The current lease expired on December 31, 2011. The new lease will commence as of January 1, 2012 and expire on December 31, 2012 with two

one-year options for renewal. The monthly rental amount will be increased from \$2,300 to \$2,575 as established through an independent appraisal prepared by Robert G. Pogel, SRPA on January 19, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-134  
(Int. No. 150)

**Authorizing A Lease Agreement With Voyager Boat Sales, Inc.**

WHEREAS, the City of Rochester has received a proposal for the lease of 1015 Thomas Avenue to Voyager Boat Sales, Inc for a term of one year, commencing January 1, 2012, with options to renew for two additional one-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 term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the continued lease of 1015 Thomas Avenue for 2012, with two one-year renewal options. The agreement shall obligate Voyager Boat Sales, Inc. to pay annual rent in the amount of \$30,900, payable in monthly amounts of \$2,575.

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. 2012-135  
Re: Homebuyer Assistance Program

Transmitted herewith for your approval is legislation appropriating \$125,000 from the Buyer Assistance Account of the Homeownership Fund of 2011-12 HOME program to fund the Homebuyer Assistance Program, and authorizing agreements with homebuyers to participate in the program.

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 Initiatives as described in the Consolidated Community Development Program. The financial assistance provided by the Homebuyer Assistance Program is for closing costs and down payment.

Buyer eligibility is based on: income, ability to qualify for a conventional mortgage loan for which payments will not exceed 30% of the gross monthly income, and payment of \$1,500 in personal funds toward the purchase of the home. Each buyer must complete a pre-purchase education class before closing and attend post-purchase classes as well. Funds are secured with a Promissory Note which is satisfied upon completion of five years residency in the home.

In fiscal year 2010-11, 44 first-time homebuyers were served through this program.

The most recent appropriation for the continuation of the program was authorized in June 2011 (Ord. No. 2011-200).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-57

Ordinance No. 2012-135  
(Int. No. 151)

**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 \$125,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Buyer Assistance Allocation of the 2011-12 HOME Program to fund the Homebuyer Assistance Program.

Section 2. The Mayor or his designee is hereby authorized to enter into such agreements as may be necessary to implement the 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:

Resolution No. 2012-15  
Re: Downtown Tax Abatement Program  
For Owner-Occupied Housing

Transmitted herewith for your approval is legisla-

tion authorizing a five-year extension of a tax abatement program for new owner-occupied residential units in the Center City District. New owner-occupied units, created through new construction or renovation of an existing building, would continue to be eligible for a partial, nine-year property tax exemption. The actual exemption would be realized through a payment-in-lieu-of-tax (PILOT) agreement approved by the County of Monroe Industrial Development Agency (COMIDA).

The intent of the program is to facilitate more owner-occupied housing in the Center City District. A 2011 survey conducted by the Rochester Downtown Development Corporation shows that, of the 2,914 residential units located in the downtown area, only 94 are owner-occupied, and most of those are considered "high-end" housing. Providing additional owner-occupied housing opportunities for a wider economic range will further stabilize this growing neighborhood community.

The policy, as adopted by the City Council in May 2007(Resolution No. 2007-14), included a sunset provision of five years, expiring May 31, 2012. Since its inception, twenty owner-occupied units have been completed with the assistance of the partial tax exemption for a total assessed value of \$2,994,200 and an average assessed value of \$230,323. An additional 25 units are planned or under construction that will utilize the partial tax exemption.

State law has no provision allowing the City to provide such a tax abatement program directly. Therefore, COMIDA will continue to consider PILOT agreements for qualified projects. New owner-occupied residential units will have partial abatements of taxation and special *ad valorem* levies. The abatement is applied to the increase in assessed value attributable to the newly created owner-occupied residential unit. The structure of the partial tax abatement will be as follows:

<u>Year</u>	<u>% of Abatement</u>
1	90% of abatement base
2	80%
3	70 %
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

The tax abatement is restricted to the residential portion of projects located in the area defined in the Zoning Code as the Center City District (CCD). A map of the area is attached. The property owner will be required to file an application for the abatement with the City Assessor and, upon approval, an application to COMIDA for final approval.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-58

Resolution No. 2012-15  
(Int. No. 152)

**Resolution To Continue A COMIDA Downtown Tax Abatement Program For Owner-Occupied Housing**

WHEREAS, the City wishes to continue to facilitate the construction of new residential, owner-occupied units in the Center City Zoning District as set forth in Resolution No. 2007-14; and

WHEREAS, the County of Monroe Industrial Development Agency (COMIDA) has approved a policy providing for tax abatements through the use of payment in lieu of tax agreements for qualified projects, upon the City's approval of such a policy.

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

Section 1. The Council hereby approves the continuation by COMIDA of a tax abatement policy, using payment in lieu of tax agreements for qualified projects, whereby newly constructed or renovated owner-occupied residential units in the Center City Zoning District will be eligible for a partial, nine year, real property tax abatement applicable to the increase in assessed value which is attributed to the newly created owner-occupied residential units as follows:

<u>Year</u>	<u>Abatement in Assessment Increase</u>
1	90%
2	80%
3	70%
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

Section 2. This resolution shall take effect immediately and shall remain in full force and effect until May 31, 2017.

Passed by the following vote:

Ayes - Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1648  
Re: South Avenue/Alexander Street  
Open Space District and Amending  
LIO No. 1537

Transmitted herewith for your approval is legislation related to the South Avenue/Alexander Street Open Space District. This legislation will:

1. Establish \$6,500 as the cost for maintenance of the district. This amount will be appropriated from unused assessments from prior years.
2. Designate the Business Association of the South Wedge Area as the agency responsible for maintenance services.

This assessment provides for maintenance of the landscaped open space at 62 Alexander Street including cutting grass, trimming shrubs, watering, weeding, trash pick-up and removal, lighting, and fall leaf clean-up. The cost for these services is based on estimates provided by the Business Association of the South Wedge Area.

As of March 21, 2012, the balance of unused assessments stood at \$12,890.63. Of these unused funds, \$2,930 has been re-appropriated through LIO 1639 for use in 2011-12. The balance remaining after this current request will be \$3,460.63.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Local Improvement Ordinance No. 2012-1648  
(Int. No. 153)

**Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District**

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 2012-13 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$6,500, which amount is hereby appropriated from unused assessments from prior years. The Council further designates the Business Association of the South Wedge Area to perform the special work and services and the Mayor is authorized to enter into an agreement with the Association for this purpose.

Section 2. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-136  
Re: Lease Agreement - Strong Memorial Hospital, RCSD Douglass Campus, 940 Fernwood Park

Transmitted herewith for your approval is legislation related to the construction of a school-based health clinic (SBHC) at the Rochester City School District Northeast/Northwest College Preparatory High School at Douglass Campus. This legislation will:

1. Authorize a 10-year lease of property at Douglass Campus, 940 Fernwood Park, to the Strong Memorial Hospital, a division of the University of Rochester, for the purpose of operating a school based health clinic (SBHC).
2. Authorize the submission of a "Notice of Federal Interest" by the City acknowledging the Federal government's interest in the completed premises.

Construction of a new building on the Douglass Campus will be funded in part by a \$374,876 U.S. Department of Health and Human Services grant awarded to Strong Memorial Hospital. The balance of construction costs will be funded under the RCSD Master Plan, which includes construction of a new building between two existing buildings on the Douglass campus.

This new building will house both the school nurse and the SBHC, and will operate year-round. In lieu of rent, the facility will provide primary medical care, comprehensive preventive and wellness services, and behavioral health interventions and counseling to Health Center-enrolled students of the Northeast/Northwest College Preparatory High School.

It is anticipated the RCSD will obtain funding approval for construction in spring 2013, with construction planned for summer 2013. The building would be ready for occupancy and programming in September 2013. Although the lease will not commence until the date of occupancy, the Federal grant requires an executed letter from the City, as landlord, consenting to the lease of the property prior to construction.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-136  
(Int. No. 154)

**Authorizing The Lease Of Space In The Douglass Campus**

WHEREAS, the City School District and City of Rochester have received a proposal for the lease of space in the Douglass Campus of the Northeast/Northwest College Preparatory High School at 940 Fernwood Park to Strong Memorial Hospital for a term of ten years for the operation of a school based health clinic; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

NOW, THEREFORE, BE IT ORDAINED, by

the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Strong Memorial Hospital for the lease of space in the Douglass Campus of the Northeast/Northwest College Preparatory High School at 940 Fernwood Park for the operation of a school based health clinic. The agreement shall extend for a term of ten years, commencing upon the date of occupancy. The Mayor is further authorized to submit a Notice of Federal Interest to the United States Government acknowledging its interest in the completed premises due to the use of Federal funds, and such other instruments as may be necessary to effectuate the project.

Section 2. The lease agreement shall be without rent, in lieu of the lessee providing medical, wellness and counseling services to health center-enrolled students of the Northeast/Northwest College Preparatory High School.

Section 3. The lease agreement and other instruments 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. 2012-137  
Re: Amending the City Code -  
Building Code

Transmitted herewith for your approval is legislation amending Chapter 39 of the Building Code of the City of Rochester to bring it into compliance with the New York State Code of Rules and Regulations (Title 19, part 1203) for detached, one-story accessory structures.

Currently, the City Code stipulates that the construction of any such structure (e.g., a shed or playhouse) over 100 square feet requires a building permit, and was established prior to the determination for the State Code. This amendment will change that requirement to a threshold of 144 square feet as per New York State law.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as Type II. Therefore, no further environmental review is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-137  
(Int. No. 158)

**Amending Chapter 39 Of The Municipal**

**Code, Building Code, Relating To Building Permits For Detached Structures**

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

Section 1. Section 39-207 of the Municipal Code, When a building permit is required, as amended, is hereby further amended by deleting the square feet of "100" where it is set in subsection B(1) thereof and by inserting in its place the square feet of "144".

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-138 and  
Ordinance No. 2012-139  
Re: Son House Housing Project

Transmitted herewith for your approval is legislation relating to a housing project at 539 Joseph Avenue to be undertaken by Providence Housing Development Corporation. This legislation will:

1. Authorize a property tax exemption and payment-in-lieu of taxes agreement with the Son House Housing Development Fund Company, Inc. (Son House), an affiliate of Providence Housing Development Corporation. This agreement will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
2. Authorize a \$105,000 loan agreement with Son House and appropriate \$105,000 from the Affordable Housing Fund allocation of the Housing Development Fund of the 2011-12 HOME Program to finance the loan. The loan will be for a term of 30 years with interest accrued at the Applicable Federal Rate, and annual cash flow dependent 1% interest payments made to the City. At the end of the term, all principal and the balance of accrued interest is due.
3. Approve the elimination of the requirement that 539 Joseph Avenue be combined with the adjoining property and the restriction against resale of the property to a tax-exempt entity, originally authorized in Ordinance No. 2007-242.
4. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for the tax credits and other financing sources for the project.

Son House Apartments will be a three-story building to include 21 one-bedroom apartments and a first floor center for services provided by the Catholic Family Center, for permanent supportive hous-

ing for homeless individuals. Rents will be subsidized by HUD Supportive Housing Program funds to cover the cost of utilities. The project will participate in the New York State Energy Efficiency and Green Building Initiatives and will install Energy Star appliances and water-conserving fixtures.

Ordinance No. 2007-242 approved the sale of 539 Joseph Avenue to the Catholic Family Center, which intended to use the lot in conjunction with their adjoining property. As such, the deed contained a covenant requiring combination of the lots, and a restriction against subsequent resale of the property to a tax-exempt entity within five years of the date of deed recording. Catholic Family Center will sell the property to Son House, and to facilitate this conveyance these deed requirements must be removed.

The first year's tax payment under the PILOT agreement will be \$13,605; the current annual tax received is \$566. The project budget is summarized below:

Costs:	
Acquisition	\$ 6,000
Construction	3,275,000
Professional services	301,200
Carrying and finance	170,230
Construction contingency	163,750
Development fee	250,000
Operating reserves	62,000
Working capital	<u>28,650</u>
Total	\$4,256,830
Sources:	
Homeless Housing Asst.	\$1,985,576
Housing Trust Fund	1,857,492
City Home Loan	105,000
HHAP/FHLB	<u>308,762</u>
Total	\$4,256,830

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-138  
(Int. No. 180)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Son House 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 property at 539 Joseph Avenue, to be owned by Son House Housing Development Fund Company, Inc., and to be used for housing as a part of the Son House 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 devel-

opment 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 by the following vote:

Ayes - Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

Ordinance No. 2012-139  
(Int. No. 181)

**Authorizing A Loan Agreement For The Son House Housing Project And Removing Deed Restrictions**

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 Son House Housing Development Fund Company, Inc. for the rehabilitation of housing at 539 Joseph Avenue as the Son House Housing Project. 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, contingent upon cash flow. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$105,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2011-12 HOME Program.

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

Section 4. The Council hereby approves the elimination of the requirement that the parcel be combined with the adjoining parcel and the elimination of the restriction against resale of the parcel to a tax exempt entity, on the deed for 539 Joseph Avenue, which sale was authorized in Section 1 of Ordinance No. 2007-242.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-16  
Re: Reappointments - City Planning Commission

Transmitted herewith for your approval is legislation confirming the reappointment of the following individuals to the City Planning Commission:

Steven Rebholz  
92 Westchester Avenue 14609  
East District

Helen Hogan  
78 Oakland Street 14620  
South District

Mr. Rebholz, current vice-chair of the Commission, was first appointed in June 2004. During the past two years, he has attended 24 of 26 meetings (92%). His new term will extend to April 2014.

Ms. Hogan was first appointed to the Commission in October 2011. Of 6 meetings held since then, she has attended 6 (100%). This will be her first appointment for a full term, which will extend to May 2014.

A summary of Commission activities and current membership is attached. Staff is interviewing candidates for the remaining vacancy. It is anticipated that confirmation of an appointment to that position will be submitted for consideration at the May meeting of City Council.

Resumes are on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-59

Resolution No. 2012-16  
(Int. No. 187)

**Resolution Approving Reappointment 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 Steven Rebholz, 92 Westchester Avenue, to the City Planning Commission for a term which shall expire in April 2014, and Helen Hogan, 78 Oakland Street, to the City Planning Commission for a term which shall expire in May 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-140  
Re: Amending Ordinance No. 2011-273,  
Latta-Meech House

Transmitted herewith for your approval is legislation amending Ordinance No. 2011-273 which authorized a loan agreement for the Latta-Meech House Project. This amendment will replace the loan agreement with a grant agreement in the amount of \$50,000 with Charlotte Community Development Corporation (Charlotte CDC), or a subsidiary to be formed by Charlotte CDC, for the renovation of the Latta-Meech House at 4435-4437 Lake Avenue for mixed-use commercial and residential use.

Ordinance No. 2011-273 authorized a \$100,000 loan agreement with Charlotte CDC in August 2011. A condition of the loan was for Charlotte CDC to secure a bank loan commitment to repay the City after 24 months by a mortgage of the same amount. Due to the current economic climate and other prevailing issues, Charlotte CDC was unable to secure such a commitment for permanent financing. In reviewing the project further, it was determined that a grant of a lesser amount not requiring repayment would better suit the project budget. The grant will be given to Charlotte CDC subject to receipt of satisfactory proof of commitment of other funding sources, and verification of development estimates.

The Latta-Meech House in the Charlotte neighborhood is an historic two-story, wood frame structure and an annex, with a total of approximately 3,594 square feet. Many of the historic elements of the building's exterior which were lost during renovations undertaken in the latter half of the twentieth century will be restored through this project. The completed renovation will create a visiting center and tea room, outdoor dining area, and two work-live residential units. Phase I will improve the exterior of the building and provide interior structural support.

The grant requires the developer to keep one of the two residential units affordable for rent to households earning no more than 120% of the area median income (AMI) for a term of five years. There is a maximum rent allowable for City-assisted units based on the median family income and the family size.

The sources and uses of funds for the Latta-Meech project are summarized below:

Sources	
Private financing	\$100,000
Rochester Area Community Foundation Grant	20,000
City of Rochester Grant	50,000

CCDC equity	5,696
Total	\$175,696
Uses	
Acquisition	\$ 95,000
Construction	73,360
Soft costs	7,336
Total	\$175,696

SEQRA review has been completed. This is a Type II action, requiring no further environmental review.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-140  
(Int. No. 196)

**Amending Ordinance No. 2011-273 Relating To The Latta-Meech House Project**

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

Section 1. Ordinance No. 2011-273, authorizing a loan agreement with Charlotte Community Development Corporation, or a subsidiary to be formed by Charlotte Community Development Corporation, to partially finance the costs of the construction and reconstruction of housing units as a part of the Latta-Meech House Project at 4435-4437 Lake Avenue, is hereby amended by reducing the amount authorized and appropriated therein from \$100,000 to \$50,000, and by authorizing a grant agreement instead of a loan agreement.

Section 2. The grant 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.

Introductory No. 109 was introduced March 27, 2012 and appears in its original form with its initial transmittal letter on page 97 of the current Council Proceedings.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-141  
Re: Supplement to Original Transmittal  
Of March 2, 2012: Introductory No. 109  
Consolidated Community Development  
Plan Amendment, College Town

The following is a summary of the additional information gathered in response to Council inquiries regarding the project.

College Town is a mixed use project in an urban setting and will be the first development of this scale in the City in many years. The project will provide essential services to its Mt. Hope neigh-

borhood neighbors and residents from all across the City who must come to the University and Medical Center for school, employment, health care, or to visit ailing relatives or friends.

It is only by leveraging the significant economic and practical commitments of the University of Rochester that College Town can become a reality and provide important investment, services, jobs and revenue to the City and its residents.

- The University has or will incur costs of approximately \$9.9 million for land acquisition, relocation costs and the preparation costs of new facilities to accommodate for the facilities being abandoned.
- In addition, the University will be contributing in the range of \$15 to \$20 million in leasehold payments at College Town. The exact leasehold payments are dependent on the final lease terms between the University and the Developer for the space to be occupied by the University.
- The University will make 16 acres of now tax-exempt property available for the project. This property will be assessed at its full value and generate immediate revenue to the City.
- The University has committed to making the Barnes & Noble bookstore its official University bookstore driving retail traffic to College Town to help assure its success.
- The presence of the University's 20,000 employees and 9,000 students at nearby locations will provide an important customer base for College Town.

The project Developer, College Town Rochester, LLC, a joint venture of Fairmount Properties, LLC and Gilbane Development Company, will execute a 49-year ground lease with the University. In this arrangement the Developer will be the owner of the buildings and other improvements and have exclusive use of the real estate. In commercial real estate it is not unusual for the land and buildings to be owned by separate entities. As a practical matter, this arrangement makes the University the ultimate backstop or security for the long term success of the project.

College Town is being designed to encourage pedestrian activity. There will be public spaces for gathering and recreation. And, as previously outlined, the plan includes a bookstore, grocery store, retail shops and restaurants, office space, residential apartments, hotel and conference center, parking (surface and garage), transit center, fitness center and a child care facility. This is a major project that will become more defined as tenants begin committing to leases. It is reasonable to expect some changes in the plan as the project evolves. The hotel and conference center and a transit center will be financed separately.

In response to questions about affordable housing, the Developer has agreed that at least 10 affordable

housing units will be created for low and moderate income households. City staff will work with the Developer to implement this program and will report to Council as details are defined.

The project will generate approximately 985 temporary jobs and 582 permanent jobs. Workforce and enterprise goals will be comparable to the Rochester City School Modernization Program. The Developer has experience with similar requirements and is committed to establishing an effective program with regular reporting requirements. The Developer has also agreed to retain a local independent monitor for this program.

The Developer is also committed to a program to recruit City residents for temporary and permanent positions at College Town. The City will be working with the Developer to create such a program. Among the options would be to establish a grass-roots recruiting effort in city neighborhoods; providing a workforce training consultant to offer training in the skills, aptitudes and knowledge that College Town employees will need; advertising and marketing for job fairs, open houses and workforce training targeted to City neighborhoods and collaboration with City departments and local organizations to recruit and train city residents for jobs at College Town.

In the first year of College Town operations it is expected that the City will receive approximately \$532,000 in new revenue. Of this amount \$332,000 will be generated by the PILOT agreement and \$200,000 from interest on the HUD §108 loan. Over the 20 year term of the loan agreement, the City will receive approximately \$8.9 million, including \$6.6 million from the PILOT agreement and \$2.3 million in interest. This estimate is based on the conservative assumption that the assessed value of the property will be established as \$30 million and will not increase over the 20 year term. These receipts will be in addition to the payment of debt service on the §108 loan.

The transmittal asks for Council's approval of an application to HUD for the §108 loan. Upon HUD approval, separate legislation will be submitted for the final approval of the §108 loan. In addition, your approval of the Capital Improvement Plan and the City's debt limit will be requested at subsequent meetings. These actions will provide the required authority for the design and construction of roadway improvements related to the College Town development.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-60

Ordinance No. 2012-141  
(Int. No. 109)

**Amending Consolidated Community Development/2011-12 Annual Action Plan And Approving A Section 108 Loan For The College Town Development Project**

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-142  
Re: Lease Agreement - Adirondack Sports Club, Soccer Stadium

Transmitted herewith for your approval is legislation authorizing an amendatory lease agreement with the Adirondack Sports Club, LLC (ASC), owner of the Rochester Rhinos Soccer Team, for continued use of the City-owned soccer stadium located at 900 W. Broad Street, 480 Smith Street, and 524 Oak Street. This amendment will provide for the lease of additional space and will adjust some of the terms of the lease.

The terms of the original lease, authorized by Ordinance No. 2008-130, required ASC to pay an annual rental amount of \$1, as well as taxes, utilities, and insurance. However, due to financial hardship, ASC has been unable to meet these obligations. The organization has been gradually improving the revenue stream and reducing the financial losses at the Stadium and anticipates it will be able to resume payments if provided sufficient time to improve its financial condition. This amendment will provide for a graduated schedule of payments to the City for taxes, insurance, and utility costs as follows:

2012	0%	2017	50%
2013	10%	2018	75%
2014	20%	2019	100%
2015	30%	2020	100%
2016	40%		

In addition, ASC desires to use space in the REDCO-owned building located at 448 Smith Street, adjacent to the Soccer Stadium which is being leased to the City, as authorized by Council in March 2012 (Ord. No. 2012-96). The City will sublease a total of 8,990 square feet to ASC for office space and locker rooms. This will enable ASC to expand the types of events to be held at the Stadium and thus increase potential revenue.

The amount for the lease will be increased to \$20,000, payable in four installments of \$5,000 each during peak season. This amendatory lease will commence, retroactively, on January 1, 2012 and terminate on December 31, 2020.

A public hearing on the changes in the lease is required.

Respectfully submitted,

Thomas S. Richards  
Mayor

Attachment No. AL-61

Ordinance No. 2012-142  
(Int. No. 155)

**Authorizing An Amendatory Lease For The Soccer Stadium Parcels**

WHEREAS, the City of Rochester has received an amendatory 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 the "Disposition Parcel"), in the Erie Canal Urban Renewal Project, for the use, maintenance, repair and operation of the soccer stadium contained thereon, and for the lease of space in the building at 448 Smith Street; and

WHEREAS, the City desires to amend the lease of the Disposition Parcel to Adirondack Sports Club LLC for the use, maintenance, repair and operation of the soccer stadium contained thereon and add the lease of space at 448 Smith Street; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on April 24, 2012 to consider the proposed amended lease of the Disposition Parcel; and

WHEREAS, it is or has been 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 amended 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 amended lease of said Disposition Parcel and conditions established for redevelopment are satisfactory; 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 amendatory lease; and

WHEREAS, the term of the amendatory lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Council hereby reapproves the designation of the Redeveloper by the Agency as the Redeveloper of said Disposition Parcel and reapproves 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 an amendatory lease whereby the City shall additionally lease space in the building at 448 Smith Street to the Redeveloper for rent of \$20,000 per season for use for office space and locker rooms. The term of the building lease shall be from January 1, 2012 through December 31, 2020.

Section 3. The amendatory lease shall additionally provide that the Redeveloper shall be responsible for the payment of all real property taxes and assessments, or their equivalent, on the stadium land and improvements, and for all utility and insurance costs, in accordance with the following schedule:

<u>Year</u>	<u>Percentage</u>
1/1/12-12/31/12	0%
1/1/13-12/31/13	10%
1/1/14-12/31/14	20%
1/1/15-12/31/15	30%
1/1/16-12/31/16	40%
1/1/17-12/31/17	50%
1/1/18-12/31/18	75%
1/1/19 and thereafter	100%

Section 4. The Council hereby authorizes the amended 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 5. The Mayor is authorized to enter into such agreements and documents as may be necessary to effectuate the amended lease. Such documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul -8.

Nays - Councilmember McFadden - 1.

\$237,918 in additional 2011-12 ESG funds;

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1649  
Re: High Fall Business Improvement  
District

Transmitted herewith for your approval is legisla-  
tion approving the 2012-13 assessment of \$25,000  
for the High Falls Business Improvement District  
(BID) and authorizing the apportionment of the  
costs among the properties within the district.

The High Falls Business Improvement District was  
established in 2004. The High Falls District Plan,  
adopted by Council in January 2004, includes a  
description of the BID boundaries, the assessment  
formula used to determine each building owner  
share, and how the assessment is 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 of-  
fice.

A public hearing on the assessment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Local Improvement Ordinance No. 1649  
(Int. No. 156)

**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 2012-13 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, 2012.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-143  
Re: 2011-12 Emergency Solutions Grant -  
Additional Allocation

Transmitted herewith for your approval is legisla-  
tion related to additional funding under the 2011-12  
federal Emergency Solutions Grant (ESG) Pro-  
gram. This legislation will:

1. Authorize an amendatory agreement with the  
U.S. Department of Housing and Urban De-  
velopment (HUD) for receipt and use of

2. Amend the 2011-12 Consolidated Community  
Development Plan - Promote Housing Choice  
Fund Annual Action Plan to reflect the receipt  
and use of said funds;
3. Authorize the submission of the amendment  
to the Plan to HUD;
4. Appropriate \$28,418 of the additional ESG  
funds for Administrative expenses; and
5. Establish \$209,500 as maximum compensa-  
tion for an agreement with Coordinated Care  
Services, Inc. (CCSI) for delivery of the  
Heading Home Program, the community's  
coordinated and cooperatively monitored pro-  
gram to serve homeless and nearly homeless  
individuals and families. CCSI will provide  
case management and financial assistance to  
find or continue residence in affordable hous-  
ing.
6. Authorize any other agreements necessary to  
implement the continuation of the Heading  
Home Program.

Receipt of these additional funds requires a sub-  
stantial amendment to the 2011-12 Consolidated  
Community Development Plan. The amendment  
incorporates how the funds will be used and must  
assure coordination with the local Continuum of  
Care (CoC) and community stakeholders and fun-  
ders. The City has worked in conjunction with  
Monroe County, the CoC, the United Way, and  
other stakeholders including the Homeless Services  
Network (HSN), to determine the uses of the ad-  
ditional funding and continued joint oversight.

The Heading Home Program serves homeless indi-  
viduals and families whose incomes are below 30%  
Area Median Income, and who are without other  
resources. Services include housing search and  
placement, tenant education, case management, and  
coordination with community service providers.  
Financial Assistance includes rental assistance,  
security deposits, moving costs, and utility depos-  
its.

These additional funds allow the Rochester/Monroe  
County community's jointly planned program to  
continue through December 31, 2012.

A summary of the distribution of funds is attached.

A public hearing on the Consolidated Plan amend-  
ment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-62

Ordinance No. 2012-143  
(Int. No. 157)

**Authorizing An Amendatory 2011-12 Com-**

**munity Development Program Plan, Authorizing Agreements And Appropriating Funds For The Emergency Solutions Grant (ESG) Program**

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

Section 1. The Council hereby approves an amendment to the 2011-12 Community Development Program Plan to enable the City to receive and administer additional Emergency Solutions Grant (ESG) Program funds in the amount of \$237,918 from the U.S. Department of Housing and Urban Development.

Section 2. The Mayor is hereby authorized to enter into all necessary agreements to enable the City to receive and administer additional Emergency Solutions Grant (ESG) Program funds from the U.S. Department of Housing and Urban Development.

Section 3. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Program Account) of the 2011-12 Emergency Solutions Grant the sum of \$237,918, or so much thereof as may be necessary, to fund the Emergency Solutions Grant (ESG) Program.

Section 4. The Mayor is hereby authorized to enter into an agreement with Coordinated Care Services, Inc. to implement the Emergency Solutions Grant (ESG) Program. The agreement shall obligate the City to pay an amount not to exceed \$209,500, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1650  
Re: East Avenue/Alexander Street  
Entertainment District

Transmitted herewith for your approval is legislation reauthorizing the district and establishing the amount of \$20,530 for special assessments for the East Avenue/Alexander Street Entertainment District.

This assessment provides for additional trash removal on Saturday and Sunday, from 3:00 to 5:00 am, from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the district that cater to

the patrons of the establishments (e.g., bars, restaurants and parking lots who profit from the patrons).

In 2012-13, the fixed fee for additional street cleaning services is determined by type of establishment and square footage as agreed upon by the entertainment establishments and property owners in the district. The total assessment for the district is \$20,530.00.

All affected properties were examined and updated to reflect any change in use.

The City will levy the annual operating assessment against properties containing certain establishments or functions in the district as follows:

	Code	Annual Charge
Parking lot under 2500 sq ft	1	\$217
Parking lot 2500-4999 sq ft	2	\$422
Parking lot 5000-9999 sq ft	3	\$627
Parking lot 10000 sq ft or more	4	\$855
Small sit-down restaurant	5	\$217
Take-out restaurant/smaller bar	6	\$422
Large bar/sit-down restaurant	7	\$980

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected.

A public hearing is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-63

Local Improvement Ordinance No. 1650  
(Int. No. 183, As Amended)

**Local Improvement Ordinance - Establishing The 2012 Cost Of The Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District**

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

Section 1. The 2012 budget for the upgrading of street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District is established at \$[20,530] 20,315 and the charge per Code shall remain the same as in 2011, and said amount is hereby appropriated from the Special Assessments and shall be assessed and levied on the 2012-13 tax bill in accordance with Local Improvement Ordinance No. 1631. However, for the 2012 assessments, the Code for 330 East Avenue shall be changed from 5 to 6, 289 Alexander Street shall not be assessed, and the Code for 343 East Avenue (337 East Avenue) shall be changed from 6 to 5.

Section 2. This ordinance shall take effect on

July 1, 2012.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 148  
Re: Agreement - The Sanborn  
Map Company, 2D GIS  
Buildings File

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with The Sanborn Map Company (Colorado Springs, CO) to create a new buildings file to replace that currently used in the City's 2D GIS. The cost of the agreement will be funded from the 2011-12 Budget of the Department of Neighborhood and Business Development.

The current 2D GIS buildings file was created in 1991. While it has undergone routine maintenance, it has become outdated and is no longer useful or accurate for planning purposes. The new file will reflect demolitions, new construction, and recent subdivisions. For all buildings within the city limits, the file will include: building outlines; SBL information for each structure; and classification of building use (e.g., residential, commercial, etc.). This information will allow analysis and display of information such as square footage, number of stories, and number of rooms for individual buildings, as well as within each use classification.

This updated GIS file with its added capabilities will improve the City's site plan, design, and project review functions, and its ability to evaluate overall neighborhoods by providing a more accurate representation of the city's built environment.

A request for proposals for these services was issued on February 10, 2012, posted on the City website, and mailed directly to three known providers. Including Sanborn, proposals were received from eight firms: Bergmann Associates; Pictometry (Henrietta, NY); ABT SRBI (New York City); Vertex Geospatial, Inc. (New Hartford, NY); KCI Engineering (Rochester); Innovative Contracting (Rochester 14624); and Avineon, Inc. (Alexandria, VA).

A proposal review team included five staff representing the Bureau of Planning and Zoning and the Department of Information Technology. Using a scale of 1 (weak) to 8 (strong), each proposal was rated on the following criteria: cost, qualifications, method, experience with similar projects, classification system offered, and maintenance proposal. Sanborn received the highest overall ranking.

Sanborn, in conjunction with a City steering committee, is expected to complete the study by August 1, 2012.

Respectfully submitted,

Thomas S. Richards  
Mayor

Introductory No. 148

**ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR GIS 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 between the City and The Sanborn Map Company for a 2D GIS buildings file for the City. Said amount shall be funded from the 2011-12 Budget of the Department of Neighborhood and Business Development.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Scott  
April 24, 2012

To the Council:

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

Int. No. 159 - Authorizing An Agreement Relating To Construction Services At The Clinton-Baden Recreation Center

Int. No. 160 - Approving Actions For The Rochester Intermodal Transportation Center Project And Amending Ordinance No. 2011-252

Int. No. 161 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$500,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Hinsdale Street Group Curb Replacement Project In The City

Int. No. 163 - Authorizing Agreements For Environmental Services

Int. No. 164 - Authorizing An Agreement With The Village Of Fairport For Ash Tree Services

Int. No. 165 - Amending Ordinance No. 2012-76 Relating To Mechanical, Electrical And Plumbing Engineering Services For Building Renovation Projects

Int. No. 166 - Authorizing Participation In The North Winton Road Improvement Project

Int. No. 184 - Establishing Maximum Compensation For A Professional Services Agreement For Water Testing Services

Int. No. 189 - Amending Ordinance No. 2009-70

Relating To The Funding Source Of Agreement With Bergmann Associates, P.C.

Int. No. 190 - Acceptance Of Permanent Easements For The Mt. Hope Avenue Neighborhood Commercial Parking Lot

Int. No. 193 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,046,000 Bonds Of Said City To Finance The [Reconstruction] Construction Of The Midtown [Service Tunnel] Redevelopment Project In The City, As Amended

Int. No. 194 - Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Service Tunnel Reconstruction Project

Int. No. 195 - Granting Of A Permanent Easement To The Rochester District Heating Cooperative, Inc.

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

Int. No. 167 - Approving An Increase In The Pavement Width Of Marburger Street

Int. No. 168 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 169 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 170 - Amending The Official Map By Abandonment Of Lehaco Street

Int. No. 171 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 172 - Amending The Official Map By Dedicating Parcels As East Avenue For The East Avenue Wegmans Development Project And Accepting Donations

Int. No. 191 - Local Improvement Ordinance - Establishment Of The Mt. Hope Avenue Neighborhood Commercial Parking Lot

Int. No. 192 - Local Improvement Ordinance - Maintenance Of Upgraded Streetscape Features As A Part Of The Mt. Hope Avenue (Elmwood Avenue To Rossiter Road) Improvement Project

The following entitled legislation is being held in Committee:

Int. No. 162 - Establishing Maximum Compensation For A Professional Services Agreement For The City Hall Green Pervious Parking Lot Project

Respectfully submitted,

Loretta C. Scott (*Abstained on Int. No. 159*)  
Matt Haag (*Abstained on Int. Nos. 189, 190, 191 and 192*)  
Elaine M. Spaul  
Lovely A. Warren (*Voted on Int. Nos. 193 through 195, only*)  
Dana K. Miller  
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-144  
Re: Agreement - Rochester City School District, Clinton-Baden Recreation Center

Transmitted herewith for your approval is legislation establishing \$190,000 as maximum compensation for an agreement with the Rochester City School District for design and construction services at the Clinton-Baden Recreation Center located at 485 N. Clinton Avenue. The cost of this agreement will be funded from prior years' Cash Capital.

The City has participated in the City School District's cycle of renovations and upgrades on shared campus school and recreation facilities since 2005. The District incorporates design and construction of City Recreation center repairs and upgrades as part of its State Education Department capital facilities program. Recreation centers included in the District renovation cycle are Adams Street (Nathaniel Rochester Community School #3), Clinton-Baden (Dr. Martin Luther King School #9), Flint Street (Dr. Charles Lunsford School #19) and South Avenue (James PB Duffy School #12).

The agreement with the RCSD for related work at the Clinton-Baden Recreation Center was authorized via Ordinance No. 2009-21. This included interior renovations to the craft room, kitchen/dining multi-purpose room and locker rooms; and pool filter equipment replacement. Also, limited, miscellaneous window, door and finish replacements were included.

That work, completed in fall 2010, came in under budget, allowing this agreement for additional improvements that were identified in the design of the 2010 project but were subsequently eliminated due to cost. Under the new agreement requested herein, the District will restore roof flashings, replace sealant at precast joints, and replace lighting in the pool and boxing room. Construction of the project is expected to begin in spring 2013 and will be completed by September 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-144  
(Int. No. 159)

**Authorizing An Agreement Relating To Construction Services At The Clinton-Baden Recreation Center**

**ation Center**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District whereby the City will fund design and construction services at the Clinton-Baden Recreation Center.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$190,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Spaul - 8.

Nays - None - 0.

Councilmember Scott abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-145  
Re: Rochester Intermodal Transportation Center

Transmitted herewith for your approval is legislation related to Rochester's Intermodal Transportation Center. This legislation will:

1. Authorize the receipt and use of \$723,342 in anticipated Federal Railroad Administration (FRA) aid to finance the Federal share of project planning, preliminary engineering, environmental assessment and in-house administrative reimbursements.
2. Authorize the receipt and use of \$257,144 in anticipated New York State Aid to finance the State share of project planning, preliminary engineering, environmental assessment and in-house administrative reimbursements.
3. Authorize an amendatory agreement with Bergmann Associates, P.C., for additional project planning, preliminary engineering, and environmental assessment services. Ordinance No. 2011-252 authorized \$600,000 as maximum compensation. This amendment will increase that amount by \$825,000 for a total of \$1,425,000. The additional cost will be funded from the anticipated reimbursements appropriated herein.

4. Amend Ordinance No. 2011-252 which appropriated \$627,000 in anticipated Federal Railroad Administration Aid to fund the agreement with Bergmann Associates (\$600,000) and to reimburse the City for administrative costs (\$27,000) for this project. This amendment will decrease the amount of Federal Railroad Administration Aid to be paid to Bergmann from \$600,000 to \$497,143; the difference (\$102,857) will be funded from the State aid appropriated herein.

This phase of the project involves preliminary engineering, design and the environmental assessments required for constructing Rochester's proposed Intermodal Transportation Center. Possible utilization of an Intermodal Transportation Center may include shared space with Amtrak, Trailways, RTS buses, local taxis, hotel shuttles, car rental agencies, pedestrians and bicyclists. Dependant on market demand and operational feasibility, additional space may be incorporated for various retail establishments, travel comfort services and tourism kiosks/stations.

The project is being administered by the City on behalf of the New York State Department of Transportation (NYSDOT), with funding provided by the Federal Railroad Administration (FRA) and New York State. The Department of Environmental Services, Bureau of Architecture and Engineering is providing in-house project administration services, of which \$75,000 shall be reimbursed by FRA and NYS.

This phase will continue to evaluate and, where feasible, incorporate and highlight streetscape and building components such as sidewalk widths, ADA standards, materials and design, lighting, landscaping, green space, signage, benches, bicycle racks, bicycle lanes, view sheds, kiosks, and connections to Main Street, Clinton Avenue and Joseph Avenue along with other points of activity.

The Intermodal Transportation Center is intended to compliment adjacent neighborhoods, foster development and support operational needs of the various (potential) entities to occupy the building. It provides the foundation for a building that can serve as a community landmark and Center City gateway, emphasizing the City's rich architectural and transportation history. Gateway concepts will be used to serve as a welcoming landmark for downtown Rochester, with public art commissions encouraged.

New York State recently submitted an application for \$26.0 million to the 2011 United States Department of Transportation TIGER Discretionary Grant Program for funding for Rochester's Intermodal Transportation Center. The State was not successful in its selection for that grant however, it is anticipated that in upcoming rounds of TIGER funding their revised application will be deemed extremely competitive.

To better position the project for future funding opportunity, it is important to advance and show progress in the preliminary design and environmen-

tal assessment phases. The amendatory agreement demonstrates that progress and solidifies our partnership with Amtrak, Trailways and the State of New York. Bergmann Associates was selected to advance the preliminary design and environmental assessments based on a recommendation from New York State and their unique familiarity and experience managing the project's scoping and preliminary planning phases. The cost of the amendatory agreement (\$825,000) will be eighty three percent (82.8571%) funded from anticipated Federal Aid (\$683,571) and seventeen percent (17.1429%) funded from anticipated State Aid (\$141,429).

The amendment of Ordinance 2011-252 allows funding to align with recent changes in funding sources made by New York State. Ordinance 2011-252 authorized the appropriation of \$627,000 in Federal Aid, which now has been revised with \$519,514 in Federal Aid, and \$107,486 in State Aid. The maximum amount of all appropriations in Ordinance 2011-252 remains at \$627,000.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-145  
(Int. No. 160)

**Approving Actions For The Rochester Intermodal Transportation Center Project And Amending Ordinance No. 2011-252**

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

Section 1. The sum of \$825,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for planning, environmental assessment and preliminary engineering services for the Rochester Intermodal Transportation Center Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$683,571 shall be funded from the appropriation made in Section 2 and \$141,429 shall be funded from the appropriation made in Section 3.

Section 2. The sum of \$723,342 is hereby appropriated from anticipated aid from the Federal Railroad Administration to fund the planning, preliminary engineering, environmental assessment and administration of the Project.

Section 3. The sum of \$257,144 is hereby appropriated from anticipated aid from the State of New York to fund the planning, preliminary engineering, environmental assessment and administration of the Project.

Section 4. Ordinance No. 2011-252, relating to the Rochester Intermodal Transportation Center, is hereby amended by reducing the funding from the Federal Railroad Administration funds appropriated in Section 6 of said ordinance from \$600,000 to \$497,143, and by funding \$102,857 from the State

of New York funds appropriated in Section 3.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-146  
Re: Hinsdale Street Group Curb Replacement Project - Hinsdale Street (Rosedale Street to Culver Road) and Werner Park (Monroe Avenue to Hinsdale Street)

Transmitted herewith for your approval is legislation related to the Hinsdale Street Group Curb Replacement Project.

This legislation will authorize the issuance of bonds totaling \$500,000 and the appropriation of the proceeds thereof to partially finance street improvements.

The Hinsdale Street Group Curb Replacement Project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering. The project includes installation of new curbs, driveway aprons, and catch basins, replacement of sidewalk as needed, minor reconstruction of the intersection of Hinsdale and Avondale streets, and topsoil and seed.

Bids for construction were received on March 27, 2012. The apparent low bid of \$497,405 was submitted by Gordon J. Phillips, Inc. which is 5.5% more than the engineer's estimate. An additional \$53,585 will be allocated for project contingencies.

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

	<u>Total</u>		
	<u>Street</u>	<u>Street</u>	<u>Water</u>
	<u>Bonds</u>	<u>Cash</u>	<u>Cash</u>
Construction	\$497,405		
	\$495,755		\$1,650
Contingency		53,585	
	4,245	\$49,165	175
Totals	\$500,000	\$49,165	\$1,825

A public meeting was held on May 25, 2011. A copy of the meeting minutes are on file in the City Clerk's Office.

Construction is scheduled to start in the spring of 2012 with substantial completion in the summer of 2012. This project will result in the creation/retention of the equivalent of 5.4 full-time jobs

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-63

Ordinance No. 2012-146  
(Int. No. 161)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$500,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Hinsdale Street Group Curb Replacement 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 reconstruction of certain streets as a part of the Hinsdale Street Group Curb Replacement Project, including but not limited to improvements to Hinsdale Street from Rosedale Street to Culver Road and to Werner Park from Monroe Avenue to Hinsdale Street, in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,990. The plan of financing includes the issuance of \$500,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$50,990 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$500,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$500,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-147  
Re: Agreements - Environmental  
Assessment and Remedial Services

Transmitted herewith for your approval is legisla-

tion authorizing professional services agreements with the following 10 companies, all with offices in the city of Rochester, for environmental assessment, investigation, and remedial phase services:

- Barton & Loguidice
- Bergmann Associates
- Clough, Harbor & Associates
- Day Environmental, Inc.
- LaBella Associates
- LiRo Engineers
- Lu Engineers
- O'Brien & Gere Engineers, Inc.
- Stantec Consulting Services, Inc.
- Tritech Environmental Health & Safety

Services performed as needed under these unit-rate agreements will be financed from the annual budgets of the departments using the services or from capital funds appropriated for specific environmental, construction and redevelopment projects.

Environmental site assessments are a prerequisite for properties that are involved in real estate transactions. Such assessments allow a prospective buyer to identify suspect environmental conditions, consider potential remediation costs during negotiations, plan for cleanup during redevelopment and avoid or limit liability for these costs.

The following Phase I site assessment services will be provided:

- A review of title and deed history records;
- An examination of other public records, including aerial photographs, that may contain relevant environmental information;
- Governmental agency review (NYSDEC, City of Rochester, MCDOH, etc.);
- An inspection of the property and observation of adjacent properties; and
- The preparation of a report with recommendations based on the findings.

If requested by the City, additional environmental services will be provided which may include:

- Sampling and laboratory analysis of air, soil, wastes, groundwater and surface waters;
- Subsurface soil, bedrock, and geotechnical investigations;
- Environmental data analysis, modeling, survey, and GIS/GPS mapping;
- Feasibility studies, analyses of remedial alternatives, and remedial cost estimating;
- Environmental planning, design, and implementation of remedial actions and pollution prevention/reduction measures.

The City routinely performs site assessments prior to acquiring commercial and industrial properties.

The most recent agreements for these assessments were authorized by the City Council on January 21, 2009.

In anticipation of the expiration of the current agreements, the Department of Environmental Services advertised a request for proposal on January 13, 2012. In addition to the ten firms selected, proposals were received from: Atlantic Testing; Dvirka & Bartilucci; Empire Geo Services, Inc.; HSE Consulting; and Leader Professional Services.

When environmental assessment, environmental analysis, or environmental remediation services are required, proposals from one or more of these companies will be requested. The selection of a specific company will depend upon the type of environmental services that are required, its ability to meet the City's schedule, and the quality and cost of its proposal.

The number and types of projects will depend on the needs of the various departments that are requiring assessment, testing, and remedial actions. The cost of the project specific proposals will be based on the unit prices specified in each company's agreement with the City.

Each of the agreements will have an initial term of one year with provisions for renewal for two additional one-year periods based on mutual written agreement. If the agreements are renewed, adjustment to the specific unit prices for the third year will be permitted subject to the City's approval.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-147  
(Int. No. 163)

**Authorizing Agreements For Environmental 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 assessment, investigation and remediation services as required by the City:

- | <u>Company</u>           | <u>Address</u>              |
|--------------------------|-----------------------------|
| Barton & Loguidice       | 11 Centre Park              |
| Bergmann Associates      | 28 East Main Street         |
| CHA                      | 16 West Main Street         |
| Day Environmental, Inc.  | 1563 Lyell Avenue           |
| LaBella Associates, P.C. | 300 State Street, Suite 201 |
| LiRo Engineers           | 45 East Avenue              |
| Lu Engineers             | 39 State Street, Room 440   |

O'Brien & Gere Engineers, Inc.  
400 Andrews Street  
Stantec Consulting Services, Inc.  
61 Commercial Street  
Tritech  
1100 University Avenue

Section 2. Each agreement shall have a term of one year, with provision for renewal for two additional one year terms. Each agreement shall provide for an assessment to be performed on an as needed basis, and shall establish a unit price to be paid for a particular assessment. The unit price may be adjusted during the second renewal term with the approval of the City Engineer. The cost of said assessment shall be funded from the annual budget or from project appropriations.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-148  
Re: Inter-Municipal Agreement -  
Village of Fairport, Ash Borer  
Pesticide Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Village of Fairport to have the City provide pesticide application services for 52 of the Village's ash trees. The Village will pay the City a total of \$5,532.64 for these services.

The City will provide the service on a one-time basis and will furnish all of the necessary resources to complete the project, including labor, equipment, and materials (chemical pesticide, plugs, signs and sign sticks).

The payment reflects the cost of the resources used in the application of the treatment, plus a 15% administrative charge to cover the indirect cost associated with the completion of the project. The term of the agreement will be for one year.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-64

Ordinance No. 2012-148  
(Int. No. 164)

**Authorizing An Agreement With The Village Of Fairport For Ash Tree 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 Village of Fairport whereby the City shall provide pesticide application services for Village ash trees.

Section 2. The agreement shall obligate the Village of Fairport to pay to the City the sum of \$5,532.64.

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. 2012-149  
Re: Agreement - Stantec Consulting  
Services, Engineering Services

Transmitted herewith for your approval is legislation authorizing an agreement with Stantec Consulting Services (Rochester) for mechanical, electrical, and plumbing engineering services related to City projects.

Ordinance No. 2012-76 authorized similar agreements with six other firms: Clark, Patterson, Lee Associates; Hunt Engineer Architects & Land Surveyors, P.C.; LaBella Associates, P.C.; M/E Engineering, P.C.; Q-Tech Engineering, P.C.; and RAM Tech Engineers. Based on their review of proposals for these services, the Department of Environmental Services had included Stantec as one of the recommended firms. However, the agreement with Stantec Consulting was inadvertently omitted from the February legislation.

All terms and conditions of this agreement will be the same as described in the transmittal letter accompanying Ordinance No. 2012-76.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-149  
(Int. No. 165)

**Amending Ordinance No. 2012-76 Relating To Mechanical, Electrical And Plumbing Engineering Services For Building Renovation Projects**

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

Section 1. Ordinance No. 2012-76, relating to agreements for mechanical, electrical and plumbing engineering services for building renovation or capital projects, is hereby amended by adding Stantec Consulting Services to the list of authorized providers contained therein.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-150  
Re: North Winton Road Improvement Project (Blossom Road to Corwin Road)

Transmitted herewith for your approval is legislation related to the North Winton Road Improvement project. This legislation will:

1. Authorize the Mayor to enter into any necessary agreements with the New York State Department of Transportation (NYSDOT) to participate in and administer the project; and
2. Appropriate \$241,600 from anticipated reimbursements from the Federal Highway Administration to partially finance the planning, engineering and right-of-way incidentals phases of the project.

The North Winton Road (Blossom Road to Corwin Road) Improvement Project is a Federal Aid project which will be administered by the City through the NYSDOT. The Federal aid has been granted for the design of the project which includes street reconstruction, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting, and tree planting.

Project administration will be performed by the Bureau of Architecture and Engineering with Federal reimbursement for the eligible portion of the work. The City has committed \$60,400 from prior years' Cash Capital for the planning portion of this project. Authorization for the engineering planning and design services will be requested at a later date.

Design of the project will begin in summer 2012 and is anticipated to be completed in spring 2014. Construction of North Winton Road is expected to begin in 2015.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-150  
(Int. No. 166)

**Authorizing Participation In The North Winton Road Improvement Project**

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

Section 1. The Council hereby approves participation in and administration by the City of the North Winton Road Improvement Project (Blossom Road to Corwin Road).

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 Project improvements.

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

Section 4. The City commits the sum of \$60,400 from the Cash Capital allocation from prior years to partially finance the planning, engineering and right of way incidentals phases of the North Winton Road Improvement Project.

Section 5. The sum of \$241,600 is hereby appropriated from anticipated aid from the Federal Highway Administration to partially finance the planning, engineering and right of way incidentals phases of the North Winton Road Improvement Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-151  
Re: Agreement - Chemical Analyses Of Process Water at the Hemlock Filtration Plant

Transmitted herewith for your approval is legislation establishing \$4,500 as maximum compensation for a three-year agreement with Life Science Laboratories, Inc. (E. Syracuse NY) for water testing. The cost of the first year of the agreement (\$1,500) will be funded from the 2011-12 Budget of the Department of Environmental Services (Water Fund). Costs for subsequent years will be funded from the corresponding budgets, contingent upon approval of those budgets.

This agreement provides for the recurring, state-mandated testing of process water from two sources at the Hemlock Filtration Plant - water from the backwash water settling ponds, and water from the plant's process waste tank.

The current agreement for these services, authorized in May 2009, was a three-year term with Life Science Laboratories, Inc. Historically, the City has contracted with commercial laboratories for mandated water testing when it is not cost-effective for the City's laboratory to perform. Consultant will be certified under the New York State Department of Health Environmental Laboratory Approval (ELAP) for the requested analyses.

Proposals were solicited from three qualified laboratories; proposals were received from Life Science Laboratories, Inc., and Paradigm Environmental

Services, Inc. Based on their qualifications and low price, Life Science Laboratories, Inc. was selected.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-151  
(Int. No. 184)

**Establishing Maximum Compensation For A Professional Services Agreement For Water Testing Services**

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

Section 1. The sum of \$1,500, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Life Science Laboratories, Inc. for laboratory testing of drinking water for three years. Said amounts shall be funded from the 2011-12, 2012-13 and 2013-14 Budgets of the Department of Environmental Services (Water Fund), contingent upon approval of the latter budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-152,  
Ordinance No. 2012-153,  
Local Improvement Ordinance No. 1651 and  
Local Improvement Ordinance No. 1652  
Re: Mt. Hope Avenue (Elmwood Avenue  
To Rossiter Road) Improvement  
Project

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue Improvement Project. This legislation will:

1. Amend Ordinance 2009-70, which established \$80,000 as maximum compensation for an agreement with Bergmann Associates, P.C., for design of a neighborhood commercial off-street parking lot in the Collegetown District. The cost of that agreement was to be funded from 2008-09 Cash Capital (\$30,000) and from the 2008-09 Budget of the Economic Development Department (\$50,000). This amendment will revise the source for the entire \$80,000 as prior years' Cash Capital.
2. Authorize acceptance, through donation, of permanent easements from three owners, as described below, for use as public parking and shared access within the Collegetown Village District.

Address

<u>Donor</u>	<u>Sq Ft</u>
1378 & 1394 Mt. Hope Ave. Mamasan's Monroe LLC	9,350
1400 Mt. Hope Ave. David L. Gandell	7,692
1432 Mt. Hope Ave. & 24 Fort Hill Terr. McDonalds USA LLC	10,172

3. Establish a neighborhood commercial off-street parking lot district on the easements described above, establish the 2012-13 budget for the district, and authorize the cost to be apportioned among and assessed to the benefited properties.
4. Establish a special assessment district to finance the annual, incremental costs associated with the maintenance and operation of streetscape enhancements to be included as part of the project, establish the 2013-14 budget for the district, and authorize the cost to be apportioned among and assessed to the 23 benefitted properties.
5. Establish \$30,000 as maximum compensation for an agreement with the University of Rochester for maintenance of the streetscape enhancements; the cost of this agreement will be funded from the special assessment district payments.

This Federal aid-eligible project is a reconstruction of Mt. Hope Avenue between Elmwood Avenue and Rossiter Road, and includes: pavement reconstruction; new curbs, center traffic median, signalized intersection on Mt Hope Avenue between Elmwood Avenue and Crittenden Boulevard, street lighting, and water main improvements; enhanced Collegetown sidewalks; and various streetscape enhancements commensurate with the vision of the Collegetown C-V zoning district. A summary of related previous legislation is attached.

Neighborhood Commercial Parking District

A neighborhood commercial off-street parking lot will provide shared parking for area businesses and provide improved access to the businesses by interconnecting the parking lots and drive aisles of three adjoining properties.

The 44 space lot will be constructed on the land for which permanent easements are being donated to the City. The City will construct a retaining wall and screening fence at the edge of the Collegetown C-V Village District properties which abut the residential properties on Westview Terrace. The cost of the construction and inspection of the retaining wall, screening fence, curb and guide rail which are necessary to create the shared access is estimated at \$880,000. This amount is included in the City's current debt plan; authorization for the issuance of the associated bonds will be included in a future City Council request. This cost to facilitate the shared access and the creation of the parking district also mitigates the partial loss of access from Mt. Hope Avenue resulting from the new median, a significant safety improvement. The parking lot construction will be done as components of site

plan improvements on each of the three properties. The shared access will be available in summer 2012.

Bergmann Associates was previously selected to perform the design of the retaining wall and other features needed to create the shared access on the sites being redeveloped in the Collegetown Village District. City Council authorized the maximum reimbursement for an agreement to do this design in March 2009. However, only recently have redevelopment plans for these private sites been finalized. The City is now able to direct Bergmann to initiate the design of these features. The amendment to Ordinance 2009-70 is needed since the funding sources identified in March 2009 are no longer available.

The 2012-13 operating and maintenance costs are estimated at \$1,000 and such amount shall be billed against the district properties for the 2012-13 year. The individual assessments, based on an agreement among the owners are as follows:

<u>SBL</u>	<u>Assessment</u>	<u>Amount</u>	<u>Area</u>	<u>Owner</u>
136.54-01-25 & 136.51-01-27.1	38%	\$380	9,350 sf	Mamasan's Monroe LLC
136.54-01-24	23%	\$230	7,692 sf	David L. Gandell
136.54-01-22.1 & 136.62-01-3	39%	\$390	10,172 sf	McDonalds USA LLC

Collegetown Special Assessment District

The Mt. Hope Avenue Task Force, comprised of representatives of the Mt. Hope Avenue Business Association, the Upper Mt. Hope Neighbors, the University of Rochester, and the City, developed the enhanced streetscape scheme for the project. The apportionment of the costs will be based on the Mt. Hope Avenue front footage of all properties, with those in the Collegetown C-V Campus Center portion of the district receiving a triple apportionment, resulting in assessments of \$6.04 and \$18.11 per front foot, respectively.

The total incremental cost of the maintenance associated with the enhanced streetscape scheme is budgeted at \$30,000 for fiscal year 2013-14. The petition in support of the district signed by owners representing 80% of the total assessment is attached.

The University of Rochester has been designated to provide the associated maintenance, which will include the care of flowering trees to be planted in the median and sidewalk areas throughout the district, mowing and care of the grass median, planting and maintaining the flower beds in the median planters and around gateway walls, operation and maintenance of the irrigation system to be installed in the median, maintenance costs for the new traffic signal, and costs associated with holiday and gateway accent lighting.

The parking lot construction will result in the crea-

tion or retention of the equivalent of 8.7 full-time jobs. Construction for the retaining wall will begin this summer with scheduled completion this fall.

Public hearings on the special assessment district and the neighborhood commercial off-street parking lot are required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-65

Ordinance No. 2012-152  
(Int. No. 189)

**Amending Ordinance No. 2009-70 Relating To The Funding Source Of Agreement With Bergmann Associates, P.C.**

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

Section 1. Ordinance No. 2009-70, relating to the funding source of a professional services agreement with Bergmann Associates, P.C., is hereby amended to revise the source for the entire \$80,000 compensation as prior years' Cash Capital.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

Ordinance No. 2012-153  
(Int. No. 190)

**Acceptance Of Permanent Easements For The Mt. Hope Avenue Neighborhood Commercial Parking Lot**

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

Section 1. The Council hereby approves the acceptance of the donation of the permanent easements over portions of the following parcels for the establishment of the Mt. Hope Avenue Neighborhood Commercial Parking Lot:

<u>SBL No.</u>	<u>Owner</u>	<u>Square Feet</u>
136.54-01-25	Mamasan's Monroe LLC	9,350
136.54-01-24	David L. Gandell	7,692
136.54-01-22.1	McDonalds USA LLC	10,172

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

Local Improvement Ordinance No. 1651  
(Int. No. 191)

**Local Improvement Ordinance - Establishment Of The Mt. Hope Avenue Neighborhood Commercial Parking Lot**

WHEREAS, the Council wishes to establish a Mt. Hope Avenue Neighborhood Commercial Parking Lot and create a 10 year assessment for the operation and maintenance of the Lot.

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

Section 1. The Council hereby authorizes the establishment of the Mt. Hope Avenue Neighborhood Commercial Parking Lot, which shall be operated and maintained for a period of 10 years, commencing with the 2012-13 year. Such operation and maintenance shall include but not be limited to snow plowing, cleaning and maintenance of the parking lot surface.

Section 2. The Council hereby finds that the operation and maintenance of said neighborhood commercial parking lot will benefit the following parcels of property, which shall constitute the Special Assessment District for the payment of the additional costs relating to such parking lot:

<u>SBL No.</u>	<u>Percentage Of Assessment</u>	<u>Amount</u>
<u>Owner</u> 136.54-01-25	38%	\$380
Mamasan's Monroe LLC		
136.54-01-24	23%	\$230
David L. Gandell		
136.54-01-22.1	39%	\$390
McDonalds USA LLC		

Section 3. The additional operation and maintenance costs shall be assessed and billed annually as Special Assessments against the parcels of property within the District. The Council hereby finds that the parking and access improvements benefit each parcel of property within the District on the basis of pre-determined percentages. The annual operation and maintenance costs of such upgrading shall be allocated among the parcels in the District on that basis.

Section 4. The additional operation and maintenance costs for the 2012-13 year shall be \$1,000. The amount to be billed for subsequent years for

operation and maintenance shall be determined each year by a separate local improvement ordinance. Such amount shall be appropriated from the Special Assessments. Such assessments shall be billed on the regular tax bill for the parcels of property within the District. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner.

Section 5. The Council hereby determines that it is impracticable to have the operation and maintenance work done by competitive contract and therefore authorizes the Mayor to enter into annual agreements with the merchants benefited by the parking lot, or an organization established by the merchants, to perform the operation and maintenance work.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

Local Improvement Ordinance No. 1652  
(Int. No. 192)

**Local Improvement Ordinance - Maintenance Of Upgraded Streetscape Features As A Part Of The Mt. Hope Avenue (Elmwood Avenue To Rossiter Road) Improvement Project**

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

Section 1. The Council hereby authorizes the upgrading of streetscape features as a part of the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project.

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

Section 3. The Council hereby finds that the upgrading of said streetscape features will benefit the following parcels of property, which shall constitute the Special Assessment District for the payment of the additional operation and maintenance costs relating to such streetscape features upgrading. The Special Assessment District shall be for a period of 10 years, commencing with the following percentages and amounts for the 2013-14 year:

<u>Address</u>	<u>SBL No.</u>	<u>Percent</u>	<u>Amount</u>
1256 Mt. Hope Avenue			
	136.460-0001-049	3.35%	\$1,005.00

1286 Mt. Hope Avenue 136.460-0001-048.001	3.15%	\$945.00
797 Elmwood Avenue 136.540-0001-002	3.29%	\$987.00
1330 Mt. Hope Avenue 136.540-0001-032	0.85%	\$255.00
1340 Mt. Hope Avenue 136.540-0001-030.002	2.59%	\$777.00
1360 Mt. Hope Avenue 136.540-0001-028	3.46%	\$1,038.00
1378 Mt. Hope Avenue 136.540-0001-027.001	1.81%	\$543.00
1394 Mt. Hope Avenue 136.540-0001-025	1.21%	\$363.00
1400 Mt. Hope Avenue 136.540-0001-024	3.14%	\$942.00
1432 Mt. Hope Avenue 136.540-0001-022.001	5.84%	\$1,752.00
1500 Mt. Hope Avenue 136.610-0003-026	3.23%	\$969.00
1510 Mt. Hope Avenue 136.610-0003-027	1.54%	\$462.00
1517 Mt. Hope Avenue 136.610-0002-030	1.10%	\$330.00
1511 Mt. Hope Avenue 136.610-0002-029	2.23%	\$669.00
1495 Mt. Hope Avenue 136.610-0002-028	1.11%	\$333.00
1477 Mt. Hope Avenue 136.610-0001-031	0.99%	\$297.00
1475 Mt. Hope Avenue 136.610-0001-030	0.98%	\$294.00
1471 Mt. Hope Avenue 136.610-0001-028	1.47%	\$441.00
1431 Mt. Hope Avenue 136.530-0001-007	9.08%	\$2,724.00
1401 Mt. Hope Avenue 136.530-0001-006	18.76%	\$5,628.00
1371 Mt. Hope Avenue 136.530-0001-005	3.34%	\$1,002.00
1351 Mt. Hope Avenue 136.530-0001-004	10.07%	\$3,021.00
1321 Mt. Hope Avenue 136.530-0001-003.001	17.41%	\$5,223.00

Section 4. The additional operation and maintenance costs shall be assessed and billed annually as Special Assessments against the parcels of property within the District. The Council hereby finds that the streetscape features upgrading benefits each parcel of property within the District on the basis of each parcel's front footage along Mt. Hope Avenue, with the assessment for those parcels located in the Collegetown C-V Campus Center Zoning District calculated at three times their front footage along Mt. Hope Avenue. The annual operation and maintenance costs of such upgrading shall be allocated among the parcels in the District on that basis.

Section 5. The additional operation and maintenance costs for the 2013-14 year shall be \$30,000. The amount to be billed for subsequent years for operation and maintenance shall be determined each year by a separate local improvement ordinance. Such amount shall be appropriated from the Special Assessments. Such assessments shall be billed on the regular tax bill for the parcels of property within the District. Any assessment not paid

by its due date shall be a lien upon the property billed and a personal obligation of the property owner.

Section 6. The Council hereby determines that it is impracticable to have the operation and maintenance work done by competitive contract and therefore authorizes the Mayor to enter into annual agreements with the University of Rochester to perform the operation and maintenance work.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-154,  
Ordinance No. 2012-155 and  
Ordinance No. 2012-156

Re: Midtown Redevelopment Project,  
Phase 1: Service Tunnel  
Reconstruction

Transmitted herewith for your approval is legislation related to the Phase 1 of the Midtown Redevelopment Project (which consists of four phases). This legislation will:

1. Authorize the issuance of \$3,046,000 in bonds and the appropriation of the proceeds thereof to finance a portion of the Midtown Redevelopment Project costs.
2. Establish \$950,000 as maximum compensation for an agreement with LaBella Associates for resident project representation (RPR) services. The cost of the agreement will be funded from the proceeds of the bonds appropriated herein.
3. Authorize the granting of a permanent easement in the Midtown parking garage to the Rochester District Heating Cooperative, Inc (RDHC), a nonprofit corporation with offices at 150 State Street, Rochester.

Demolition and asbestos abatement at the former Midtown Plaza site have been completed by the Empire State Development Corporation (ESDC), allowing the City to move forward with redevelopment. Phase 1 includes reconstruction of the Midtown section of the below-grade truck service tunnel from Atlas Street to the eastern face of the former Seneca building, and repairs and rehabilitation of certain elements of the service tunnel below the former Seneca building, the J.P. Morgan-Chase building, and Stone Street.

Four bids for Phase 1 construction were received on April 9, 2012. The apparent low bid was submitted by Crane-Hogan Structural Systems, Inc., in an amount of \$5,851,534.76, which is 25% less than the engineer's estimate. An additional \$585,365 will be allocated for project contingencies. The costs for the categories of work for the project based upon the bid amount are summarized below.

Category	Construction	RPR
<u>Contingency</u>	<u>Total</u>	
Federal	\$ 340,900	\$ -0-
\$ -0-	\$ 340,900	
New York State	4,000,000	-0-
-0-	4,000,000	
Local - City bond	<u>1,510,635</u>	<u>950,000</u>
<u>585,365</u>	<u>3,046,000</u>	
Total	\$5,851,535	\$950,000
\$585,365	\$7,386,900	

The Federal and New York State amounts were previously appropriated via Ordinance Nos. 2011-64 and 2011-392, respectively. LaBella Associates was selected to provide RPR services based on their familiarity with the project, their qualifications, and the capabilities and availability of their staff. The RPR agreement includes the costs for the field office, web cam, and material testing for all four phases of the project.

RDHC owns and operates a steam distribution main located in a utility tunnel below the floor of the lower level of the Midtown parking garage. During the closure of the garage during redevelopment of the site, RDHC will replace the existing steam main with a new one to be suspended from the roof of the lower level of the garage. The easement will provide access for maintenance and repairs. Installation will be completed by fall 2012.

Phase 1 will result in the creation or retention of the equivalent of 63.6 full-time jobs, and will begin in June 2012, with scheduled completion in February 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-154  
(Int. No. 193, As Amended)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,046,000 Bonds Of Said City To Finance The [Reconstruction] Construction Of The Midtown [Service Tunnel] 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 initial cost of the construction of the Midtown Redevelopment Project, including the reconstruction of the Midtown Service Tunnel below the site of the Midtown

Redevelopment Project, from Atlas Street to the eastern face of the former Seneca Building, as well as repairs and rehabilitation of certain elements of the Tunnel westerly to beneath Stone Street, the construction of streets, open space and utilities, the rehabilitation of the Midtown Parking Garage, planning and design services, and incidentals thereto, in order to effectuate the Midtown Urban Renewal Plan, in the City (the "Project"). The currently estimated maximum cost of the first phase of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,386,900. The plan of financing includes the issuance of \$3,046,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$340,900 from Federal funds appropriated in Section 3 of Ordinance No. 2011-64, and \$4,000,000 from New York State funds appropriated in Section 1 of Ordinance No. 2011-392, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$3,046,000 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 \$3,046,000. 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. [10] 41-a. of the Law, is [twenty (20)] 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2012-155  
(Int. No. 194)

**Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Service Tunnel Reconstruction Project**

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

Section 1. The sum of \$950,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella

Associates for resident project representation services for the Midtown Service Tunnel Reconstruction Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-156  
(Int. No. 195)

**Granting Of A Permanent Easement To The Rochester District Heating Cooperative, Inc.**

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

Section 1. The Council hereby approves the granting of a permanent easement to the Rochester District Heating Cooperative, Inc. for access, installation, maintenance and repair of a new steam main to be suspended from the roof of the lower level of the Midtown Parking Garage.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-157  
Re: Pavement Width Changes - Marburger Street, East Ridge Road Improvement Project

Transmitted herewith for your approval is legislation authorizing an increase in pavement width of Marburger Street as part of the Monroe County East Ridge Road Improvement Project. The width will increase by 4.5 feet, from an existing width of 18 feet to a proposed width of 22.5 feet within the City limits beginning at Ridge Road East to a point 47.3 feet south of Ridge Road East, then tapering to meet the existing width, 80 feet south of Ridge Road East.

The Project extends from Marburger Street to Culver Road and lies primarily within the Town of Irondequoit with the exception of the western end, including the Marburger Street intersection, part of which is within the City. The project includes installation of new granite curbs, driveway aprons, sidewalks, replacement of a portion of the storm drainage system, catch basins, signal systems, topsoil and seed, and the restoration of all areas disturbed by construction.

The eastern right-of-way line of Marburger Street is the City/Town border. Due to issues with the adjacent property owner in the Town of Irondequoit (U.S. Postal Service), the County decided to pursue all widening of this street within the existing City

of Rochester right-of-way to the west. The widening will provide better ingress/egress to East Ridge Road. The project is being designed by TYLin International for the Monroe County Department of Transportation.

No additional right-of-way is required to accommodate the changes in pavement width.

Design of the project was completed in winter 2012. Construction is expected to begin in spring 2012, and be completed by fall 2013.

A public informational meeting for this project was held on June 24, 2010. The meeting minutes are attached. The pavement width changes were endorsed by the Traffic Control Board on March 6, 2012.

A public hearing on the pavement width change is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-66

Ordinance No. 2012-157  
(Int. No. 167)

**Approving An Increase In The Pavement Width Of Marburger Street**

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

Section 1. The Council hereby approves an increase of 4.5 feet, from 18 feet to 22.5 feet, in the pavement width of Marburger Street, from East Ridge Road to a point 47.3 feet south of East Ridge Road, then tapering to the existing width at a point 80 feet south of East Ridge Road, as a part of the East Ridge Road Improvement Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1653 and  
Local Improvement Ordinance No. 1654  
Re: Local Improvement Ordinance -  
Special Assessment Districts

Transmitted herewith for your approval is legislation establishing the 2012-13 budgets for 12 special assessment districts, as follows:

LIO	District	2011-12	Variance	2012-13
	Type			Expenses
1547	Wilson Boulevard	\$589.79	\$60.23	\$ 650.02 Operating
	Street lighting			
1502	Lyell Avenue I	\$2,445.72	\$145.19	\$2,590.91 Operating
	Street lighting			
1503	Lyell Avenue II	\$2,706.44	\$119.78	\$2,826.22 Operating
	Street lighting			
1413	Monroe I	\$1,497.98	\$132.79	\$1,630.77 Operating
	Street lighting			
1412	Monroe II	\$652.95	\$57.91	\$710.86 Operating
	Street lighting			
1429	Cascade Historic	\$1,580.15	\$40.13	\$1,620.28 Operating
	Street lighting			
1430	Cascade Historic	\$6,500.00	\$1,250.00	\$7,750.00 Cap. & Operating
	Streetscape			
1421	Norton Street URD	\$2,815.00	-0-	\$2,815.00 Cap. & Operating
	Streetscape			
1422	Norton Street URD	\$1,421.79	\$102.10	\$1,523.89 Operating
	Street lighting			
1472	Lake Avenue	\$4,223.44	\$354.05	\$4,577.49 Operating
	Street lighting			
1552	St. Paul Street	\$551.70	\$52.26	\$603.96 Operating
	Street lighting			
1627	East Main Street	\$319.24	\$37.15	\$356.39 Operating
	Street lighting			

The Wilson Boulevard district (1995, LIO No. 1374; 2005, LIO No. 1547) included the installation of six lighting fixtures. The capital cost of the enhancement was financed by the University of Rochester.

The Lyell Avenue I district (1992, LIO No. 1340; 2002, LIO No. 1502) includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenues, Verona Street and Amber Place. The enhancements 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. The capital cost of the enhancement was financed with Community Development Block Grant (CDBG) funds.

The Lyell Avenue II district (1998, LIO No. 1377; 2002, LIO No. 1503) includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersec-

tions. The capital cost of the enhancement was financed with CDBG funds.

The Monroe Avenue I district (1998, LIO No. 1413) includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490. The Monroe Avenue II district (1998, LIO No. 1412) 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 capital costs of the enhancements for both districts were financed with City funds.

The Cascade Historic districts were established in 1999 and include 29 properties along Cascade Drive and North Washington Street from Main Street West to the north end. LIO No. 1429, which provides for the lighting enhancements, is based on the differential between maintenance and operation of a standard davit system and the post top ornamental system. LIO No. 1430, which provides for the streetscape enhancements, included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were also installed within the district. The capital cost of the enhancements was financed with federal funds.

The Norton Street Urban Renewal special assessment districts were established in 1998 and include 9 properties along Excel Drive, from Norton and Bastian. The street lighting assessment district, LIO No. 1422, provides for pedestrian level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, and the annual energy and maintenance costs for the light fixtures. The streetscape assessment district (LIO No. 1421, extended by LIO No. 1619 in April 2010) provides for the maintenance of special sidewalk pavements, signage and landscaping. The capital cost of the enhancements was financed with City funds.

The Lake Avenue district (2000, LIO No. 1472) includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post-top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles. The capital cost of the enhancements was financed with State funds.

The St. Paul Street district (2005, LIO No. 1552) includes 26 properties along St. Paul Street between Bittner and Mortimer Streets. The enhancements consist of eleven 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 East Main Street District was established in November 2010 (LIO No. 1627), which includes 52 properties along the portion of East Main Street between Hall Street and Jersey Street. Enhancements consist of five decorative poles and 100-watt fixtures. The district provides for the energy and maintenance of the lights; the capital cost of the

enhancements was financed by a grant from the NYS Division of Housing and Community Renewal (Ordinance No. 2010-402).

A public hearing on these local improvement districts is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Local Improvement Ordinance No. 1653  
(Int. No. 168)

**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 2012-13:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 650.02	1547
Lyell Avenue I	2,590.91	1502
Lyell Avenue II	2,826.22	1503
Monroe Avenue I	1,630.77	1413
Monroe Avenue II	710.86	1412
Cascade Historic	1,620.28	1429
Norton Street Urban Renewal	1,523.89	1601
Lake Avenue	4,577.49	1472
St. Paul Street	603.96	1552
East Main Street	356.39	1627

Section 2. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Local Improvement Ordinance No. 1654  
(Int. No. 169)

**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 2012-13:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$7,750	1430
Norton Street Urban Renewal	2,815	1619

Section 2. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-158  
Re: Official Map Amendment - Lehaco Street Abandonment

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of Lehaco Street. The abandonment was referred to the necessary agencies for comment.

The abandonment was requested by the Rochester City School District to incorporate the resulting property into a planned facility expansion of the Helen Montgomery Elementary School (#50) on Seneca Avenue. The closure of Lehaco Street will create additional recreational space for the school.

The City Planning Commission, in its March 12, 2012 meeting, recommended approval of this abandonment by a vote of 5-0-1. Minutes of that meeting and the application are attached.

The abandonment of Lehaco Street is being done in conjunction with renovations and upgrades to School #50 as part of the Rochester School Modernization Program. The School District is ensuring that residents on adjacent streets are aware of the project and its timeline.

A SEQR review resulted in a negative declaration issued in March 2011 by the Rochester Joint School Construction Board.

A public hearing is required on the Official Map amendment.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-67

Ordinance No. 2012-158  
(Int. No. 170)

**Amending The Official Map By Abandonment Of Lehaco 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 Lehaco Street:

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

Beginning at the point of intersection of the northerly right of way line of Reliance Street (50' wide) and the easterly right of way line of Lehaco Street (50' wide); thence

1. N 03°20'05" W, along said easterly right of way line of Lehaco Street, a distance of 490.13' to a point; thence
2. S 87°56'37" W, a distance of 50.01' to a point, said point being the intersection of the southerly right of way line of Rau Street and the westerly right of way line of Lehaco Street; thence
3. S 03°20'05" E, along said westerly right of way line of Lehaco Street, a distance of 490.13' to a point, said point being the intersection of the westerly right of way line of Lehaco Street and the northerly right of way line of Reliance Street; thence
4. N 87°56'37" E, a distance of 50.01' along said northerly right of way line of Reliance Street to the Point of Beginning.

Hereby intending to describe a parcel of land containing 24,507.5 square feet and being commonly known as the right of way limits of Lehaco Street. Subject to any covenants, easements or restrictions of record, if any.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with conditions established by the City Engineer.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1655  
Re: Downtown Enhancement District  
2012-13 Budget

Transmitted herewith for your approval is legislation approving the 2012-13 Budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District. The District, established in 1989, and reauthorized regularly since then, provides an enhanced level of care and maintenance in the downtown area.

The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue

on the west; and all other properties within 1,600 feet of Main Street that were included in the original enclosed walkway system. An advisory committee, consisting of eleven representatives of property owners or tenants, oversees the administration of the program by City staff.

The annual costs are restricted by a formula using the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index (CPI) - unless otherwise approved by the advisory committee. The total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. In addition, costs to properties directly on Main Street are weighted at twice the factors of other properties.

The maximum permissible budget for 2012-13 based upon the 23 year cumulative increase in the CPI (89%) is \$756,000. The recommended budget is \$568,500, an increase of \$6,300 (1.1%), due primarily to an increase in contract services and a contingency for wage increase.

Category of Expense	2011-12	2012-13	Variance
Salaries and wages	\$414,400	\$408,700	\$-5,700
Employee benefits	<u>148,800</u>	<u>148,700</u>	<u>-100</u>
Personnel services	563,200	557,400	-5,800
Materials and supplies	66,600	66,500	-100
Contractual services	<u>57,400</u>	<u>60,400</u>	<u>3,000</u>
Operational expenses	687,200	684,300	-2,900
Contingency for wage increase	0	9,200	9,200
Less Operating revenues	<u>-55,000</u>	<u>-55,000</u>	<u>0</u>
Required assessments	632,200	638,500	6,300
Use of fund balance	<u>-70,000</u>	<u>-70,000</u>	<u>0</u>
Total Budget	\$562,200	\$568,500	\$ 6,300

The Enhancement District Committee approved the proposed budget by a vote of 4-0 on January 26, 2012.

A public hearing is required.

Respectfully submitted,  
Thomas Richards  
Mayor

Local Improvement Ordinance No. 1655  
(Int. No. 171)

**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 2012-13 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, 1531 and 1597, is established at \$568,500, except that Zone 2 shall continue to include those properties which have been within the District as a result of their previously having enclosed walkway access to Main Street. Said amount, and the sum of \$70,000 from the fund balance and \$55,000 from operating revenues, or so much thereof as may be necessary, are hereby appropriated to fund the Downtown Enhancement District for the fiscal year.

Section 2. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-159  
Re: Official Map Amendment - Dedication  
Of Right-of-Way, 1750 -1760 and  
1792-1830 East Avenue

Transmitted herewith for your approval is legislation authorizing the acquisition by donation of property and amending the Official Map by dedicating this land as of right-of-way.

The parcel to be donated by Wegmans Enterprises, Inc., is a strip of land approximately one foot wide along the East Avenue frontage of their property at 1750-1760 East Avenue and 1792-1830 East Avenue. The dedication, requested by Wegmans, will allow the installation of a wider sidewalk and planter strip along East Avenue that was required by the City Planning Commission as part of their approval of Wegmans parking lot improvements accompanying the construction of the new store. The land to be donated has an appraised value of \$15,200.

The City Planning Commission, in its March 12, 2012 meeting, recommended approval of this dedication by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

SEQRA findings of the City Planning Commission as lead agency dated May 16, 2011 determined that the requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Dept. of Environmental Conservation, 6 NYCRR, Part 617, have been met.

A public hearing on the Map Amendment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. A1-68

Ordinance No. 2012-159  
(Int. No. 172)

**Amending The Official Map By Dedicating  
Parcels As East Avenue For The East Avenue  
Wegmans Development Project And Accepting  
Donations**

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  
parcel, constituting a portion of 1750-1760 East  
Avenue, to street purposes, and adding said parcel  
to East Avenue:

All that tract or parcel of land situate in the City  
of Rochester, County of Monroe, State of New  
York, all as shown on a map entitled "Wegmans  
Food Markets, Inc. - East Avenue, Parcel To Be  
Conveyed To City of Rochester", prepared by  
Costich Engineering, P.C., having Drawing No.  
2781 VE-105, dated 8/1/2011, being more particularly  
bounded and described as follows:

Commencing at the intersection of the northerly  
bounds of East Avenue (66' R.O.W.) and the easterly  
bounds of Probert Street (49.5' R.O.W.), said point of  
commencement having New York State Plane Coordinates  
(NAD 83) of North 1148071.460 and East 1421807.412;  
thence

- A. S71°55'55"E, along said northerly bounds of  
East Avenue, a distance of 12.00 feet to the point  
and place of beginning; thence
  1. N25°40'15"W, along the westerly bounds of a  
triangular parcel to be conveyed to the City of  
Rochester, a distance of 1.38 feet to a point; thence
  2. S71°55'55"E, a distance of 81.92 feet to a  
point; thence
  3. N88°04'05"E, a distance of 14.62 feet to a  
point; thence
  4. S71°55'55"E, a distance of 50.00 feet to a  
point; thence
  5. S51°55'55"E, a distance of 14.62 feet to a  
point; thence
  6. S71°55'55"E, a distance of 238.84 feet to a  
point; thence
  7. S18°07'22"W, along the common line between  
lands now or formerly owned by Wegmans Enterprises,  
Inc. (T.A. #122.48-01-012.2) to the west and lands  
now or formerly owned by Jack Howitt & Glenna  
Spindelman (T.A. #122.48-01-011) to the east, a  
distance of 1.00 feet to a point; thence

8. N71°55'55"W, along said northerly bounds of  
East Avenue, a distance of 397.28 feet to the point  
and place of beginning. Containing 0.016 acres of  
land, more or less.

Section 2. Chapter 76 of the Municipal Code,  
Official Map or Plan, as amended, is hereby further  
amended by dedicating the following described  
parcel, constituting a portion of 1792-1830 East  
Avenue, to street purposes, and adding said parcel  
to East Avenue:

All that tract or parcel of land situate in the City  
of Rochester, County of Monroe, State of New  
York, all as shown on a map entitled "Wegmans  
Food Markets, Inc. - East Avenue, Parcel To Be  
Conveyed To City of Rochester", prepared by  
Costich Engineering, P.C., having Drawing No.  
2781 VE-107, dated 8/1/2011, being more particularly  
bounded and described as follows:

Commencing at the intersection of the northerly  
bounds of East Avenue (66' R.O.W.) and the westerly  
bounds of North Winton Road (83' R.O.W.), said point  
of commencement having New York State Plane  
Coordinates (NAD 83) of North 1147810.103 and East  
1422608.540; thence

- A. N71°55'55"W, along said northerly bounds of  
East Avenue, a distance of 12.00 feet to the point  
and place of beginning; thence
  1. N71°55'55"W along the aforesaid line, a  
distance of 289.41 feet to a point; thence
  2. N18°07'22"E, along the common line between  
lands now or formerly owned by Wegmans Food  
Markets, Inc. (T.A. #122.57-01-01) to the east and  
lands now or formerly owned by Jack Howitt &  
Glenna Spindelman (T.A. #122.48-01-010) to the  
west, a distance of 1.00 feet to a point; thence
  3. S71°55'55"E, a distance of 290.46 feet to a  
point; thence
  4. S64°40'18"W, along the northwesterly bounds  
of a triangular parcel to be conveyed to the City  
of Rochester, a distance of 1.46 feet to the point  
and place of beginning. Containing 0.007 acres  
of land, more or less.

Section 3. The Council hereby approves the  
acceptance of the donation of the parcels set forth  
in Sections 1 and 2 from Wegmans Enterprises Inc.  
in conjunction with improvements for the East  
Avenue Wegmans Development Project.

Section 4. This ordinance shall take effect  
immediately, except that Sections 1 and 2 shall take  
effect upon acquisition of the parcels by the City.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 162  
Re: Agreement - Barton & Loguidice, P.C.,  
City Hall Pervious Parking Lot

Transmitted herewith for your approval is legislation establishing \$55,000 as maximum compensation for an agreement with Barton & Loguidice, P.C. (Rochester 14614) for civil engineering design for the City Hall Green Pervious Parking Lot Project. The cost of the agreement will be financed from the New York State Department of Environmental Conservation Water Quality Improvement Program (WQIP) Grant previously appropriated via Ordinance No. 2011-37.

The project will replace the current surface of the City Hall parking lot with pervious/porous pavement in parking spaces and heavy duty asphalt or standard concrete pavement construction in the driving aisles at the City Hall parking lot.

Qualifications were solicited from a total of sixteen firms. Six firms submitted proposals: Barton & Loguidice, P.C.; Costich Engineering & Land Surveying, P.C.; Erdman Anthony & Associates; Fishers Associates; Hunt Engineering, Architects & Land Surveyors, P.C.; and TY Lin International Company. With the exception of Fishers Associates, which is located in Henrietta, NY, these firms are located in the City of Rochester.

Five members of the staff of the Bureau of Architecture and Engineering reviewed the proposals and rated them based on experience, qualifications, and capabilities in this field. The two firms ranking highest were interviewed. Based on their qualifications and approach to the project and the firm's experience and expertise in completing similar projects, Barton & Loguidice, P.C. is recommended.

The project construction is estimated at \$300,000 and will begin in spring 2012 with completion in fall 2013. The cost of construction will be financed from the WQIP grant. This project will result in the creation/retention of the equivalent of 3.5 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 162

**ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE CITY HALL GREEN PERVIOUS PARKING LOT PROJECT**

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

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional

services agreement between the City and Barton & Loguidice, P.C. for engineering design services for the City Hall Green Pervious Parking Lot 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 New York State Department of Environmental Conservation Water Quality Improvement Program Grant Funds appropriated in Section 3 of Ordinance No. 2011-37.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember McFadden  
April 24, 2012

To the Council:

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

Int. No. 173 - Authorizing An Agreement For An Anti-Larceny/Stolen Property Program And Amending The 2011-12 Budget

Int. No. 174 - Authorizing The Lease Of Space In The Public Safety Building

Int. No. 176 - Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2011-12 Budget

Int. No. 177 - Establishing Maximum Compensation For A Professional Services Agreement For Online Reporting Of Transactions

Int. No. 178 - Authorizing A Grant Agreement For The 2012 State Homeland Security Program

Int. No. 179 - Authorizing An Agreement For Funding For A STOP DWI Program And Amending The 2011-12 Budget

Int. No. 185 - Amending Ordinances No. 2012-121 And 2012-122 Relating To Fees For Pawnbrokers And Secondhand Dealers Licenses

Int. No. 186 - Amending The Municipal Code With Respect To Business Permits

Int. No. 198 - Authorizing Amendatory Agreements For The Teenage Pregnancy Prevention Program And Amending Ordinances No. 2010-375 And 2011-286

The following entitled legislation is being held in Committee:

Int. No. 175 - Amending The 2011-12 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 197 - Authorizing Agreements For A Youth Health Initiative

Respectfully submitted,  
Adam C. McFadden (*Voted against Int. No. 198*)  
Matt Haag (*Abstained on Int. No. 198*)  
Loretta C. Scott (*Abstained on Int. No. 198*)  
Lovely A. Warren  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION  
COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-160  
Re: New York State Division of Criminal  
Justice Services Grant

Transmitted herewith for your approval is legisla-  
tion authorizing an agreement with the New York  
State Division of Criminal Justice Services for the  
receipt and use of funding in the amount of \$50,000  
for an Anti-Larceny/Stolen Property grant, and  
amending the 2011-12 Budget of the Police De-  
partment by \$20,000 to reflect a portion of these  
funds. The remainder, \$30,000, will be included in  
the proposed 2012-13 Budget for the Police De-  
partment.

This grant will be used to supplement support for  
ongoing IMPACT VIII anti-burglary activities.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-160  
(Int. No. 173)

**Authorizing An Agreement For An Anti-  
Larceny/Stolen Property Program And Amend-  
ing The 2011-12 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 an Anti-Larceny/Stolen Property Program.

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

Section 3. Ordinance No. 2011-188, the 2011-  
12 Budget of the City of Rochester, as amended, is  
hereby further amended by increasing the revenue  
estimates and appropriations to the Rochester Po-  
lice Department by the sum of \$20,000, which  
amount is hereby appropriated from funds to be  
received under the grant agreement authorized  
herein.

Section 4. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-161  
Re: Lease - New York State Division  
Of Criminal Justice Services, Public  
Safety Building, 185 Exchange  
Street

Transmitted herewith for your approval is legisla-  
tion authorizing a lease agreement with the New  
York State Division of Criminal Justice Services  
for rental of a 206 square foot office at the Roches-  
ter Public Safety Building, 185 Exchange Street.

The annual lease payment for the initial term will  
be \$4,248, payable monthly at the rate of \$354, and  
the amount will increase by 3% for each of the  
three renewal terms. Utilities, maintenance and  
janitorial services are included in the lease. The  
lease amount is based upon an independent app-  
raisal prepared by Allen Fitzpatrick, SRA March  
1, 2012.

The term of the lease will be one year, with the  
option of three one-year renewals.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-161  
(Int. No. 174)

**Authorizing The Lease Of Space In The Pub-  
lic Safety Building**

WHEREAS, the City of Rochester has received  
a proposal for the lease of space in the Public Safe-  
ty Building to the New York State Division of  
Criminal Justice Services for a term of one year,  
with three one-year renewal options; 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 pro-  
posed lease; and

WHEREAS, the term of the lease is reasonable  
and necessary in light of its intended purpose and  
the public will benefit throughout the term of the  
lease.

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

Section 1. The Mayor is hereby authorized to  
enter into an agreement with the New York State  
Division of Criminal Justice Services for the lease  
of approximately 206 square feet of office space in  
the Public Safety Building. The lease agreement  
shall extend for a term of one year, commencing  
March 1, 2012, with three one-year renewal op-  
tions.

Section 2. The lease agreement shall obligate  
the lessee to pay annual rent to the City for the first  
year in the amount of \$4,248, which amount shall  
include payment for utilities, maintenance and

janitorial services. The rent shall increase by 3% for each of the renewal terms.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-162  
Re: Agreement - Monroe County, Tobacco Compliance Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Department of Public Health for the receipt and use of a \$40,000 Tobacco Compliance grant, and amending the 2011-12 Budget of the Police Department by \$5,200 to reflect a portion of these funds. The remainder will be included in the 2012-13 budget proposal. No matching funds are required.

The Monroe County Department of Public Health will reimburse costs of up to \$40,000 for compliance checks April 1, 2012 through March 31, 2013. This agreement will continue the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the City. These inspections track compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco products. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

This enforcement program was most recently approved in November 2011 under Ordinance No. 2011-366. During the 2010-11 grant cycle, over 450 compliance checks were carried out.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-162  
(Int. No. 176)

**Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for the Tobacco Sales Enforcement Program.

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

Section 3. Ordinance No. 2011-188, the 2011-12 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 \$5,200, 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.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-163  
Re: Agreement - Leads Online, Retail Transactions Reporting System

Transmitted herewith for your approval is legislation establishing maximum compensation of \$34,000 for an agreement with Leads Online (Dallas, TX), for online reporting of transactions conducted at the following businesses: pawnbrokers, secondhand dealers, and junkyard operators, junk dealers and scrap processors. The cost of this agreement will be funded from the 2011-12 Budget of the Police Department.

The market for electronic reporting services of secondhand and/or scrap transactions for law enforcement is limited. The Rochester Police Department was able to find only two vendors who can provide such a service, LeadsOnline and Business Watch International. Only LeadsOnline can provide the full range of services required by the Police Department, and is therefore being considered a sole source provider. The key unique factors of this vendor include:

- Only vendor to provide an electronic reporting solution for both secondhand and scrap transactions.
- Largest current customer base covering more than 1,500 cities while Business Watch International covers only 200 cities. This would allow RPD investigators to conduct a wider search for stolen property.
- Only vendor currently operating in New York. In particular, LeadsOnline provides service to New York City, which would allow RPD investigators to search for stolen property among the secondhand and scrap records of New York City.
- Only vendor that interfaces directly with eBay, allowing investigators to search for property on eBay.

In March 2012, City Council authorized amendments to the City Code to require transactions at

these retail establishments to be reported on line. This will provide an online database that will assist the Police Department in quickly identifying suspicious transactions and improving the likelihood of recovering stolen property. This is one component of a comprehensive strategy to more effectively address the elevated levels of burglary in Rochester seen over the past ten years.

The term of this agreement will be for one year.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-163  
(Int. No. 177)

**Establishing Maximum Compensation For A Professional Services Agreement For Online Reporting Of Transactions**

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

Section 1. The sum of \$34,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Leads Online for online reporting of transactions conducted by Pawnbrokers, Secondhand Dealers, and Junkyard Operators, Junk Dealers and Scrap Processors. Said amount shall be funded from the 2011-12 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-164  
Re: Agreement - 2012 State Homeland Security Program (SHSP)

Transmitted herewith for your approval is legislation authorizing an agreement with NYS Division of Homeland Security and Emergency Services for the receipt and use of funding in the amount of \$229,050 for the 2012 State Homeland Security Program (SHSP).

This grant is provided to enhance terrorism prevention in the Rochester/Monroe County region. Grantees are required to build capabilities that relate to the prevention of, protection from, or response to terrorism.

The Police Department will use \$105,267 of the grant for security improvements to the special team vehicle building and to improve emergency management and capabilities for the Police Department and the City of Rochester, including upgrading the computer software at the secondary emergency operations center and analyzing the current emergency management plan to identify gaps and rec-

ommend corrective action.

The Fire Department will use \$123,783 of the grant to purchase up to four inflatable water rescue boats, Hurst Tools (heavy-duty saw/spreader for use in extracting victims from vehicles or collapsed buildings), rope rescue harnesses, and water rescue suits.

The term of this agreement is September 1, 2012 to August 31, 2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-164  
(Int. No. 178)

**Authorizing A Grant Agreement For The 2012 State Homeland Security 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 Division of Homeland Security and Emergency Services for funding under the 2012 State Homeland Security Program to enhance terrorism prevention.

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. 2012-165  
Re: Agreement - New York State STOP DWI Foundation, Crackdown Grant

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of a NYS STOP DWI Foundation Crackdown grant in the amount of \$11,379, and amending the 2011-12 Budget of the Police Department by \$7,500 to reflect a portion of the funds. The remaining funds will be included in the 2012-13 budget proposal.

This grant, administered by the Governor's Traffic Safety Committee and the Monroe County STOP DWI Program, will be used for STOP DWI crackdowns in spring and summer 2012. The City funds will be used for overtime for police officers and, as necessary, for Police Department experts to detect drug abuse in drivers.

The term of the grant expires September 30, 2012. This is the first award to the City for this program.

Respectfully submitted,

Thomas S. Richards  
Mayor

Ordinance No. 2012-166  
(Int. No. 185)

Ordinance No. 2012-165  
(Int. No. 179)

**Authorizing An Agreement For Funding For  
A STOP DWI Program And Amending The  
2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to  
enter into an agreement with the County of Monroe  
for funding under the New York State 2012 STOP  
DWI Foundation Crackdown Grant Program.

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

Section 3. Ordinance No. 2011-188, the 2011-  
12 Budget of the City of Rochester, as amended, is  
hereby further amended by increasing the revenue  
estimates and appropriations to the Rochester Po-  
lice Department by the sum of \$7,500, which  
amount is hereby appropriated from funds to be  
received under the grant agreement authorized  
herein.

Section 4. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL:  
Ladies and Gentlemen:

Ordinance No. 2012-166 and  
Ordinance No. 2012-167  
Re: City Code Technical  
Amendments

Transmitted herewith for your approval is legisla-  
tion addressing technical amendments needed to  
correct previous legislation and the Municipal  
Code. This legislation will:

1. Amend Ordinance No. 2012-121, which  
amended portions of Chapter 80 of the Mu-  
nicipal Code. This amendment will correct  
the pro-rated license renewal fee for pawn-  
brokers from \$283 to \$354.
2. Amend Ordinance No. 2012-122, which  
amended portions of Chapter 96 of the Mu-  
nicipal Code. This amendment will correct  
the pro-rated license renewal fee for  
secondhand dealers from \$354 to \$283.
3. Amend Section 90-70 of the Municipal Code  
to replace a reference to a *certificate of use*  
with *business permit*.

Respectfully submitted,  
Thomas S. Richards  
Mayor

**Amending Ordinances No. 2012-121 And  
2012-122 Relating To Fees For Pawnbrokers  
And Secondhand Dealers Licenses**

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

Section 1. Ordinance No. 2012-121, relating to  
amendments to Chapter 80 of the Municipal Code,  
Pawnbrokers, is hereby amended by changing the  
renewal fee for 2013 as set in Section 1(b) thereof  
(amending Section 80-3, Fee, of the Municipal  
Code), from "\$283" to "\$354".

Section 2. Ordinance No. 2012-122, relating to  
amendments to Chapter 96 of the Municipal Code,  
Secondhand Dealers, as amended, is hereby further  
amended by changing the renewal fee for 2013 as  
set in Section 1 thereof (amending Section 96-7,  
License fee, of the Municipal Code), from "\$354"  
to "\$283".

Section 3. This ordinance shall take effect on  
June 1, 2012.

Passed unanimously.

Ordinance No. 2012-167  
(Int. No. 186)

**Amending The Municipal Code With Respect  
To Business Permits**

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

Section 1. Section 90-70 of the Municipal Code,  
Penalties for offenses, as amended, is hereby fur-  
ther amended by amending subsection D thereof by  
deleting the words "certificate of use" where they  
are contained therein and by inserting in their place  
the words "business permit".

Section 2. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-168  
Re: Amendatory Agreements - Federal  
Teenage Pregnancy Prevention  
(TPP) Program

Transmitted herewith for your approval is legisla-  
tion related to a total of \$439,624 available for  
support of the second year of the Teenage Pregnan-  
cy Prevention Program (TPP). The program is  
funded through a grant through the U.S. Depart-  
ment of Health and Human Services (HHS) in the  
amount of \$1,499,705 annually. The first year of  
this five year program (authorized via Ordinance  
No. 2010-375) focused largely on planning, result-  
ing in \$379,635 of unused grant funds available for

re-allocation. The City was recently notified by HHS that the plan submitted for use of the carryover funds in the current program year has been approved.

Also available for reallocation is \$59,989, which is the balance remaining in the Year 2 agreement with Threshold Center for Alternative Youth Services. The agreement was terminated early due to low enrollments. This legislation will:

1. Amend Ordinance No. 2010-375 to reduce the maximum compensation for the Year 1 agreements authorized therein to reflect the unused funds, and reappropriating those carry-over amounts for use in Year 2, as summarized in the table below.
2. Amend Ordinance No. 2011-286 to reduce the maximum compensation for the agreement with Threshold Center for Alternative Youth to reflect the actual amount spent prior to termination of the agreement (\$18,848).
3. Authorize amendatory agreements with TPP partners to increase maximum compensation as summarized in the table below. The University of Rochester is responsible for program evaluation and is not a provider of direct services. The original agreements were authorized via Ordinance No. 2011-286.

Distribution of Additional TPP Funds

Agency	Year 1 Reduced Amount	Year 2 Original Amount	Year 2 Increase			Year 2 Final Amount
			2010 Carry- Over	Threshold Reallo- cation	Total Increase	
Charles Settlement House	\$77,005	\$156,882	\$ 81,188	\$19,996	101,184	\$258,066
Baden St./Metro Council	\$125,097	\$214,538	90,868	19,996	110,864	\$325,402
Community Place of Roch.	\$40,650	\$78,837	39,177	0	39,177	\$118,014
Threshold Center	\$79,827	\$78,837	0	0	0	\$18,848
YWCA	\$54,247	\$111,595	58,448	19,997	78,445	\$190,040
University of Rochester	\$236,736	\$359,990	109,954	0	109,954	\$469,944
Total			\$379,635	\$59,989	\$439,624	

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-69

Ordinance No. 2012-168  
(Int. No. 198)

**Authorizing Amendatory Agreements For The Teenage Pregnancy Prevention Program And Amending Ordinances No. 2010-375 And 2011-286**

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

Section 1. The Mayor is hereby authorized to enter into amendatory Year 2 agreements with the following organizations, in additional amounts not to exceed the following, for services under the Federal Teenage Pregnancy Prevention Program:

<u>Organization</u>	Amount From Year 2	Amount From Year 1	<u>Total</u>
Charles Settlement House	\$19,996	\$ 81,188	\$101,184
Baden Street/Metro Council	19,996	90,868	110,864
The Community Place of Rochester	0	39,177	39,177
YWCA of Rochester and Monroe County	19,997	58,448	78,445
University of Rochester (Evaluation Partner)	0	109,954	109,954

Section 2. Ordinance No. 2011-286, relating to agreements for Year 2 of the Federal Teenage Pregnancy Prevention Program, is hereby amended by reducing the amount authorized and appropriated therein for the agreement with Threshold Center for Alternative Youth Services by the sum of \$59,989, which amount is reappropriated to fund the Year 2 amendatory agreements authorized in Section 1.

Section 3. Ordinance No. 2010-375, relating to agreements for Year 1 of the Federal Teenage Pregnancy Prevention Program, is hereby amended by reducing the amounts authorized and appropriated therein for the Year 1 agreements in the amounts set forth in Section 1, which amounts are reappropriated to fund the Year 2

amendatory agreements authorized in Section 1.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Miller, Ortiz, Palumbo, Spaul - 5.

Nays - Councilmember Conklin, McFadden - 2.

Councilmember Haag abstained because of familial relationship, and Councilmember Scott abstained because of a professional relationship.

Councilmember McFadden moved to discharge Int. No. 175 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-169  
Re: Appropriation of Forfeiture Funds -  
Management Training for Deputy  
Police Chief

Transmitted herewith for your approval is legislation appropriating \$8,200 from Federal forfeited property revenues attributable to the Rochester Police Department, and amending the 2011-12 Budget of the Police Department by this amount.

These funds will support the attendance of Deputy Chief of Operations Mike Wood at the Senior Management Institute for Police in June 2012. This three-week program provides senior police executives intensive training in the latest management concepts and practices used in business and government. Topics to be covered include diversity, political management, organizational strategy, performance management, organizational change, leadership, managerial problem solving, career planning, negotiation and labor relations, process analysis, media relation, social media, and new policing strategies and innovations.

The City administers RPD's equitable shares of federal forfeiture funds. This will be the first appropriation of RPD's forfeiture funds during 2011-12. The undesignated balance in RPD's forfeiture fund after this appropriation is approximately \$294,067.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-70

Ordinance No. 2012-169  
(Int. No. 175)

**Amending The 2011-12 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. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$8,200, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund training for senior police management.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 197 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-170  
Re: Agreement - Greater Rochester  
Health Foundation, Youth Health  
Initiative

Transmitted herewith for your approval is legislation related to a multi-faceted youth health initiative. This legislation will:

1. Authorize an agreement with the Greater Rochester Health Foundation (GRHF) for the receipt and use of a grant in the amount of \$175,000 to fund the program.
2. Establish \$71,120 as maximum compensation for an agreement with PM Mason Consulting (Principal, Pat Mason, Rochester) to implement the program.
3. Authorize additional agreements needed for coaching/instruction, or other aspects of program implementation.

PM Mason Consulting was recommended to the City as the lead on this initiative by the GRHF. The principal, Pat Mason, has extensive experience working as a coach and fitness instructor primarily with youth in the Rochester area. She has also provided similar services to local school districts for the past 13 years. Ms. Mason is the lead consultant for the Rochester City School District (RCSD) Step Off program that is jointly sponsored by GRHF and WDKX radio station. GRHF will be coordinating media and marketing for the program with WDKX and Tipping Point Media both of whom Pat has worked with executing similar projects.

A detailed budget is attached. The overall breakdown for PM Mason Consulting is as follows:

- \$21,120 Select, schedule, coordinate, train, and supervise 24 coaches to be recruited from throughout the community to conduct the program
- \$31,000 Organize special program events and performances
- \$19,000 Purchase various materials and supplies

The program will promote youth health by providing opportunities in three core areas of interest: dance, double-dutch, and step. Additionally, in an effort to further engage youth and families in healthy activities, plus increase their knowledge concerning healthy eating habits, there will be mandatory health focused workshops for all participants and their families.

The program will be delivered at up to 10 sites, primarily recreation and community centers. It will include three eight- to ten-week cycles of two sessions of two hours each per week at each site. One-hundred-eighty youth will be served per cycle for a total of 540 youth. The goals of this program are to increase the physical activity of participants, improve the health and nutrition practices of participating youth and their families, and increase awareness of health related issues and community resources. Pre- and post-activity questionnaires will be used to measure program success.

The program is scheduled to begin on July 1, 2012 and will continue through April 30, 2013. The term of the agreement with PM Consulting will be for 13 months, May 1, 2012-May 31, 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-71

Ordinance No. 2012-170  
(Int. No. 197)

**Authorizing Agreements For A Youth Health Initiative**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Health Foundation for funding for a youth health initiative.

Section 2. The Mayor is hereby further authorized to enter into an agreement with PM Mason Consultants for the youth health initiative. The agreement shall obligate the City to pay an amount not to exceed \$71,120, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 5.

Section 3. The Mayor is hereby further authorized to enter into additional agreements as necessary for program implementation.

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

Section 5. The sum of \$175,000 is hereby appropriated from the funds to be received under the grant agreement authorized in Section 1 to fund the youth health initiative.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

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

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

REGULAR MEETING  
MAY 22, 2012

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
  - Environmental Services
    - \*Nancy E. Muniz
  - Fire Department
    - \*Scott A. Sullie
- \*Did not attend meeting.

APPROVAL OF THE MINUTES  
By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of April 24, 2012 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 4077-12  
Towing Contract Reports  
Workers Compensation Claims  
General Liability Claims

PRESENTATION AND REFERENCE OF PETITIONS  
AND OTHER COMMUNICATIONS.

Presented by Councilmember Spaul:  
34 signatures opposing East End Festivals  
Petition No. 1662  
31 signatures opposing Entertainment Center  
Licenses Laws Petition No. 1663

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. 203 No speakers.

Approving The Consolidated Community Development  
Plan/2012-13 Annual Action Plan Int. No. 214  
No speakers.

Authorizing Submission Of The Consolidated  
Community Development Plan/2012-13 Annual  
Action Plan And Execution Of Grant Agreements  
With The United States Department Of Housing  
And Urban Development Int. No. 215 No  
speakers.

Appropriation Of Funds For The City Development  
Fund Int. No. 216 No speakers.

Authorizing Amendatory Community Development  
Program Plans Int. No. 217 No speakers.

Authorizing Amendatory HOME Program Plans  
And Amending Ordinance No. 2008-354 Int. No. 218  
No speakers.

Changing The Zoning Classification Of 849-851  
Norton Street From R-1 Low Density Residential  
To C-1 Neighborhood Center Int. No. 221 No  
speakers.

Amending Chapter 120 Of The Municipal Code,  
Zoning Code, With Respect To Adoption Of The

M-D Marina District Int. No. 238 3 speakers:  
Alex White, Virginia Kobylarz, Kathy Strauss

Changing The Zoning Classification Of 1000  
North River Street And 4600, 4630, 4650 And  
4752 Lake Avenue From H-V Harbortown Village  
To M-D Marina Int. No. 239 No speakers.

INTRODUCTION OF AND ACTION UPON  
LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-171  
Re: COMIDA Bonding - Rochester School  
District Facilities Modernization  
Program

Transmitted herewith for your approval is legislation authorizing the lease and leaseback of certain school parcels and buildings, and other approvals necessary for the issuance of bonds by COMIDA in the maximum amount of \$150 Million to finance portions of the Phase I Projects of the School District Facilities Modernization Program (FMP), including preliminary engineering and design work, program management services, Phase IA construction, and related and ancillary costs pertaining to Phase I Projects. The FMP is directed by the Rochester Joint Schools Construction Board (RJSCB).

This legislation is contingent upon:

- New York State legislation exempting any debt issued for the FMP from being considered "debt" for purposes of the Maintenance of Effort (MOE) legislation; and
- Receipt of a resolution from the City Board of Education that includes:
  - Authorization of the COMIDA bonds;
  - Approval of the COMIDA lease/leaseback arrangement for the Phase IA buildings.

The RJSCB was created by Chapter 416 of the Laws of 2007 of the State of New York (the "Act") for the design, reconstruction, or rehabilitation of school buildings (collectively, the "Phase I Projects"). The legislation provided for a maximum cost and bond authorization of \$325 Million.

The Phase IA Projects, for which plan approval has already been received from the State Education Department, include: Charlotte High School, Benjamin Franklin High School, Enrico Fermi School No. 17, Helen Barrett Montgomery School No. 50, World of Inquiry School No. 58, and a District-Wide Technology Project Phase I. The Phase IB and IC Projects, for which plan approval has not yet been received from the State Education Department, include: Phase IB: Henry Hudson School No. 28, James Monroe High School, East High School, John Williams School No. 5, Edison Technical High School, and a District-Wide Technology Project Phase II; and Phase IC: James P.B. Duffy School No. 12, and Thomas Jefferson High School.

Pursuant to Bond Ordinance No. 2011-177, as amended by Ordinance No. 2011-268, the City issued Bond Anticipation Notes (BANs) in the amount of \$28,770,000 to finance preliminary Phase I costs until the long-term financing bonds could be issued within the parameters of the Act. These BANs will mature at the end of June. Consistent with the understanding at the time the BANs were approved by the City, the RJSCB will issue bonds through COMIDA, and the proceeds will be used to pay off in full the City BANs and interest, and to pay for preliminary costs and construction of Phase IA Projects, and preliminary costs for Phase IB and IC Projects. The COMIDA financing requires the City to enter into a lease/leaseback arrangement with COMIDA for the Phase IA schools. City approval is required because the City is the owner of the school properties. As required by the Act, the City must also approve the pledge of State Building Aid in repayment of the COMIDA Bonds.

All costs related to the COMIDA bonds, including issue costs and interest, as well as repayment of the bonds, will be the responsibility of the District pursuant to the Agreement between the City, the District and the RJSCB for the FMP.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-171  
(Int. No. 248)

**Approving Certain Matters And Authorizing The Execution And Delivery Of Specified Documents In Conjunction With The Rochester Joint Schools Construction Board Facilities Modernization Program**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City") has cooperated with the Rochester City School District (the "School District") and the Rochester Joint Schools Construction Board (the "RJSCB") in furtherance of the School District's Facilities Modernization Program.

Section 2. The RJSCB was created by the "Rochester School Facilities Modernization Program Act" (Chapter 416 of the Laws of 2007) (the "Act"). Pursuant to the Act, the RJSCB is authorized to manage the design, reconstruction, or rehabilitation of existing school buildings for their continued use as schools of the School District (the "Facilities Modernization Program" or "Program"), and to create, coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the Program. The RJSCB, the School District and the City have entered into a Cooperative Agreement dated as of February 22, 2010 (the "Cooperative Agreement") in order to clarify the agency arrangement and delegation of authority among the School District, the City and the RJSCB, as well as their respective obligations

and expectations to achieve the objective of the Act.

Section 3. The County of Monroe Industrial Development Agency ("COMIDA") will issue its not to exceed \$150,000,000 aggregate principal amount of School Facility Revenue Bonds (Rochester Schools Modernization Project), including its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2012A (Tax Exempt Bonds) (the "Series 2012A Bonds") and its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2012B (Federally Taxable Qualified School Construction Bonds) (the "Series 2012B Bonds," and collectively with the Series 2012A Bonds, the "Series 2012 Bonds").

Section 4. The Mayor or the Mayor's designee is hereby authorized to enter into a Ground Lease dated as of June 1, 2012, whereby the City and the School District will lease to COMIDA all public school buildings, improvements, real property, equipment, fixtures and machinery related thereto constituting Phase I of the Program to be undertaken as the Phase IA Project. The Ground Lease shall be entered into concurrently with the issuance of the Series 2012 Bonds. The Ground Lease provides for a term of approximately 16 years or such later period as the Series 2012 Bonds (or any later series of Additional Bonds issued under the Indenture) shall remain outstanding.

The Mayor or the Mayor's designee is hereby authorized to enter into a sublease with COMIDA dated as of June 1, 2012, whereby COMIDA will sublease its leasehold interest in the "Ground Lease Facilities" under the Ground Lease to the City and the School District. The Sublease shall be entered into concurrently with the issuance of the Series 2012 Bonds. Sublease payments due from the School District under the Sublease Agreement will equal principal of and interest due on the Series 2012 Bonds. Under the Sublease Agreement, the School District is responsible for the maintenance and operation of the Ground Lease Facilities.

The Mayor or the Mayor's designee is hereby authorized to enter into the State Trust Agreement, among the City, the School District, the Depository Bank and the Trustee (each as defined therein) whereby the City and the School District have agreed to direct the State Comptroller to pay all State Aid directly to the State Aid Depository Fund established and held under the State Aid Trust Agreement, all for the benefit of the owners of the Series 2012 Bonds, in the event the School District fails to make a required payment under the Sublease Agreement.

Section 5. The Director of Finance and Corporation Counsel are hereby authorized and instructed to comply and evidence compliance with all requirements of the Rochester Schools Act necessary and appropriate to ensure that the Series 2012 Bonds are issued in accordance with the New York Local Finance Law and the Rochester Schools Act and that the interest payable on the Bonds is the lowest possible rate obtainable under current market conditions.

Section 6. This ordinance shall be contingent, as evidenced by the written advice of Corporation Counsel, upon approval of the bonding and the Ground Lease and Sublease by the Board of Education of the Rochester City School District and the RJSCB, and approval by the State of an amendment to the Act providing that payment of debt service on any bonds, notes or other obligations issued to finance projects undertaken pursuant to said Act shall not be considered when determining the "City Amount" required for purposes of the Maintenance of Effort legislation, subdivision 5-b of section 2576 of the Education Law.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-172  
Re: Agreement - New York State Office  
Of Victim Services

Transmitted herewith for your approval is legislation authorizing an agreement with NY State Office of Victim Services for the receipt and use of a grant totaling \$269,933. These funds will support the Rochester Police Department Family and Victim Services Section.

This grant is used primarily to finance salary expenses for counseling positions in the Family and Victim Services Section of the Rochester Police Department. These funds were anticipated and included in the proposed 2012-13 Budget of the Police Department. The required 25% local match will be fulfilled with volunteer counselor hours and the City's contribution for fringe benefits, which also has been included in the proposed 2012-13 Budget.

The previous Office of Victim Services award, previously known as the Crime Victims Board grant, was approved on August 11, 2009 under City Council Ordinance No. 2009-287.

The term of this agreement is October 1, 2012 to September 30, 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-172  
(Int. No. 249)

**Authorizing A Grant Agreement With The  
New York State Office Of Victims 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 New York State Office of Victims Services for funding for the Family and Victim Services Section of the Roches-

ter Police Department.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

**REPORTS OF STANDING COMMITTEES AND  
ACTION THEREON**

By Councilmember Conklin  
May 22, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 199 - Approving Apportionment Of Taxes And Charges

Int. No. 200 - Establishing Maximum Compensation For A Professional Services Agreement For Actuary Services

Int. No. 201 - Authorizing Extension Of An Amendatory Professional Services Agreement For Management Training

Int. No. 202 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer Training

Int. No. 244 - Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2012 Assessment Roll

Int. No. 245 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2012 Assessment Roll

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 203 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Loretta C. Scott  
Dana K. Miller  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-173  
Re: Apportionment of Taxes and Charges -  
Subdivided and Combined Parcels

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 59 properties. This apportionment has been certified by the Assessor and is authorized by Section 6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2011-2012. These taxes and charges, which total \$90,390.15, 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 2012 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-73

Ordinance No. 2012-173  
(Int. No. 199)

**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 19, 2012, 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. 2012-174  
Re: Agreement - GASB 45 Actuary Services

Transmitted herewith for your approval is legislation establishing \$39,000 as maximum compensation for an agreement with Aquarius Capital (Port Chester, NY) for the provision of actuary services necessary to comply with financial reporting requirements. The first year of this agreement will be funded from the 2011-12 Budget of the Finance Department. The cost for subsequent years will be funded from the annual budgets of the department, contingent upon their approval. The costs, by year, are summarized below:

2011-12	\$12,000	2014-15	\$2,500
2012-13	\$2,500	2015-16	\$11,000
2013-14	\$11,000		

In order to comply with Generally Accepted Accounting Principles, the City's annual financial statements must report the accrued liabilities for other post-employment benefit based on actuarial analysis. Compliance with this regulation, GASB Statement No. 45, requires us to report the values of such costs, not the funding of it. Thus, no budgetary impact is expected.

Since the Rochester City School District, as a component unit in the City's annual financial reports, must also comply with the GASB 45 standards, a request for proposals for these services was jointly issued on January 31, 2012. As the lead on this joint effort, the School District solicited proposals from four firms, and received responses from three of those firms.

In addition to Aquarius Capital, proposals were received from Harbridge (Syracuse, NY) and First Niagara (Rochester, NY). A review team representing the City and the District evaluated the proposals and, based on expertise and cost, recommend Aquarius Capital. The District will engage under their own agreement and funding.

The proposed five-year agreement will provide for the actuarial estimate needed for the June 30, 2012 statements, along with the required biannual updates through June 30, 2016.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-174  
(Int. No. 200)

**Establishing Maximum Compensation For A Professional Services Agreement For Actuary Services**

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

Section 1. The sum of \$39,000, 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 Aquarius Capital for actuary services necessary for compliance with reporting requirements. The agreement shall extend for a term of five years. Of said amount, \$12,000 shall be funded from the 2011-12 Budget of the Finance Department and the remainder shall be funded from subsequent Budgets of the Finance Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-175  
Re: Amendatory Agreement - Rochester Business Alliance, Training Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Business Alliance/Rochester Industries Education Fund for the continued provision of training services to City employees. The original agreement, authorized in April, 2007 (Ord. No. 2007-120) established maximum compensation of \$32,400 to support the City's manager/leader training programs. Subsequent amendments (Ord. No. 2008-3 and Ord. No. 2009-93) added \$16,400 and \$33,850, respectively, for total maximum compensation of \$82,650. In June 2011, Ord. No. 2011-181 extended the contract to June 30, 2012 and opened the entire Rochester Business Alliance training catalog to City employees. A total of \$17,000 remains available. This amendment will extend the term of the agreement for an additional year, through June 30, 2013.

The Rochester Business Alliance provides meeting space, instructors, and supporting materials for City employee training. A total of 180 City management employees have completed the management/leader programs offered by the Rochester Business Alliance. An additional 100 employees have participated in programs during the past fiscal year that included conflict management, assertiveness, and facilitator training.

This amendment will allow for the continuation of employee participation in the full catalog of training seminars offered by the Rochester Business Alliance as well as on-going support for the City's manager/leader programs.

No additional funding is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-175  
(Int. No. 201)

**Authorizing Extension Of An Amendatory Professional Services Agreement For Management Training**

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

Section 1. The Mayor is hereby authorized to enter into the extension of an amendatory professional services agreement between the City and the Rochester Business Alliance for support of the City's Leadership Academy and related professional development support programs for City staff through June 30, 2013.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-176  
Re: Amendatory Agreement - New  
Horizons Computer Learning  
Center, Computer Training Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the New Horizons Computer Learning Center of Syracuse and Rochester for continued computer training to City employees. The original agreement, authorized in January 2010 established maximum compensation of \$10,000. Subsequent amendatory agreements increased compensation by \$20,000 (Ord. No. 2010-349), and extended the term to December 2012 (Ord. No. 2011-379). This amendment will increase compensation by \$12,000 for a total maximum of \$42,000. The additional cost will be funded from 2011-12 Undistributed allocation.

New Horizons Computer Learning Center provides computer training classes for City employees both on-site and at their training facility. The training topics include multiple levels of Microsoft Office 2007 Applications such as Word, Excel, PowerPoint, and Outlook. Under this agreement 207 employees have participated in a total of 1,377 training hours. The following is a breakdown of participants by department:

Administration	40
Environmental Services	64
Emergency Communications	9
Finance	9
Fire	6
Library	12
Neighborhood & Business Development	25
Police	20
Recreation & Youth Services	22

Employees receiving this computer training are provided a training book with detailed lessons of the class, and given access to online training resources which include eCourseware, self study tutorials, training manuals, and updated course materials. Each participant is also allowed a second training class on the same topic free of charge within six months of their original training.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-74

Ordinance No. 2012-176  
(Int. No. 202)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer Training**

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

Section 1. The sum of \$12,000, or so much

thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and New Horizons Computer Learning Center for computer training services for City employees through December 31, 2013. Said amount shall be funded from the 2011-12 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-177 and  
Ordinance No. 2012-178  
Re: Tax Apportionment Assessment  
Classes - Tax Shift

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 2011 data. The second is the calculation of the adjusted base proportions using 2011 and 2012 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead	.4197615
Non-Homestead	<u>.5802385</u>
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4213681
Non-Homestead	<u>.5786319</u>
Total	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead	+0.5
Non-Homestead	-0.4

These calculations have been reviewed by the New York State Office of Real Property Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 18, 2012.

Respectfully submitted,

Thomas S. Richards  
Mayor

Attachment No. AL-75

Ordinance No. 2012-177  
(Int. No. 244)

**Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2012 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 2012 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions	41.97615%	58.02385%
Current percentage	60.41120%	39.58880%
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. 2012-178  
(Int. No. 245)

**Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2012 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 2012 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4213681	.5786319
Taxable assessed value	3,603,991,045	2,252,767,404
Net change in assessed value from 2011 resulting from physical and quantity changes	+4,834,950	+16,195,800

Net change in assessed value from 2011 resulting from other than physical and quantity changes  
 +151,776,667                      +42,561,857

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. 1656  
 Re: Special Assessment District  
 Parking Lots

Transmitted herewith for your approval is legislation authorizing special district assessment for five neighborhood commercial and residential parking lots and appropriating a total of \$75,378 for operation and maintenance of the parking areas during 2012-13.

Special Assessment Districts were established by City Council in 1979 for these lots known as Culver/Merchants, Monroe Avenue, North Street, Lyell Avenue and Woodside/Goodwill. Annual operating and maintenance cost of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting, and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

Assessments to be appropriated for 2012-13 are:

North Street Commercial Lot	\$ 7,000
Monroe/Oxford Square Off-Street Lot	14,600
Culver/Merchants Commercial Lot	34,276
Woodside/Goodwill Street Off-Street	9,900
Lyell Avenue Commercial Lot	<u>8,002</u>
	<u>\$73,778</u>

Prior years' assessments to be appropriated for 2012-13:

Monroe/Oxford Square Off-Street Lot	<u>\$ 1,600</u>
Total	<u>\$75,378</u>

A summary of appropriations by district is attached.

A public hearing on the assessments is required.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-76

Local Improvement Ordinance No. 1656  
 (Int. No. 203)

**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 2012-13:

<u>Parking Area</u>	<u>LIO</u>	
<u>New Assessments</u>	<u>Unused Assessments From Prior Years</u>	<u>Total Amount</u>
Culver/Merchants	1534	
\$34,276	\$ -0-	\$34,276
Monroe Avenue	1604	
14,600	1,600	16,200
North Street	1258	
7,000	-0-	7,000
Lyell Avenue	1548	
8,002	-0-	8,002
Woodside/Goodwill	1517	
9,900	-0-	9,900

Section 2. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

By Councilmember Palumbo  
 May 22, 2012

To the Council:

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

Int. No. 204 - Authorizing The Sale Of Real Estate And Amending Ordinances

Int. No. 205 - Authorizing A Lease Agreement For A Portion Of 83 Mortimer Street

Int. No. 206 - Authorizing A Lease Agreement For A Portion Of The Former Subway Bed

Int. No. 207 - Approving Consolidated Plan Rental Market Fund Programs, As Amended

Int. No. 208 - Approving Consolidated Plan Homeownership Promotion Fund Programs

Int. No. 209 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program

Int. No. 210 - Authorizing Agreements For The Emergency Solutions Grant Program

Int. No. 211 - Approving Consolidated Plan Housing Development Fund Program

Int. No. 212 - Establishing Maximum Compensation For A Professional Services Agreement For The Local Waterfront Revitalization Program

Int. No. 213 - Establishing Maximum Compensation For A Professional Services Agreement For Real Estate Title Services

Int. No. 219 - Authorizing A Loan Agreement For The YWCA Supportive Housing Project

Int. No. 220 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The YWCA Supportive Housing Project

Int. No. 236 - Authorizing An Amendatory Agreement For The Rochester Walks Program And Amending The 2011-12 Budget

Int. No. 237 - Adopting Environmental Findings For The Port Of Rochester Public Marina And Mixed Use Development Project

Int. No. 246 - Authorizing A Loan Agreement For The Flats At Brooks Landing Development Project

Int. No. 247 - Amending Ordinance No. 2011-353, Relating To Loan Agreements For The Hardy Park Apartments Project

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

Int. No. 214 - Approving The Consolidated Community Development Plan/2012-13 Annual Action Plan

Int. No. 215 - Authorizing Submission Of The Consolidated Community Development Plan/2012-13 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 216 - Appropriation Of Funds For The City Development Fund

Int. No. 217 - Authorizing Amendatory Community Development Program Plans

Int. No. 218 - Authorizing Amendatory HOME Program Plans And Amending Ordinance No. 2008-354

Int. No. 221 - Changing The Zoning Classification Of 849-851 Norton Street From R-1 Low Density Residential To C-1 Neighborhood Center

Int. No. 238 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Adoption Of The M-D Marina District

Int. No. 239 - Changing The Zoning Classification Of 1000 North River Street And 4600, 4630, 4650 And 4752 Lake Avenue From H-V Harbortown Village To M-D Marina

Respectfully submitted,  
Carla M. Palumbo (*Abstained on Int. No. 207*)  
Carolee A. Conklin  
Jacklyn Ortiz  
Lovely A. Warren (*Did not vote on Int. Nos. 204 through 206*)  
Dana K. Miller  
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-179  
Re: Sale of Real Estate and Amending Previous Ordinances

Transmitted herewith for your approval is legislation approving the sale of nine properties, and amending Ordinance No. 71-268 and Ordinance Nos. 2012-62 and 2012-63.

Sale of Real Estate. City records have been audited to ensure that purchasers of buildable lots do not own other properties with code violations or delinquent taxes, and that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Three buildable vacant lots are being sold. The two on N. Clinton Avenue will be developed as a 1,300 square foot restaurant. The third, on Hudson Avenue, will be combined with the purchaser's adjacent lot.

Six unbuildable vacant lots are being sold to owners of adjacent properties and will be combined with the purchasers' respective parcels.

The first year projected tax revenue for these nine properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,674.

Amending Ordinance No. 71-268. Ordinance No.71-268 (as amended by Ord. No. 71-597) approved the sale of 1037 Plymouth Avenue South. The purchaser, known at that time as "Rochester, New York, Plymouth Unit, Congregation of Jehovah's Witnesses", was not incorporated under New York State Religious Corporations Law. Since that time, the congregation has incorporated and is now known as "Genesee Valley Congregation of Jehovah's Witnesses, Rochester, New York". The discrepancy between their current name and the name listed on the deed has created an obstacle to obtaining financing. This legislation will authorize changing the purchaser's name to "Genesee Valley

Congregation of Jehovah's Witnesses, Rochester, New York" so that a correction deed may be filed.

Amending Ordinance Nos. 2012-62 and 2012-63. These ordinances authorized the sale of 25 parcels to Providence Holy Rosary Housing Development Co., Inc., and a tax exemption for the Holy Rosary project, respectively. Two properties, 54 Finch Street and 131 Ravine Avenue, have since been identified as alternate development sites in the event that any geotechnical issues are discovered during pre-development investigations. These amendments will authorize the sale of these sites as part of the project and extend the tax exemption agreement to include them.

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,  
Thomas S. Richards  
Mayor

Attachment No. AL-77

Ordinance No. 2012-179  
(Int. No. 204)

**Authorizing The Sale Of Real Estate And Amending Ordinances**

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

<u>Address</u> <u>Price</u>	<u>S.B.L.#</u> <u>Purchaser</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>
464-474 Hudson Ave \$600	106.41-4-83.1 James & Yvette Brown	101x124	11,722
969-973 N. Clinton Ave \$2,300	106.30-1-30 Librada Brown	47 x 95	4,529
975-981 N. Clinton Ave \$3,100	106.30-1-29 Librada Brown	58 x 127	6,311

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>
380 Champlain St 120.59-2-43	33x158 Charles & Lilly Varnado	5,159

52 Copeland St 107.45-2-35	33x110 Dana Helms	3,630
2 Renfrew Pl 120.51-1-8	33x123 LaShawndra Smith	3,834
53 Sheldon Ter 135.32-2-43.3	42x55 Annie B. Hall	2,347
15-17 Trust St 106.34-1-38	34x85 Vand Moore	2,943
122 Wilkins St 106.23-3-20	33x109 Willie Banks, Jr.	3,479

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. Ordinance No. 1971-268, as amended by Ordinance No. 1971-597, relating to the sale of 1037 South Plymouth Avenue, is hereby amended by changing the name of the purchaser to Genesee Valley Congregation of Jehovah's Witnesses, Rochester, New York.

Section 5. Ordinances No. 2012-62 and 2012-63, relating to the sale of real estate and a tax exemption for the Holy Rosary Apartments Project, are hereby amended by adding the following parcels to the lists of parcels to be sold and eligible for the tax exemption in Section 1 of said ordinances:

<u>Address</u> <u>S.B.L.#</u>	<u>Dimensions</u>	<u>Price</u>
54 Finch St. 105.25-3-8	45 x 130	\$450
131 Ravine Ave. 105.35-4-53	40 x 98	\$400

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-180  
Re: Lease - Rochester Genesee  
Regional Transportation  
Authority, 83 Mortimer Street

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Genesee Regional Transportation Authority (RGRTA) for the lease of a portion of 83 Mortimer Street. The parcel to be leased is a .48 acre portion of the City-owned parking lot at the rear of the Mortimer Street Garage.

RGRTA will use the site as a staging area for the construction of their new Transit Center. The term of the lease will be for 28 months; the lease may be terminated before that if the project is completed earlier than anticipated.

The annual lease amount will be \$29,400 and is based on the current monthly rental rate established for downtown municipal parking lots. This amount

will be reduced to \$19,032 (payable in monthly installments of \$1,586) in consideration of bike lockers to be purchased and installed at the expense of RGRTA. The lockers, originally planned for installation at the Transit Center, will instead, due to space limitations, be installed in the Mortimer Street Garage.

In the event that the lot is needed for municipal or economic development purposes, the City will notify RGRTA, in writing, thirty days in advance of terminating the lease agreement.

RGRTA will be responsible for all expenses associated with operating the lot, which includes utilities, snowplowing, and all maintenance and repairs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-78

Ordinance No. 2012-180  
(Int. No. 205)

**Authorizing A Lease Agreement For A Portion Of 83 Mortimer Street**

WHEREAS, the City of Rochester has received a proposal for the lease of a portion of 83 Mortimer Street to the Rochester Genesee Regional Transportation Authority (RGRTA) for a term not to exceed 28 months; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Genesee Regional Transportation Authority (RGRTA) for the lease of a portion of 83 Mortimer Street of approximately .48 acres, for a term not to exceed 28 months, for use as a staging area for the construction of the RGRTA Transit Center. The agreement shall obligate RGRTA to pay annual rent in the amount of \$29,400. Said rent may be reduced to an annual amount of \$19,032, payable in monthly amounts of \$1,586, if RGRTA provides City parking garage bicycle lockers. RGRTA shall be responsible for all expenses associated with operating the lot, including utilities, snowplowing, and all maintenance and repairs. In the event that the lot is needed for municipal or economic development purposes, the City may terminate the lease upon 30 days written notice to RGRTA.

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. 2012-181  
Re: Lease Agreement - American  
Packaging Corp., Driving Park  
Avenue

Transmitted herewith for your approval is legislation authorizing a lease with American Packaging Corp. for the continued use of the portion of City-owned premises known as the former subway bed located behind their property at 777 Driving Park Avenue.

American Packaging Corp. has leased this area from the City for more than 20 years; they are unwilling to purchase the property due to potential environmental concerns.

The current agreement expired on March 30, 2012. The new five-year agreement will commence as of March 31, 2012 and expire on March 30, 2017. The lease provides for one five-year renewal option.

The annual rental amount of \$675 was established through an independent appraisal prepared by Bruckner, Tillet, Rossi, Cahill & Associates on March 9, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-181  
(Int. No. 206)

**Authorizing A Lease Agreement For A Portion Of The Former Subway Bed**

WHEREAS, the City of Rochester has received a proposal for the continued lease of a portion of the former subway bed to American Packaging Corp. for a term of 5 years, with a five-year renewal option; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with American Packaging

Corp. for the continued lease of a portion of the former subway bed located behind its property at 777 Driving Park Avenue for a term of 5 years, commencing March 1, 2012, with a five-year renewal option. The agreement shall obligate American Packaging Corp. to pay annual rent in the amount of \$675.

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. 2012-182,  
Ordinance No. 2012-183,  
Ordinance No. 2012-184 and  
Ordinance No. 2012-185

Re: Consolidated Community Development  
2012-13 Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development 2012-13 Annual Action Plan. The legislation will:

1. Approve the 2012-13 Annual Action Plan.
2. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development (HUD).
3. Authorize agreements with HUD for the receipt and use of grants to fund the Plan.
4. Appropriate \$150,000 in Urban Development Action Grant principal and interest repayments projected to be received during the 2012-13 program year for the City Development Fund.
5. Amend the 2009-10 and 2010-11 Consolidated Community Development Plans by transferring \$56,400 (\$112,800 total) from the Youth Training Academy allocation for each year to the Economic Stability allocation for the respective years.
6. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

The Consolidated Community Development Plan consists of a strategic plan and annual action plans. The plan addresses the U.S. Department of Housing and Urban Development's planning and application requirements for their formula grant programs, which include: the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, and Housing Opportunities for Persons with AIDS. HUD requires jurisdic-

tions to prepare multi-year strategies and one-year action plans for use of federal funds.

The annual action plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs. Community input was solicited at a public hearing held on March 19, 2012.

The estimated total of funds available for 2012-13 is \$12,808,770 from the following sources:

CDBG	\$ 7,839,087
HOME	1,867,193
Emergency Solutions Grant	754,920
HOPWA	691,595
Loan and interest repayment	150,000
CDBG program income	1,353,175
HOME recaptured/program income	40,000
Reallocation of prior year funds	<u>112,800</u>
Total	<u>\$12,808,770</u>

These funds have been allocated to the following objectives:

<u>Objective</u>	<u>Amount</u>	<u>Percent of Total</u>
Promote Economic Stability	\$ 2,521,662	19.7%
Improve the Housing Stock	9,263,503	72.3%
Respond to General Community Needs	289,400	2.3%
Other	<u>734,205</u>	<u>5.7 %</u>
Total	<u>\$12,808,770</u>	<u>100.0%</u>

Significant allocation highlights include:

- \$826,662 for Economic Development Financial Assistance Loan and Grant Program
- \$350,000 for Targeted Façade Improvement Program
- \$2,796,474 for the Housing Development Fund
- \$595,000 for the Homeownership Fund
- \$128,000 for job creation and youth development
- \$1,738,000 for Focused Investment Strategy areas

The City's CDBG award for 2012-13 is a 10% reduction from 2011-12. In order to maintain current CDBG funded programs and projects planned based on previous funding levels, it has been determined that an additional \$1.3 million would be needed. To minimize the impact on programs and projects, and to meet 2012-13 Budget guidelines, the following actions have been taken:

- \$750,000 for demolitions was provided via Ordinance 2012-132 (Budget amendment).
- Funding for the following programs will be reduced:

- Emergency Assistance Repair \$50,000
- Weatherization Program \$80,000
- Landlord Services \$50,000
- Leadership development training \$10,000
- City Cash Capital will replace CDBG funds as follows:
  - \$203,000 of Neighborhood Right of Way \$203,000
  - Neighborhood Aquatics \$200,000

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26 (adopted May 24, 1983).

A public hearing on the Consolidated Community Development Plan 2012-13 Annual Action Plan, and the reprogramming of funds is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-79

Ordinance No. 2012-182  
(Int. No. 214)

**Approving The Consolidated Community Development Plan/2012-13 Annual Action Plan**

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2012-13 Annual Action Plan to be financed with \$12,808,770 available to the City of Rochester from the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, Housing Opportunities for Persons with AIDS Program and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the City's Community Development Program has been recognized for best practices, receiving the U.S. Department of Housing and Urban Development - Buffalo Office Meritorious Award in 2006, eight John J. Gunther Blue Ribbon Best Practices in Community Development from the U.S. Department of Housing and Urban Development in 1998 and a U.S. Department of Housing and Urban Development Secretary's Award for National Excellence in 1986; and

WHEREAS, the proposed plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, notice of the proposed plan was published in the legal section of the Democrat and Chronicle on April 21, 2012; and

WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by May 22, 2012; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2012-13 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

WHEREAS, the City Council has reviewed the public comments and recommendations.

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

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2012-13 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-183  
(Int. No. 215)

**Authorizing Submission Of The Consolidated Community Development Plan/2012-13 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/2012-13 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to provide any such information that may be required and execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2012.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-184  
(Int. No. 216)

**Appropriation Of Funds For The City Development Fund**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. As part of the Consolidated Community Development Plan/2012-13 Annual Action Plan, the Council hereby appropriates the sum of \$150,000 in anticipated UDAG Loan Repayment Funds and reversionary interest payments and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-185  
(Int. No. 217)

**Authorizing Amendatory Community Development Program Plans**

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

Section 1. The Council hereby approves amendments to the 2009-10 and 2010-11 Community Development Program Plans whereby a total of \$112,800 will be transferred from the following accounts to ED Financial Assistance Loan and Grant Program Accounts within the Promoting Economic Stability Allocations:

<u>Account</u>	<u>CDBG Year</u>	<u>Amount</u>
Youth Training Academy	2009-10	\$ 56,400
Youth Training Academy	2010-11	<u>56,400</u>
Total		\$112,800

Section 2. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-186  
Re: 2012-13 Consolidated Community Development Plan, Tenant Services

Transmitted herewith for your approval is legislation appropriating \$135,000 from the Rental Market Fund of the 2012 -13 Consolidated Community

Development Plan and establishing maximum compensation for agreements with two agencies, as below, to provide services to tenants. The cost of the agreements will be financed from the appropriation herein.

<u>Organization</u>	<u>Amount</u>
Legal Aid Society of Rochester, New York, Inc.	\$109,000
The Housing Council in the Monroe County Area, Inc.	<u>26,000</u>
Total	\$135,000

Similar services were most recently authorized by City Council in June 2011 (Ord. No. 2011-198). However, there was \$185,000 available last year to provide services to both tenants and landlords. Due to the reduction in the 2012-13 HUD CDBG award, this year's funds will be used exclusively for tenant services.

The Legal Aid Society will provide eviction prevention services for tenants to reestablish or attain stable housing situations. This agency was selected through a request for proposal process in 2009. Legal Aid Society subcontracts with Legal Assistance of Western New York/MCLAC to provide these services.

The Housing Council will provide training to tenants, including those referred by the Monroe County Department of Human Services and the City Neighborhood Service Centers, on their rights and responsibilities as renters. This agency was selected to provide Tenant Education through a joint planning effort with Monroe County.

This legislation supports *Section 3: Support Efforts to Strengthen the Rental Market* of the City Housing Policy. Service descriptions are attached.

Planning for the next Five-Year Consolidated Community Development Plan (2015-16 through 2019-20) will begin in year four (2013-14) of the current Plan. During that time, program evaluations will be conducted and a request for proposals for related services will be issued as appropriate.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-80

Ordinance No. 2012-186  
(Int. No. 207, As Amended)

**Approving Consolidated Plan Rental Market Fund Programs**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for Rental Market Fund Programs:

Legal Aid Society of  
 Rochester, NY, Inc.      \$[109,000] 147,312  
 The Housing Council in the  
 Monroe County Area, Inc.      26,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$[135,000] 173,312, and of said amount, or so much thereof as may be necessary, \$[109,000] 147,312 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Landlord Tenant Services Account) of the 2012-13 Community Development Block Grant and \$26,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Tenant Education Account) of the 2012-13 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Palumbo abstained because of a professional relationship.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-187  
 Re: 2012-13 Consolidated Community  
 Development Plan - Mortgage Default  
 Resolution

Transmitted herewith for your approval is legislation appropriating \$375,000 from the Homeownership Promotion Fund of the 2012-13 Consolidated Community Development Plan for mortgage default resolution services, and establishing maximum compensation for agreements with two agencies listed below to provide the services. The cost of the agreements will be financed from the appropriation herein.

<u>Organization</u>	<u>Amount</u>
The Housing Council in the Monroe County Area, Inc.	\$335,000
Empire Justice Center	<u>40,000</u>
Total	<u>\$375,000</u>

The Housing Council will provide analysis of owners' circumstances, direct interaction with lenders to resolve mortgage arrears by negotiating mitigation, and review other foreclosure prevention options with owners including arrears mitigation or

short sales and referrals to legal services where legal representation is recommended.

The Empire Justice Center will provide legal representation to those clients who will receive required settlement conferences as part of foreclosure processes and, as necessary, undertake litigation for clients whose cases warrant it.

The two organizations are uniquely qualified. The Housing Council in the Monroe County Area, Inc. is a HUD-approved Housing Counseling Agency with the area's largest capacity and longest history of handling a large volume of cases. The Empire Justice Center in 1999 was providing western New York's first foreclosure prevention legal service, and since then has acted as lead agency coordinating the Housing Council, Legal Aid Society, and Volunteer Legal Service Project for the array of required services.

Legislation for similar services was last authorized in June 2011 (Ordinance No. 2011-200). This legislation supports the *Promote Home Ownership* section of the City Housing Policy. Program descriptions are attached.

Planning for the next Five-Year Consolidated Community Development Plan (2015-16 through 2019-20) will begin in year four (2013-14) of the current Plan. During that time, program evaluations will be conducted and a request for proposals for related services will be issued as appropriate.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-81

Ordinance No. 2012-187  
 (Int. No. 208)

**Approving Consolidated Plan Homeownership Promotion Fund Programs**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for Homeownership Promotion Fund Programs:

The Housing Council in the Monroe County Area, Inc.	\$335,000
Empire Justice Center	40,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$375,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Foreclosure Prevention Account) of the 2012-13 Community Development Block Grant.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor

deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-188  
Re: 2012-13 Consolidated Community  
Development Plan, Housing  
Opportunities for Persons with AIDS

Transmitted herewith for your approval is legislation related to the Federal Housing Opportunities for Persons with AIDS (HOPWA) program. This legislation will:

1. Appropriate a total of \$670,848 from the 2012-13 Promote Housing Choice fund of the Consolidated Community Development Plan; and
2. Establish maximum compensation for agreements with the agencies below for implementation of the program. The cost of these agreements will be financed from the funds appropriated herein.

AC Center, Inc. d/b/a AIDS Care	\$415,926
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	<u>254,922</u>
	\$670,848

HOPWA provides housing assistance and services to prevent homelessness for individuals with HIV/AIDS and related complications, and their families. Assistance includes both long-term (over 21 weeks) and short-term services and financial assistance in the form of payments of rent, mortgage, and utilities. Both providers maximize HOPWA assistance through the coordination of other funding sources and service providers. The HOPWA grant from HUD is awarded to the City to serve Livingston, Monroe, Ontario, Orleans, and Wayne counties. AIDS Care provides service to the five-county area; Catholic Charities Community Services serves the city and Monroe County. Services provided and projected, by number of households, are:

<u>Agency</u>	2011-12	2011-12	2012-13
	<u>Goal</u>	<u>Actual</u>	<u>Goal</u>
AIDS Care	130	87	125
Catholic Charities	80	66	75
	210	153	200

These two organizations are uniquely qualified. The January 2010 evaluation of Emergency Shelter Grant and HOPWA programs cited both as qualified in a narrow field of providers for this special needs population. Both are active within the Rochester Area Task Force on AIDS. AIDS Care offers an array of services including medical/pharmaceutical, and counseling to the entire service area. Catholic Charities Community Ser-

vices is a sub-recipient of one of only nine three-year HOPWA demonstration grants nationwide for combining housing and employment readiness case management.

HOPWA related legislation was last authorized in June 2011 (Ordinance No. 2011-205). This legislation supports *Section 4: Promote Housing Choice* of the City Housing Policy.

Planning for the next Five-Year Consolidated Community Development Plan (2015-16 through 2019-20) will begin in year four (2013-14) of the current Plan. During that time, program evaluations will be conducted and a request for proposals for related services will be issued as appropriate.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-188  
(Int. No. 209)

**Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons with AIDS Grant Program:

<u>Organization</u>	<u>Amount</u>
AC Center, Inc. d/b/a AIDS Care	\$415,926
Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services	254,922

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$670,848, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2012-13 Housing Opportunities for Persons With AIDS Grant Funds.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-189  
 Re: 2012-13 Consolidated Community  
 Development Plan - Emergency  
 Solutions Grant Program

Transmitted herewith for your approval is legislation appropriating \$409,980 from Housing Choice Fund of the 2012-13 Consolidated Community Development Plan for implementation of the Emergency Solutions Grant Program, and establishing maximum compensation for agreements with the following agencies to provide related services. These agencies were selected through a request for proposal process in 2010.

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women, Inc.	\$ 21,320
Baden Street Settlement of Rochester, Inc.	19,270
Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services	19,270
Catholic Family Center: Francis Center	14,350
Sanctuary House	14,350
Women's Place	14,350
Dimitri House, Inc.	19,290
Mercy Community Services, Inc.: Emergency Shelter	12,330
Transitional Housing	12,330
Recovery Houses of Rochester, Inc.	19,270
Rochester Area Interfaith Hospitality Network, Inc.	23,800
Sojourner House at PathStone, Inc.	28,600
Spiritus Christi Prison Outreach, Inc: Jennifer House	14,800
Nielson House	14,800
The Center for Youth Services, Inc	28,600
The Community Place of Greater Rochester, Inc.	19,270
The Salvation Army, Booth Haven	34,850
Veterans Outreach Center, Inc., Richards House	19,270
Volunteers of America of Western NY, Inc., Guest House	19,270
Wilson Commencement Park	19,270
YWCA of Rochester and Monroe County	<u>21,320</u>
Total	\$409,980

This program was most recently authorized by City

Council in June 2011 (Ord. No. 2011-206). The program provides housing and support services for individuals and families who are homeless or at imminent risk of homelessness and whose incomes are at or below 30% of Area Median Income. Eligible activities include: case management; support services; shelter operations in emergency shelter or in transitional housing; and financial assistance and related services for prevention of homelessness and for rapid re-housing.

A description of the program and agency services are attached. This legislation supports the City Housing Policy's *Section 4: Promote Housing Choice*.

Planning for the next Five-Year Consolidated Community Development Plan (2015-16 through 2019-20) will begin in year four (2013-14) of the current Plan. During that time, program evaluations will be conducted and a request for proposals for related services will be issued as appropriate.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-82

Ordinance No. 2012-189  
 (Int. No. 210)

**Authorizing Agreements For The Emergency Solutions 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 Solutions Grant Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women, Inc.	\$21,320
Baden Street Settlement of Rochester, Inc.	19,270
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	19,270
Catholic Family Center/Francis Center	14,350
Catholic Family Center/Sanctuary House	14,350
Catholic Family Center/Women's Place	14,350
Dimitri House, Inc.	19,290
Mercy Community Services/Emergency Services	12,330
Mercy Community Services/Transitional Housing	12,330
Recovery Houses of Rochester, Inc.	19,270
RAIHN (Rochester Area Interfaith Hospitality Network, Inc.)	23,800
Sojourner House at PathStone, Inc.	28,600
Spiritus Christi Prison Outreach, Inc./Jennifer House	14,800
Spiritus Christi Prison Outreach, Inc./Neilsen House	14,800

The Center for Youth Services, Inc.	28,600
The Community Place of Greater Rochester, Inc.	19,270
The Salvation Army, a New York Corp./Booth Haven	34,850
Veterans Outreach Center, Inc./Richards House	19,270
Volunteers of America of Western New York, Inc./Guest House	19,270
Wilson Commencement Park, Inc.	19,270
YWCA of Rochester and Monroe County	21,320

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$409,980, and said amount, or so much as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Program Account) of the 2012-13 Emergency Solutions Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller Ortiz, Scott, - 7.

Nays - None - 0.

Councilmember Palumbo and Councilmember Spaul abtained because of professional relationships.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-190  
Re: Agreement - Rochester Housing Development Fund Corporation, Home Rochester Program

Transmitted herewith for your approval is legislation establishing \$186,000 as maximum compensation for an agreement with the Rochester Housing Development Fund Corporation for the operation of the Home Rochester Program; and, to fund the cost of the agreement, appropriating that amount from the Housing Development Support allocation of the Housing Development Fund of the 2012-13 Consolidated Community Development Plan.

RHDFC operates the Home Rochester Program in partnership with the City, the Greater Rochester Housing Partnership, Inc. (GRHP), and neighborhood based non-profit developers. RHDFC buys vacant homes and oversees their renovation for sale to first-time homebuyers. Since its inception in 2001, 583 properties have been rehabbed and sold to first-time homebuyers.

The most recent authorization for this program by Council was in June 2011 (Ord. No. 2011-210).

A program description is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AI-83

Ordinance No. 2012-190  
(Int. No. 211)

**Approving Consolidated Plan Housing Development Fund Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for the operation of the Home Rochester Program as part of the Housing Development Fund Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$186,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Housing Development Support Account) of the 2012-13 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-191  
Re: Agreement - Ingalls Planning and Design, Local Waterfront Revitalization Program Update

Transmitted herewith for your approval is legislation establishing \$55,000 as maximum compensation for an agreement with Ingalls Planning and Design for the preparation of an update to the City's Local Waterfront Revitalization Program (LWRP), and appropriating a \$55,000 New York State Department of State Environmental Protection Fund grant (authorized via Ord. No. 2007-455) to fund the agreement. The term of the agreement will be for 18 months.

The LWRP is an implementing strategy of the City's Comprehensive Plan, as outlined in Chapter 130 of the City Code. The current LWRP was adopted by City Council in 1990 and was recently amended to address the marina development project at the Port Site (Ord. No. 2010-152). The LWRP currently includes the city's waterfront areas along Lake Ontario and the Genesee River (to the Lower Falls). This LWRP Update will expand

the boundary of the plan to include all of the city's waterfront areas along the river that are south of the Lower Falls, as well as along the Erie Canal. The update will identify new waterfront policies, projects and priorities within the boundary that will serve as a guide for future development and infrastructure improvements, and will help expand and leverage potential funding opportunities.

A request for proposals for the project was issued on January 6, 2012. The RFP was posted on the City's web site and the New York State Contract Reporter web site for six weeks, and was mailed to 17 local, regional, and state planning/design consultant firms or individuals.

Proposals were received from two firms: Ingalls Planning and Design (Fairport NY), and Clark/Patterson/Lee (Rochester). An inter-departmental team reviewed and ranked the proposals. Based on qualifications, prior LWRP work experience, knowledge of the City of Rochester, and overall approach to the project, the consultant team of Ingalls Planning and Design was selected. Ingalls will engage Steinmetz Planning Group, Naetzker Urban Works, and Bergmann Associates as sub-consultants.

The consultant team will work with a Waterfront Advisory Committee consisting of City staff, other governmental agencies, neighborhood residents, major institutions, property owners, and other waterfront stakeholders to complete the study. It is anticipated that the study will be completed by December 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-84

Ordinance No. 2012-191  
(Int. No. 212)

**Establishing Maximum Compensation For A Professional Services Agreement For The Local Waterfront Revitalization Program**

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

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ingalls Planning and Design for an update of the Local Waterfront Revitalization Program for a term of 18 months. Said amount is hereby appropriated from Local Waterfront Revitalization Program grant funds received from the New York State Department of State.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-192  
Re: Agreement - Independent Title  
Agency, Real Estate Title Services

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum annual compensation for an agreement with Independent Title Agency, LLC (Rochester 14614) for the provision of real estate title services. The term of the agreement will be for one year, with the option for two one-year renewals. The cost of the agreement will be funded from the annual Budgets for Undistributed Expense, beginning with 2012-13, contingent upon their approval.

The City requires title services for properties that are involved in the tax foreclosure proceeding and other real estate transactions. These services have been provided by Independent Title under agreements authorized by the City Council in December 2002, January 2005, January 2006, and July 2009.

For 2011 tax foreclosure actions, Independent searched 782 titles. The May 11, 2012 auction is anticipated to result in the City taking title to approximately 250 properties. The City will acquire these properties for demolition, development, and for sale by RFP to not-for-profit agencies, and subsequent auction to prospective homeowners. The Treasury Bureau anticipates a similar number of tax foreclosure actions for 2012. In addition to the foreclosure searches, Independent would also provide a smaller number of acquisition searches.

On March 30, 2012, the Law Department solicited proposals from thirty firms for these services. As in the past, Independent Title was the only firm to submit a proposal, although two other firms investigated the RFP thoroughly and considered submitting a proposal. Independent is recommended based on cost and past performance.

Independent Title will provide title services and prepare creditor notification letters for properties in foreclosure for the following fees per parcel.

<u>Service</u>	<u>Proposed</u>	<u>Current</u>
Preliminary (10-year) report	\$ 95	\$ 95
Update of prior preliminary report	70	70
Full (60-year) report with prior preliminary search	200	175
Full search without prior preliminary search	260	235

The agreement will extend through June 30, 2015.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-192  
(Int. No. 213)

**Establishing Maximum Compensation For A Professional Services Agreement For Real Estate Title Services**

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

Section 1. The sum of \$80,000, 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 Independent Title Agency, LLC, for continued provision of real estate title services for a term of one year, with two one-year renewal options. Said amounts shall be funded from the 2012-13, 2013-14 and 2014-15 Budgets for Undistributed Expense, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-193,  
Ordinance No. 2012-194 and  
Ordinance No. 2012-195

Re: YWCA Supportive Housing Project

Transmitted herewith for your approval is legislation relating to a supportive housing project at 175-177 N. Clinton Avenue to be undertaken by the YWCA of Rochester and Monroe County. This legislation will:

1. Amend the 2007-08 Consolidated Community Development Plan by transferring \$225,672 from the Lead Hazard Reduction & Rehab Rochester account to the Housing Development Fund of the HOME Program Plan.
2. Amend Ordinance No. 2008-354 to reduce the 2007-08 HOME funds appropriated therein by \$225,672.
3. Authorize a loan agreement with 175 North Clinton Associates, LP for an amount not to exceed \$375,000; and, to finance the loan, appropriate \$225,672 and \$149,328 from the Housing Development Funds of the 2007-09 and 2011-12 HOME Programs, respectively.
4. Authorize a property tax exemption and payment-in-lieu of tax agreement with a Housing Development Fund Corporation to be formed by 175 North Clinton Associates, LP, to provide a 30-year annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).

The building at 175-177 N. Clinton Avenue is currently used as affordable apartments and emergency and transitional housing. This project includes the renovation of the existing 96 residential units, the common area/program spaces, and the administrative offices. Also, 16,716 sq. ft. of vacant office space will be converted to 14 new resi-

dential units. The proposed HOME loan will support the renovation of the 96 residential units, which will be used for emergency, transitional, and supportive housing.

The loan will be used for construction and permanent financing, and will have a term of 30 years with 1% interest and annual interest payments, cash flow dependent, of 1%. The first year's tax payment under the PILOT agreement will be \$54,751; the current annual tax payment received for the property is \$19,718 (under the terms of the existing PILOT agreement which is set to expire in 2013). Principle and any deferred interest will be due at the end of the 30 year term.

The project is expected to begin in June 2012. Its budget is summarized below:

<u>Costs:</u>	
Acquisition	\$ 589,593
Construction	3,248,615
Professional services	362,643
Carrying and finance	257,895
Construction contingency	409,357
Development fee	207,319
Working Capital	<u>70,000</u>
Total	\$5,145,422

<u>Sources:</u>	
CPC Loan	\$ 827,000
Homeless Housing Asst. Program	2,062,020
FHLB of New York	1,306,111
YWCA Note	141,000
City HOME loan	375,000
Reserves	112,000
Income from operations	214,828
GP Equity	763
Weatherization	<u>106,700</u>
Total	\$5,145,422

A public hearing on the Consolidated Community Development Plan amendment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-193  
(Int. No. 218)

**Authorizing Amendatory HOME Program Plans And Amending Ordinance No. 2008-354**

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

Section 1. The Council hereby approves an amendment to the 2007-08 HOME Program Plan whereby within the Improving the Housing Stock and General Property Conditions Objective the sum of \$225,672 shall be transferred from the Lead Hazard Reduction and Rehab Rochester Account to the Housing Development Fund.

Section 2. Ordinance No. 2008-354 is hereby amended by reducing the amount authorized and appropriated from the 2007-08 HOME Program by the sum of \$225,672.

Section 3. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-194  
(Int. No. 219)

**Authorizing A Loan Agreement For The YWCA Supportive 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 175 North Clinton Associates, L.P. for the rehabilitation of housing at 175-177 North Clinton Avenue for the YWCA Supportive Housing Project. The loan shall be for a term of 30 years with interest at 1%. Interest in the amount of 1% shall be payable annually, contingent upon cash flow. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$375,000, and of said amount, or so much thereof as may be necessary, \$225,672 is hereby appropriated from 2007-08 HOME Program Funds and \$149,328 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2011-12 HOME Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-195  
(Int. No. 220)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The YWCA Supportive 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 property at 175-177 North Clinton Avenue, SBL No. 106.71-1-24, to be

owned by a Housing Development Fund Company to be formed by the YWCA of Rochester and Monroe County for the rehabilitation of 175-177 North Clinton Avenue, and to be used for housing as a part of the YWCA Supportive 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. 2012-196  
Re: Amendatory Agreement - Rochester Walks Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the New York State Department of Health for the receipt and use of \$5,800 in additional funding for the 2011-12 Healthy Heart/Rochester Walks Program, and amending the 2011-12 Budget (Cash Capital) of the Department of Environmental Services to reflect this amount.

The original five-year agreement for this award was authorized in December 2009 (Ord. No. 2009-443). The City was recently notified that the New York State Department of Health had authorized a cost of living adjustment (COLA) for the Healthy Heart Program, based upon a Congressional Budget Office calculation for State fiscal year 2011-12. This adjustment will bring the total award to \$77,575.

This unanticipated revenue will be used to support hazardous sidewalk replacements in the Marketview Heights Focused Investment Strategy area.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-196  
(Int. No. 236)

**Authorizing An Amendatory Agreement For The Rochester Walks Program And Amending The 2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Health under the Healthy Heart Program for funding for the Rochester Walks Program.

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

Section 3. Ordinance No. 2011-188, the 2011-12 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 \$5,800, 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. 2012-197,  
Ordinance No. 2012-198 and  
Ordinance No. 2012-199

Re: Amending the Zoning Map and Zoning Code - Marina District

Transmitted herewith for your approval is legislation establishing the Marina District (M-D) as a component of the Port of Rochester Public Marina and Mixed Use Development Project. This legislation will:

1. Amend the Zoning Map to rezone from Harbortown Village District (H-V) to Marina District (M-D) the following parcels: 1000 N. River Street; and 4752, 4650, 4600, and 4630 Lake Avenue.
2. Amend the Zoning code by adding Section 120-77.2 to establish the Marina District (M-D). The new district is regulated using Form-Based Code, which includes the following features:
  - A. Regulating Plan
  - B. Building Envelope Standards
  - C. Building Function (Use) Requirements
  - D. Civic Square Standard
  - E. Parking & Loading Standards
  - F. Architectural Standards
  - G. Review & Approval Process
  - H. Definitions
3. Adopt the attached SEQR Findings Statement thereby fulfilling the obligation of City Council as an Involved Agency as per New York State Law.

Establishment of this new district with its unique code is one implementing measure for the Port of Rochester project which includes: development of a marina basin, public promenade and new streets; enhancement of pedestrian and bicycle access with

new trails and sidewalks; relocation of the Ontario Beach Park Labor Operations Center and Public Boat Launch; sale and conversion of public lands for private mixed-use development; the development of a new overlook; and alienation and creation of parkland.

The City Planning Commission held an informational meeting on this proposed text amendment on Monday, March 12, 2012; two people spoke in support of the amendment, and two people spoke in opposition. By a vote of 6-0 the Commission recommended approval. The minutes and decision from that meeting are attached.

The project was the subject of an Environmental Impact Statement in accordance with State Environmental Quality Review (SEQR). The Environmental Impact Statement is on file in the City Clerk's Office. To conclude SEQR, a Findings Statement must be adopted by all Involved Agencies.

A public hearing on the zoning amendments is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-85

Ordinance No. 2012-197  
(Int. No. 237)

**Adopting Environmental Findings For The Port Of Rochester Public Marina And Mixed Use Development Project**

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

Section 1. The Council hereby adopts the State Environmental Quality Review Findings Statement for the Port of Rochester Public Marina and Mixed Use Development Project as approved by the Director of Zoning as Lead Agency. The President of the Council is hereby authorized to certify the necessary findings on behalf of the Council.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 238.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Ordinance No. 2012-198  
(Int. No. 238, As Amended)

**Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Adoption Of The M-D Marina 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: "M-D Marina".

Section 2. There is hereby added to the Municipal Code the following new Section 120-77.2:

#### **§120-77.2 Marina District**



#### **Purpose**

This Section provides regulatory standards governing building form, land use and new public open spaces within the Marina District (M-D). This district was created in response to the opportunities for major improvements to the Port of Rochester area that will be made possible by the construction of a new marina, the extension of River Street and the reconfiguration and reconstruction of other existing streets and blocks. The Marina District will be the next chapter in Charlotte's history as a lakeshore resort community. The ultimate goal of the Marina District code is to foster the creation of a district that will attract visitors because it is distinctive and memorable, and will endure because it is valued by residents and visitors alike. This Section incorporates a Form-Based Code intended to govern the development of PARCELS I, II and the Terminal Building site, which have been designated for private development. In the Marina District, the primary emphasis is placed upon the physical form of buildings, civic spaces and placemaking. While land uses are regulated, they are a secondary focus within this district. The Marina District is intended to be independent of any conflicting provisions of the Zoning Code. Any provision of the Zoning Code that conflicts with any provision of this section is not applicable within the Marina District. The principal components of the code are described herein:

#### **§120-77.2A Regulating Plan**

The REGULATING PLAN is the key to the Marina District Form-Based Code. It indicates the Building Types and Frontage Types permitted for each PARCEL and provides other specific information necessary to create the physical form and character desired for the Marina District.

#### **§120-77.2B Building Envelope Standards**

The BUILDING ENVELOPE STANDARDS establish the minimum and maximum three dimensional spatial envelope within which a building may be constructed, as well as requirements for a limited number of permitted or required building elements, such as storefronts and windows. There are general provisions applicable to all buildings as well as specific standards for each Frontage Type and Building Type. The intent of the BUILDING ENVELOPE STANDARDS is to shape public space through placement and envelope controls on buildings that frame public rights-of-way and open spaces. The Building Envelope Standards also provide for uses that are

permitted on ground stories and in upper stories correlated to each Building Type and Frontage Type.

**§120-77.2C Building Function (Use) Standards**

The Building Function Standards establish categories of uses that are permitted anywhere within the Marina District, categories that are specially permitted and categories that are prohibited.

**§120-77.2D Civic Square Standards**

The CIVIC SQUARE Standards establish the basic parameters governing the required CIVIC SQUARE on PARCEL I.

**§120-77.2E Parking and Loading Standards**

The Parking and Loading Standards establish the basic parameters governing the placement of and access to parking facilities. The standards include requirements for permanent parking created in conjunction with new buildings, interim surface parking on undeveloped portions of PARCELS I and II and bicycle parking.

**§120-77.2F Architectural Standards**

The Architectural Standards are intended to provide a minimal level of quality and to promote a coherent character throughout the Marina District. The Architectural standards govern each building's elements, regardless of Building or Frontage Type, and set parameters for acceptable materials, configurations and techniques.

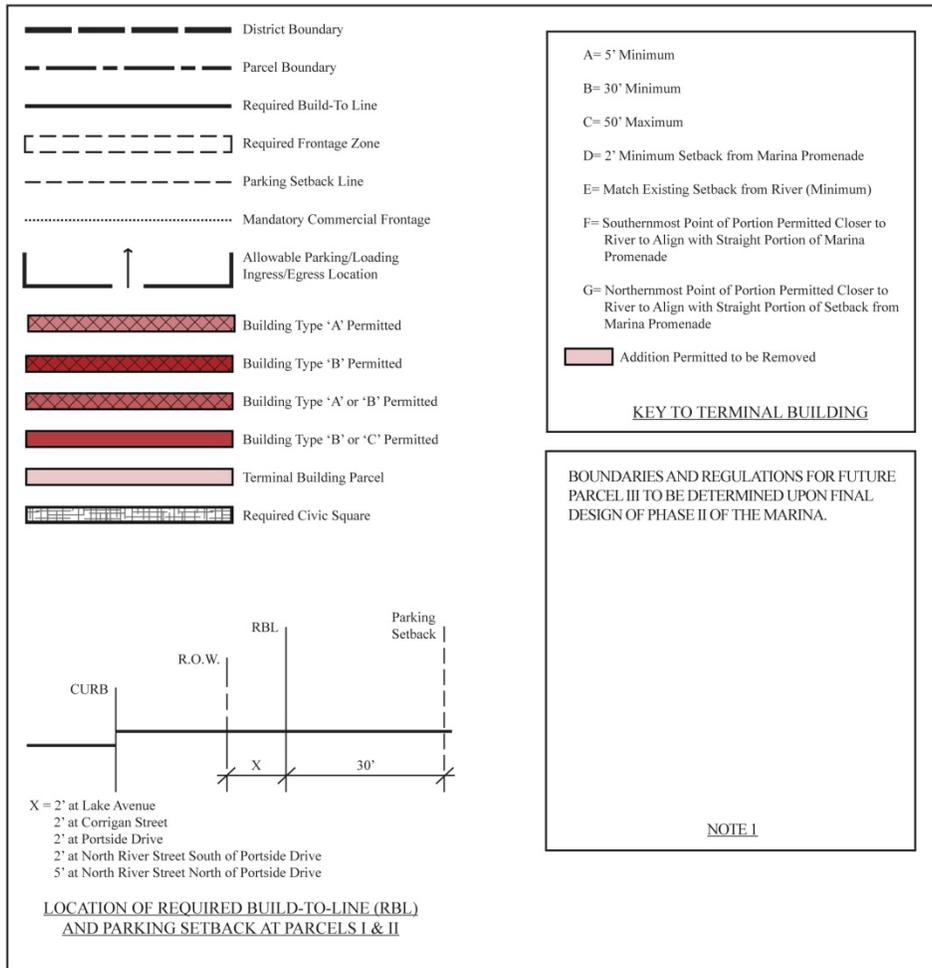
**§120-77.2G Review and Approval Process**

The Review and Approval Process includes procedures for the approval of proposed developments that are not fully compliant with the requirements of the Marina District Form-Based Code. All proposed developments that are fully compliant will be approved administratively.

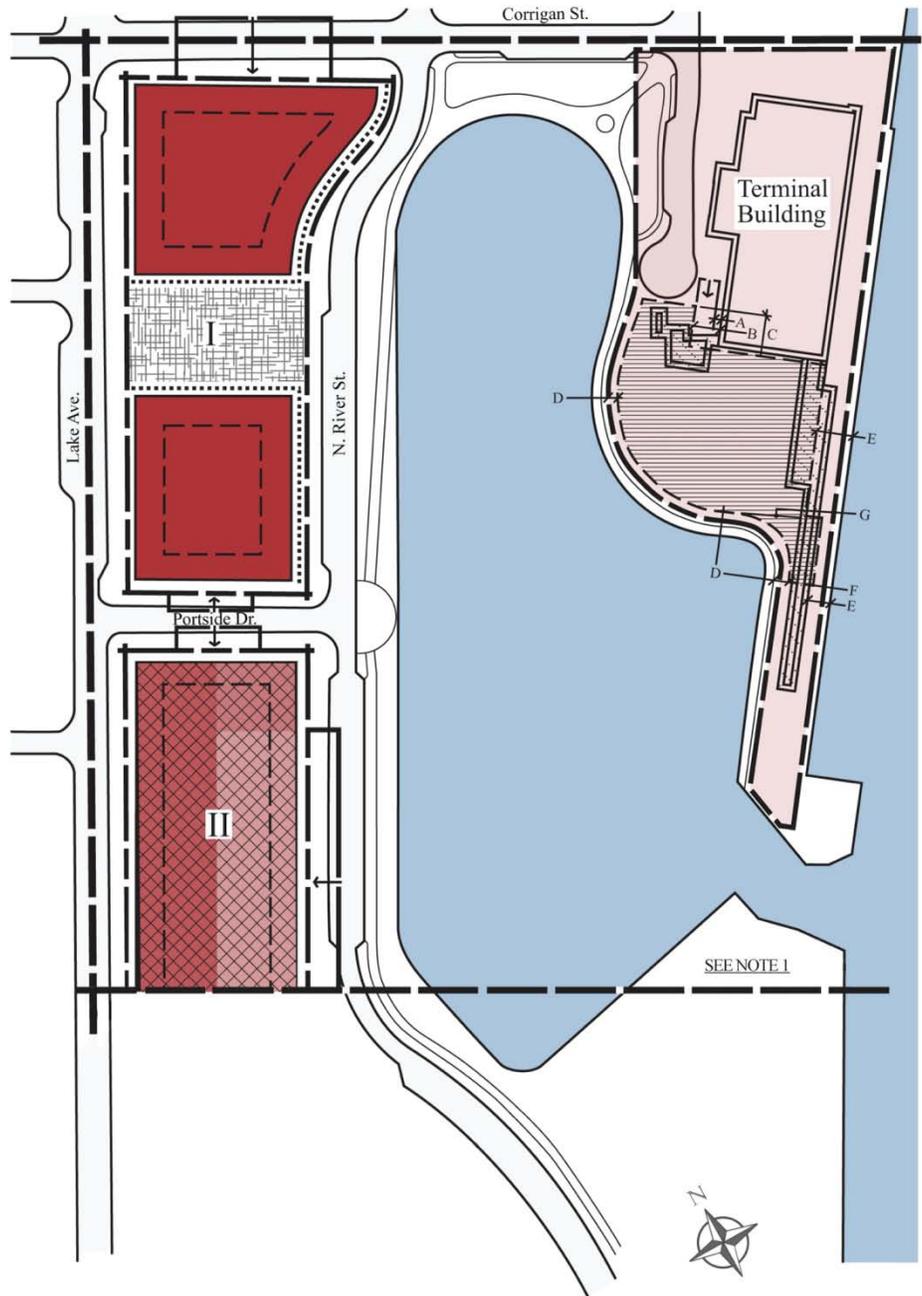
**§120-77.2H Definitions**

Words and/or terms used in this Section that are not defined in §120-208 or have a different definition than that shown in §120-208 are included in this Section. Such words and/or terms will appear in the text of §120-77.2 in a SMALL CAPITALS format.

**§120-772.A REGULATING PLAN**



KEY TO REGULATING PLAN



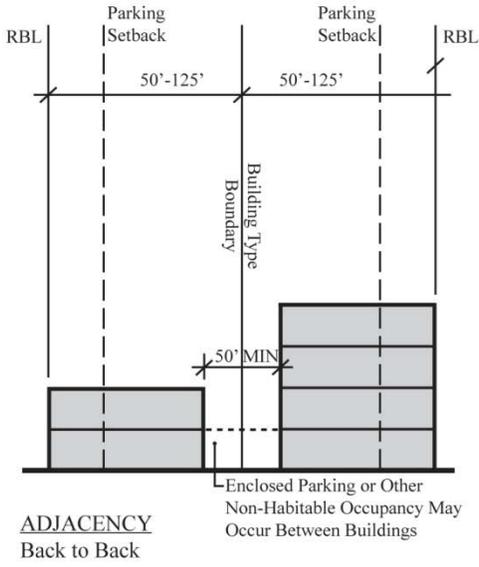
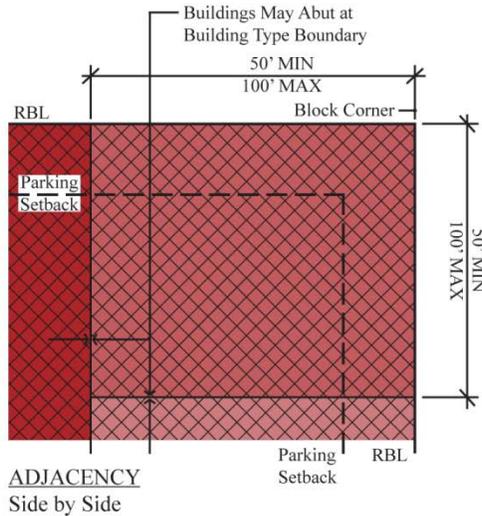
**§120-77.2B BUILDING ENVELOPE STANDARDS**

**Intent.** The primary intent of the BUILDING ENVELOPE STANDARDS is to define and shape street and civic spaces in order to create a vital and coherent public realm. The interface of private building frontages with public thoroughfares and civic spaces shapes the public realm and is the principle focus of the BUILDING ENVELOPE STANDARDS.

**(1) General Provisions**

The following provisions are applicable to the BUILDING ENVELOPE STANDARDS for each Frontage Type and Building Type unless otherwise indicated within the standards for each Type.

**(a) Adjacencies**



(1) Side by Side: Where the REGULATING PLAN indicates abutting Building Types and the boundary line is perpendicular to the REQUIRED BUILD-TO LINE (RBL), the boundary between each Building Type may be located between 50 feet and 100 feet from the BLOCK CORNER. No side yard is required and buildings may abut each other with no break in the continuity of the building FAÇADES;

(2) Back to Back: Where the REGULATING PLAN indicates abutting Building Types and the boundary line is parallel to and does not intersect with the RBL, the boundary between each Building Type may be located between 50 and 125 feet from the RBL on either side. Rear yards shall be provided on either or both sides of the Building Type boundary such that the minimum distance between rear building walls is 50 feet. This requirement is not applicable where there is structured parking or other non-habitable space located behind the PARKING SETBACK LINE, but is applicable to portions of the building located above such a structure.

**(b) Height Measurement**

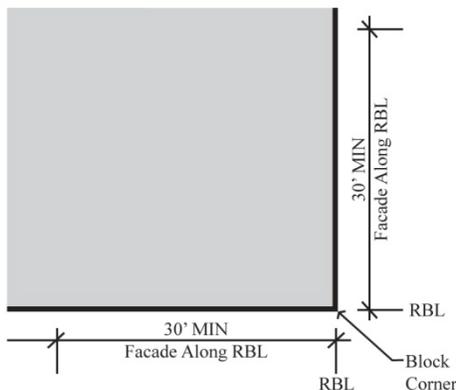
(1) The height of all buildings is measured in stories unless otherwise indicated in the BUILDING ENVELOPE STANDARDS for each building type;

(2) An ATTIC STORY is not included in the height measurement and may be added to the maximum height of a building; unless otherwise indicated in the BUILDING ENVELOPE STANDARDS for each building type;

(3) Mezzanines with an area greater than 1/3rd of the floor area of the story in which they are located shall be counted as a full story in the height

**(c) Siting**

(Provisions of this section are applicable to PARCELS I and II only. See §120-77.2B(3)(d)(3) for the siting requirements for the Terminal Building).



**BLOCK CORNER**

(1) The building FAÇADE shall be built to the REQUIRED BUILD-TO LINE (RBL) within 30 feet of a BLOCK CORNER or a chamfered or rounded corner.

(2) Blank lengths of wall exceeding 20 linear feet are prohibited on all RBL's;

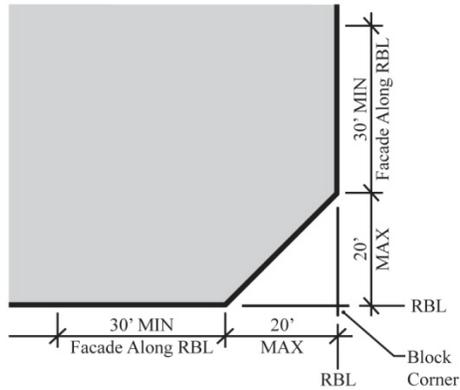
(3) A STREET WALL not less than 6 feet nor more than 12 feet in height shall be required along any RBL that is not occupied by a building FAÇADE. The STREET WALL shall be located no more than 24 inches behind the RBL;

(4) The PARKING SETBACK LINE is located 30 feet behind the RBL and extends vertically as a plane. In permanent parking facilities, vehicle parking shall be located behind the PARKING SETBACK LINE except where provided completely below grade;

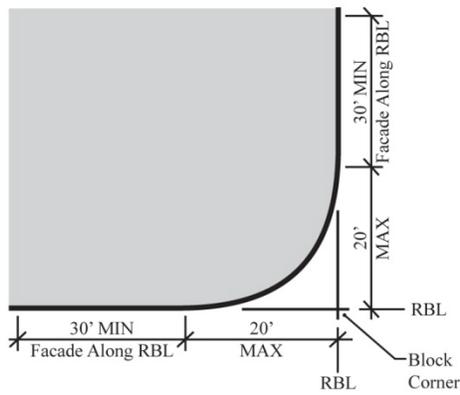
(5) Corner lots and through lots shall comply with the RBL requirements for their full frontages on all streets and the required CIVIC SQUARE unless otherwise specified.

**(d) Exceptions to the Required Build-To Line (RBL)**

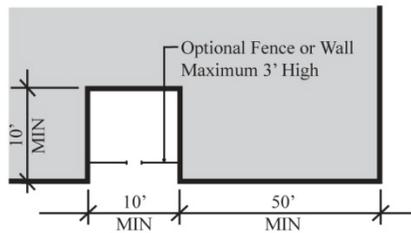
(Provisions of this section are applicable to PARCELS I and II only. See § 120-77.2B(3)(d)(3) for comparable requirements for the Terminal Building.)



CHAMFERED CORNER



ROUNDED CORNER



FORECOURT

- (1) The building FAÇADE may include variations that project or recess from the RBL up to 24 inches;
- (2) Storefront assemblies (doors, display windows, bulkheads and associated framing) may be recessed behind or project beyond the RBL by up to 24 inches and storefront entrances may be recessed from the

storefront assembly;

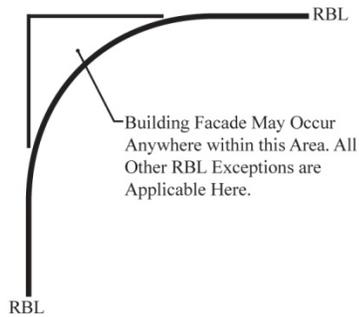
(3) Within 20 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry;

(4) Within 20 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be curved to form a rounded corner;

(5) Entry forecourts may be created by recessing the FAÇADE for a portion of the RBL. A forecourt shall be at least 10' by 10'. A fence or wall no higher than three feet, with a pedestrian opening, may be provided to define the space of the court. Only one forecourt per PARCEL is permitted to front on any street or the required CIVIC SQUARE except in Parcel I, one forecourt per street or CIVIC SQUARE is permitted north of the CIVIC SQUARE and south of the CIVIC SQUARE. Forecourts shall be located at least 50 feet from the BLOCK CORNER or a chamfered or rounded corner;

(6) Upper stories may be set back from the RBL. Except where there are porches and/or BALCONIES at the BLOCK CORNER, upper story setbacks shall be located at least 50 feet from the BLOCK CORNER or chamfered or rounded corner;

(7) Ground stories along non-commercial frontages may be set back from the RBL as needed to accommodate porches and/or stoops;



#### CURVATURE

(8) Where the RBL follows the curvature of a street, the building FAÇADE may be located anywhere within the area formed by straight extensions of the RBL from each end of the curve. All other exceptions to the RBL may be utilized in this portion of the building FAÇADE;

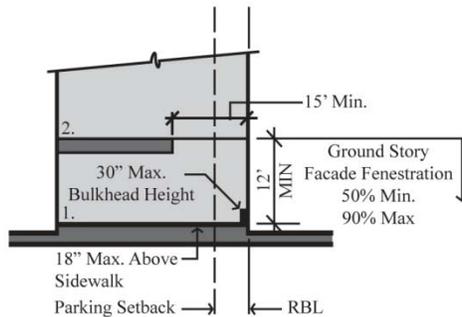
(9) Projecting FAÇADE elements in compliance with §120-77.2F(6).

### **(2) Frontage Types**

The Frontage Types describe the GROUND STORY condition and may be paired with any Building Type. Either Frontage Type may be located anywhere within the Marina District except that only the Commercial Frontage Type is permitted where mandatory Commercial Frontage is designated on the REGULATING PLAN.

#### **(a) Commercial**

Commercial Frontages are specifically designed to be suitable for retail, restaurant, service and similar uses that encourage a substantial amount of pedestrian interaction with the public thoroughfare. They are characterized by substantial storefront windows with closely spaced entrances from the street. They may have projecting FAÇADE elements over the sidewalk such as awnings, canopies or GALLERIES.



### COMMERCIAL FRONTAGE

(1) **GROUND STORY Floor Elevation:**

Maximum 18 inches above the average sidewalk elevation at the **REQUIRED BUILD-TO LINE (RBL)** or the **REQUIRED FRONTAGE ZONE (RFZ)**; where sidewalks are sloped, elevation may exceed 18 inches but may not exceed 3 feet above the sidewalk;

(2) **Minimum GROUND STORY Height:**

12 feet clear (floor to ceiling) contiguous to the RBL or RFZ frontage for a minimum depth of 15 feet;

(3) **FENESTRATION:**

The primary **GROUND STORY FAÇADE** shall have areas of transparency equal to at least 50% but no more than 90% of the **FACADE** area of the **GROUND STORY**. Storefront bulkheads shall have a maximum height of 30 inches above finished floor;

(4) **Maximum Distance between Entrances:**

Doors or entrances with public access to ground story spaces shall be provided at intervals of not less than 75 feet. Entrances shall remain unlocked and available for public use during regular business hours;

(5) **Sidewalk:**

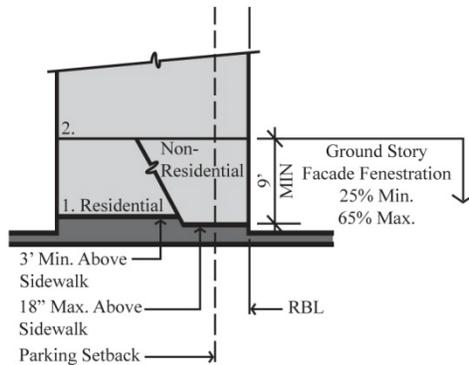
The space between the public right-of-way boundary and the RBL shall be paved so as to become an extension of the public sidewalk. Paving materials shall match or complement the sidewalk. Asphalt and gravel paving are not permitted;

(6) **Use:**

Residential uses, including lodging, are not permitted on the **GROUND STORY** except for lobbies and associated common spaces.

**(b) Non-Commercial**

Non-Commercial Frontages are suitable for residential, lodging, office and other uses that do not depend on a substantial amount of pedestrian interaction with the public thoroughfare. They are characterized by smaller windows and are elevated above the sidewalk level in order to reduce views into the interior spaces from the sidewalk. Entrances may be spaced farther apart.



### NON-COMMERCIAL FRONTAGE

- (1) **GROUND STORY Floor Elevation** (where there are residential uses, including lodging):  
Minimum 3 feet above the average sidewalk elevation at the **REQUIRED BUILD-TO LINE (RBL)** or the **REQUIRED FRONTAGE ZONE (RFZ)**; where sidewalks are sloped elevation may be minimum 2 feet and maximum 6 feet above the sidewalk;
- (2) **GROUND STORY Floor Elevation** (where there are nonresidential uses):  
Maximum 18 inches above the average sidewalk elevation at the RBL or RFZ; where sidewalks are sloped, elevation may exceed 18 inches but may not exceed 3 feet above the sidewalk;
- (3) **Minimum GROUND STORY Height:**  
The **GROUND STORY** shall have at least 9 feet of clear interior height (floor to ceiling);
- (4) **FENESTRATION:**  
The primary **GROUND STORY FAÇADE** shall have areas of transparency equal to at least 25% but no more than 50% of the total **FAÇADE** area of the **GROUND STORY**, with each **FAÇADE** area calculated independently;
- (5) **Sidewalk:**  
The space between the public right-of-way boundary and the RBL may be paved so as to become an extension of the public sidewalk or may be landscaped so as to become a buffer between the building and the street. Paving materials shall match or complement the sidewalk. Asphalt and gravel paving are not permitted;
- (6) **Use:**  
Although this frontage type is best suited to residential or low intensity noncommercial uses, any use allowed within the Marina District is permitted.

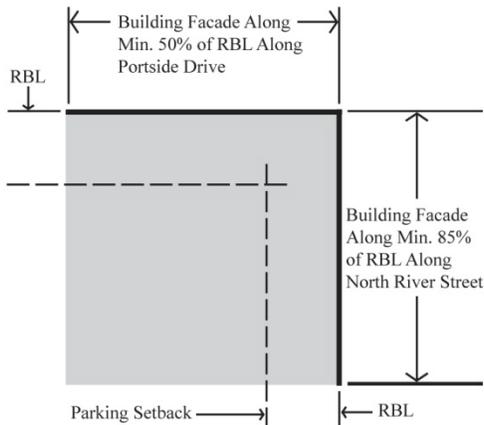
### **(3) Building Types**

The **REGULATING PLAN** indicates permitted locations for each Building Type. For each Building Type there is a set of **BUILDING ENVELOPE STANDARDS** that are intended to achieve the desired built form and pedestrian orientation of the Marina District.

#### **(a) Type A, Low Rise Block**



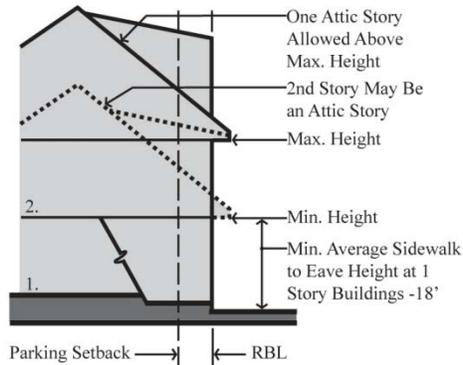
This Building Type is limited in height in order to preserve views of the harbor from the Lighthouse Trail and views of the lighthouse from the marina area. This Building Type may include attached single-family dwellings (townhouses) or other small scale buildings and may have commercial or non-commercial frontages. This Building Type is permitted on PARCEL II.



**BUILDING TYPE 'A'- SITING**

**(1) Siting:**

Building FAÇADES fronting on Corrigan Street shall be built to the REQUIRED BUILD-TO LINE (RBL) for at least 50% of the RBL length along that block. Building FAÇADES fronting on North River Street shall be built to the RBL for at least 85% of the RBL length along that block. Exceptions to the RBL in compliance with §120-77.2B(1)(d) are included within the minimum FAÇADE length;



**BUILDING TYPE 'A'- HEIGHT**

**(2) Building Height:**

Minimum one story, 18 feet from average sidewalk elevation to eave, or top of cornice or parapet; Maximum 2 stories, 1 additional story is permitted within the northernmost 50% of the area designated on the REGULATING PLAN for this building type;

**(3) Upper Story FENESTRATION:**

Primary FAÇADES and FAÇADES visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total FAÇADE area, with each FAÇADE area calculated independently;

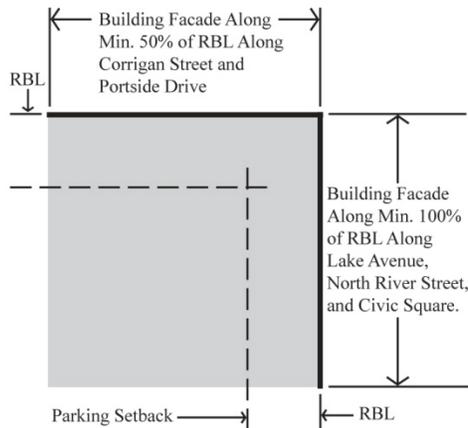
**(4) Use:**

Non-residential uses are prohibited above residential uses.

**(b) Type B, Mid-Rise Block**



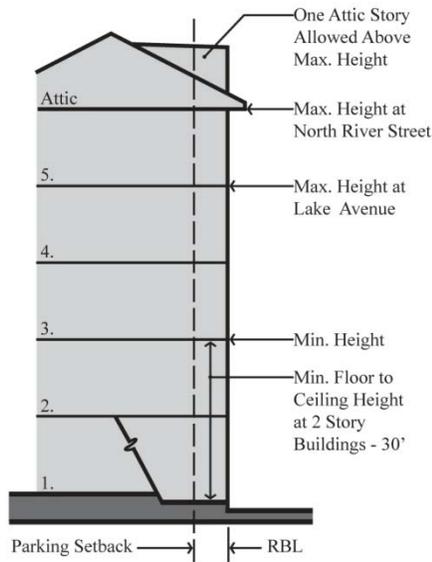
The Mid-Rise Block is the basic background building that forms most of the fabric in neighborhood, town and village centers across the United States. The primary form is that of a two or more story building placed directly adjacent to or in very close proximity to the sidewalk. Mid-Rise Block buildings may or may not have commercial frontage on the GROUND STORY. Mid-Rise Block buildings typically house a wide range of uses and can be adapted to change their functions over time. Such buildings may be devoted to a single use or may have multiple uses. This range of uses will contribute to the vitality that is desired for the Marina District. This Building Type is permitted on PARCELS I and II.



**BUILDING TYPE 'B' - SITING**

**(1) Siting:**

Building FAÇADES fronting on Portside Drive and Corrigan Street shall be built to the REQUIRED BUILD-TO LINE (RBL) for at least 50% of the RBL length along those blocks. Building FAÇADES fronting on Lake Avenue, North River Street and the required CIVIC SQUARE shall be built to the RBL for at least 100% of the RBL length along those blocks. Exceptions to the RBL in compliance with §120-77.2B(1)(d) are included within the minimum FAÇADE length;



**BUILDING TYPE 'B' - HEIGHT**

**(2) Building Height:**

Minimum 2 stories; 2 story buildings shall have a minimum clear height from the GROUND STORY floor to the 2nd story ceiling of 30 feet; Maximum 4 stories at Lake Avenue, 5 stories at North River Street; Up to two additional stories permitted at BLOCK CORNERS or center of building mass up to 25% of building footprint;

**(3) Upper Story FENESTRATION:**

Primary FAÇADES and FAÇADES visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total FAÇADE area, with each FAÇADE area calculated independently;

**(4) Use:**

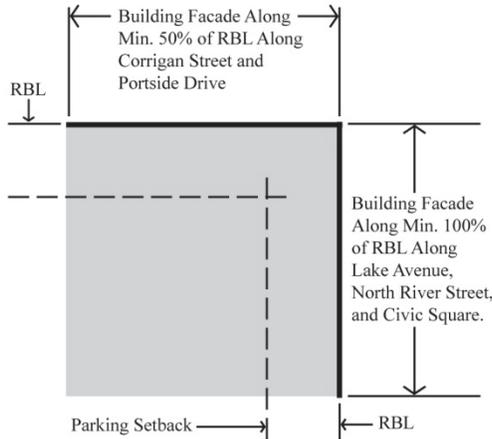
Non-residential uses are prohibited above residential uses except in buildings exceeding 3 stories in height, recreational facilities associated with the residential use may be located on the uppermost story.

**(c) Type C, Tower Block**



This Building Type allows taller buildings to be constructed above a 'podium' or base. The podium is similar to the Mid-Rise Block, with the same relation to the street. The tower above is required to be stepped back from the FAÇADE of the podium to maintain the scale of the buildings along the REQUIRED BUILD-TO LINE (RBL), increase the amount of sunlight reaching the sidewalk and minimize

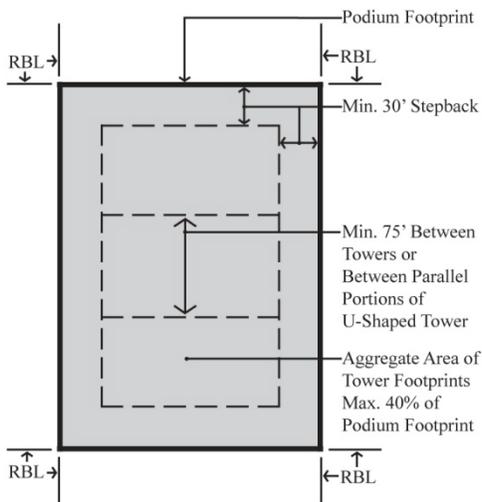
the apparent bulk of the tower from the street. This Building Type is permitted on PARCEL I.



**BUILDING TYPE 'C' - SITING**

**(1) Podium Siting:**

Podium FAÇADES fronting on Portside Drive and Corrigan Street shall be built to the RBL for at least 50% of the RBL length along those blocks. Podium FAÇADES fronting on Lake Avenue, North River Street and the required CIVIC SQUARE shall be built to the RBL for at least 100% of the RBL length along those blocks. Exceptions to the RBL in compliance with §120-77.2B(1)(d) are included within the minimum FAÇADE length;

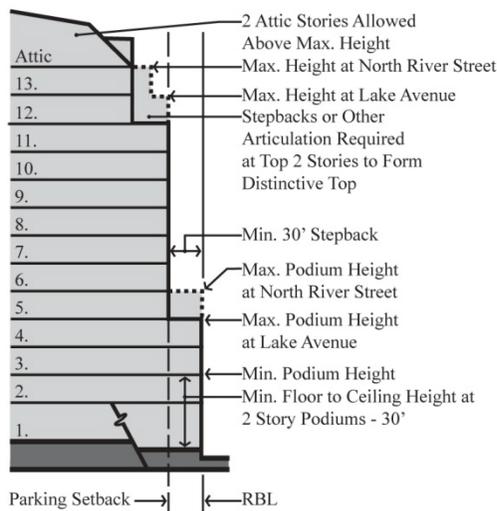


**BUILDING TYPE 'C' - TOWER SITING**

**(2) Tower Siting:**

One or more towers may be constructed above a podium provided they comply with the following:

- (a) Towers shall be stepped back at least 30 feet from the RBL above the maximum height of the podium;
- (b) Tower FAÇADES shall be substantially parallel to the RBL;
- (c) The aggregate building footprint of the towers above the maximum height of the podium shall not exceed 40% of the building footprint of the podium;
- (d) Where there is more than one tower or where there is a U or H shaped tower building footprint, the minimum distance between parallel building walls shall be 75 feet;
- (e) The top two stories (not including stories contained within a pitched roof) shall employ step-backs, roof forms such as spires, cupolas or belvederes or other configurations or techniques to create a distinctive roof profile.



**BUILDING TYPE 'C'- HEIGHT**

**(3) Building Height:**

**(a) Podium:**

Minimum 2 stories; 2 story podiums shall have a minimum clear height from the GROUND STORY floor to the 2nd story ceiling of 30 feet; Maximum 4 stories at Lake Avenue, 5 stories at North River Street;

**(b) Overall Building Height:**

Maximum 12 stories at Lake Avenue, 13 stories at North River Street; Up to two additional ATTIC STORIES permitted in a tower if contained within a single pitched roof with DORMERS;

**(4) Upper Story FENESTRATION:**

Primary FAÇADES and FAÇADES visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total FAÇADE area, with each FAÇADE area calculated independently;

**(5) Use:**

Non-residential uses are prohibited above residential uses except that recreational facilities associated with the residential use and/or restaurants may be located on the top two stories, the uppermost story or the first story above the podium and may utilize outdoor space above the podium. Bars, cocktail loung-

es and taverns as defined in §120-208 and nightclubs as defined in Section 202 of the Existing Building Code of New York State are prohibited from these locations.

**(d) Existing Buildings**

The Terminal Building is the only existing building of significance within the Marina District. This section governs demolition, exterior alterations and additions to this structure.

**(1) Demolition:**

Demolition of any portion of the Terminal Building except additions south of the original south building wall shall be prohibited;

**(2) Exterior Alterations:**

Significant architectural features including but not limited to original exterior wall finishes, the second story open veranda, the clock tower, decorative cornices, windows, doors, trim around openings, railings, storefronts and any significant decorative features shall be maintained;

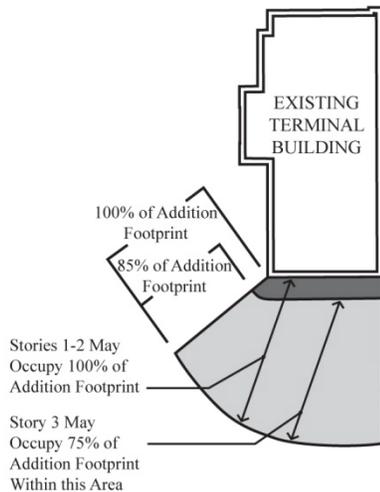
**(3) Addition Siting:**

An addition may be constructed within the area indicated on the REGULATING PLAN. The building FAÇADE of the first 2 stories shall occur entirely within the REQUIRED FRONTAGE ZONE (RFZ) indicated on the REGULATING PLAN with the following exceptions permitted:

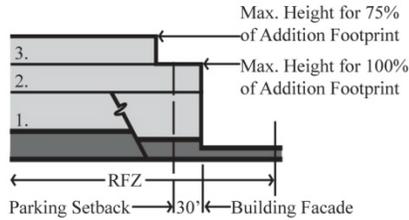
The building FAÇADE may include variations that project beyond the outside boundary of the RFZ up to 24 inches; Storefront assemblies (doors, display windows, bulkheads and associated framing) may project beyond the outside boundary of the RFZ by up to 24 inches; Awnings, canopies and GALLERIES may project beyond the outside boundary of the RFZ;

**(4) Addition PARKING SETBACK LINE:**

The PARKING SETBACK LINE shall be located 30 feet behind the building FAÇADE wall of any addition;



TERMINAL BUILDING ADDITION-HEIGHT



TERMINAL BUILDING ADDITION-HEIGHT

(5) Addition Height:

Maximum 2 stories for primary addition, 75% of building footprint may be up to 1 additional story provided this portion of the building occurs within the 85% of the building footprint farthest from the existing Terminal Building;

(6) Upper Story FENESTRATION:

Primary FAÇADES and FAÇADES visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total FAÇADE area, with each FAÇADE area calculated independently;

(7) The Architectural Standards in §120-77.2F are not applicable to the Terminal Building. The Director of Planning and Zoning shall refer all proposed exterior alterations and/or additions to the Project Review Committee for recommendations and shall approve or disapprove the proposals based on those recommendations.

**§120-77.2C Building Function (Use)**

**Intent.** This Section establishes permitted, specially permitted and prohibited uses within the Marina District. In order to maximize the liveliness, vitality and pedestrian character of the district, most uses are permitted as of right. Uses that are detrimental to the pedestrian character of the district are generally prohibited. The BUILDING ENVELOPE STANDARDS contain additional requirements pertaining to mixed uses within buildings.

**(1) Permitted Uses**

All uses are permitted in fully enclosed buildings in the Marina District unless listed as specially permitted or prohibited uses in this section. In addition to any specific requirements listed below, uses shall be subject to the additional requirements for the specified uses set forth in Article XVIII of this chapter.

**(2) Permitted Outdoor Uses**



- (a) Accessory outdoor seating areas without background music or entertainment;
- (b) Accessory display of merchandise during business hours;

[(c) Food vending carts and trucks may be located in interim parking facilities construction in accordance with §120-77.2E(2), in the required CIVIC SQUARE and on the grounds of the Terminal Building;]

[(d) Farmer markets may be located in interim parking facilities constructed in accordance with §120-77.2E(2), in the required CIVIC SQUARE and on the grounds of the Terminal Building;]

[(e)] (c) Walk-up service windows;

[(f)] (d) Permanent parking constructed in accordance with §120-77.2E(1).

**(3) Specially Permitted Uses**

The following uses are allowed as special permit uses in the Marina District:

(a) Outdoor entertainment;

(b) Interim Parking constructed in conformance with §120-77.2E(2) and §120-13F. Special permits for Interim Parking shall be subject to renewal every five years. Each renewal application shall be subject to a marketability analysis demonstrating that the site cannot be developed based on the following standards:

(1) The site is not marketable for development in accordance with the intent of the Marina District as demonstrated by at least one of the following factors:

(a) The inability to find an interested developer or buyer over an extended period of time;

(b) Physical location or locational limitations or deficiencies of the site or public infrastructure.

(2) Standards indicating the type of information required to document conformance with each of the aforementioned standards shall be as adopted from time to time by the Planning Commission.

**(4) Prohibited Uses**

The following uses are prohibited in the Marina District:

(a) Homeless shelters;

(b) Rooming houses;

(c) Sexually oriented businesses;

(d) Uses not in a fully enclosed building or not permitted by §120-77.2C(2);

(e) Any use that would meet the definition of a manufacturing use as per §120-208 of the Zoning Code;

(f) Drive-throughs;

(g) Vehicle - related uses, including car washes, vehicle service stations, vehicle sales, vehicle repair including commercial vehicle repair and vehicle rental services, except vehicle rental or sharing services in which vehicles are stored in permanent parking facilities constructed in accordance with §120-77.2E(1), vehicle service takes place outside the Marina District and offices are located in a fully enclosed building;

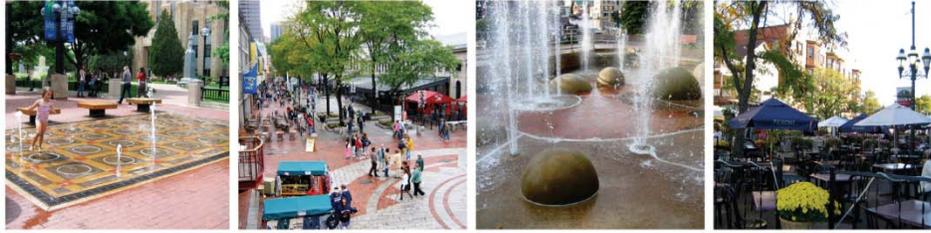
(h) Funeral homes;

(i) Places of worship;

(j) Warehouses;

(k) Recycling centers.

**§120-77.2D Civic Square Standards**



**Intent.** These standards are applicable to the required CIVIC SQUARE indicated on the REGULATING PLAN on PARCEL I. The square will be the principle pedestrian connection between Lake Avenue and River Street and the marina. It will be an active pedestrian center and a major focal point within the Marina District. In order to facilitate pedestrian activity, most of the square will have paved surfaces. The use of pervious paving materials to allow oxygen for tree roots and to absorb storm water run-off is encouraged.



#### (1) Location and Dimensions

The CIVIC SQUARE shall extend from the Lake Avenue public right-of-way to the River Street public right-of-way as shown on the REGULATING PLAN subject to the following requirements:

- (a) Minimum 150 feet south of the REQUIRED BUILD-TO LINE (RBL) fronting on Corrigan Street and 150 feet north of the RBL fronting on Portside Drive;
- (b) Width: 80 feet minimum, 120 feet maximum. The width of the square may vary within these parameters.

#### (2) Pavements

At least 65% of the surface area of the CIVIC SQUARE shall be paved. Any type of unit pavers or concrete pavement, excluding stamped concrete, is permitted. Asphalt paving, excluding hexagonal asphalt pavers, is prohibited.

#### (3) Trees

The use of trees to shade portions of the CIVIC SQUARE is encouraged. Trees shall be of deciduous species.

#### (4) Clear Views

To maximize views, and to ensure public safety, there shall be a clear view zone between two and eight feet above grade. Tree trunks, street lights, kiosks, fountains, public art or monuments are permitted to be within the clear view zone. The foliage of newly planted trees may be within the clear view zone until the tree has sufficient growth to allow the removal of branches below eight feet.

#### (5) Slope

The CIVIC SQUARE shall be designed in compliance with the most current ADA Standards for Accessible Design.

### §120-77.2E Parking and Loading Standards

**Intent.** This Section establishes standards for the placement of and access to permanent vehicular parking faci-

ties associated with buildings and interim vehicular parking that may be located on PARCELS I and II until those PARCELS are developed. It also establishes standards for short and long term bicycle parking and loading areas.

**(1) Permanent Parking Facilities**

- (a) All parking provided for users of a particular building shall be provided on the site of that building.
- (b) Permanent parking facilities, except for those that are completely below grade, shall be located no closer to the public right-of-way than the Required PARKING SETBACK LINE indicated on the REGULATING PLAN.
- (c) A maximum of one ingress and one egress lane to permanent parking facilities are permitted within each allowable area designated on the REGULATING PLAN. Ingress/Egress driveways shall be located at least 50 feet from BLOCK CORNERS. Combined In/Out driveways shall have a maximum width of 22 feet. Separate In and Out driveways shall have a maximum width of 11 feet each.
- (d) Openings in any Building FAÇADE for parking garage entries shall have a maximum clear height no greater than 12 feet and a clear width no greater than 12 feet for single width openings or 24 feet for double width openings;
- (e) The height of parking structures shall not exceed the height of adjacent liner buildings constructed between the parking facility and the REQUIRED BUILD-TO LINE. There is no minimum height for parking structures.
- (f) Permanent parking facilities are not required to comply with §120-173F.
- (g) A minimum of 15% of parking spaces provided for building residents shall be provided with facilities capable of recharging the batteries of electric and plugin hybrid vehicles. All parking spaces provided for residents shall be capable of having recharging facilities added in the future.

**(2) Interim Parking Facilities**

- (a) Paved parking facilities may be specially permitted to be temporarily located on undeveloped portions of PARCELS I and II until such time as these PARCELS are developed. Interim parking facilities shall be constructed in accordance with this section and with §120-173F. Such parking facilities shall be available for public use.
- (b) Interim parking facilities shall be set back at least 15 feet from the public rightof-way.
- (c) Ingress and egress to interim parking facilities shall be located within the allowable areas designated on the REGULATING PLAN where possible. Where the allowable access areas are not available, ingress and egress locations shall be approved by the Director of Planning and Zoning. Combined In/Out driveways shall have a maximum width of 22 feet. Separate In and Out driveways shall have a maximum width of 11 feet each.
- (d) Parking areas shall be drained in accordance with §40-54B. This requirement may be waived if the parking area is paved with permeable pavements and/or if bioswales, rain gardens or similar alternative drainage techniques are utilized, provided it is shown that these techniques will provide equivalent or better performance.
- (e) The parking setback area shall be provided with minimal landscape treatment such as grasses or ground cover. Mulch is not an acceptable landscape treatment except when used to protect plantings. Trees are not required in the parking setback.

**(3) Bicycle Parking**

- (a) The Marina District is located at the northern terminus of the Genesee River trail system. This location and the need to provide for and encourage non-motorized transportation make the provision of facilities for bicyclists a high priority. A significant amount of bicycle parking will be provided within public

rights-of-way. This section sets forth minimum requirements for short term and long term bicycle parking on private development PARCELS.

(b) Short term bicycle parking shall be provided in the required CIVIC SQUARE and on the grounds of the Terminal Building. Short term bicycle parking may be provided in interim parking facilities constructed in accordance with §120-77.2E(2) and in other exterior locations in PARCELS I and II. Short term bicycle parking facilities shall comply with the following:

- (1) Each bicycle parking space shall be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway;
- (2) Bicycle racks may be installed in the public right-of-way subject to the approval of the Department of Environmental Services;
- (3) Each bicycle parking space shall permit the locking of the bicycle frame and one wheel to the rack and shall support the bicycle in a stable position without damage to the wheels, frame or components;
- (4) A minimum of 10 spaces shall be provided in the required CIVIC SQUARE;
- (5) A minimum of 2 spaces plus 1 additional space for each 5000 square feet of retail space, 10,000 square feet of assembly space or 15,000 square feet of office space shall be provided on the Terminal Building grounds in conjunction with any new development outside of the existing terminal building.

(c) Long term bicycle parking facilities for residents in buildings with residential dwelling units shall be provided in compliance with the following:

- (1) Facilities shall be enclosed, secure and protected from the weather;
- (2) Facilities shall be located on the GROUND STORY, between the REQUIRED BUILD-TO LINE (RBL) or REQUIRED FRONTAGE ZONE (RFZ) and the PARKING SETBACK LINE or behind the PARKING SETBACK LINE, and have direct access to a public right-of-way;
- (3) Facilities shall be internally connected to the residential dwelling units;
- (4) Each bicycle parking space shall be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway;
- (5) Each bicycle parking space shall permit the locking of the bicycle frame and one wheel to the rack and shall support the bicycle in a stable position without damage to the wheels, frame or components;
- (6) A minimum of 1 space for every 5 bedrooms shall be provided.

#### **(4) Loading Facilities**

(a) Access to loading areas, including dumpsters, shall be located within the allowable areas designated on the REGULATING PLAN. Except when located within a fully enclosed building, loading docks and dumpsters shall be located no closer to the public right-of-way than the Required PARKING SETBACK LINE indicated on the REGULATING PLAN. All loading docks and dumpsters shall be set back a sufficient distance from the public right-of-way to allow service vehicles to park entirely behind the REQUIRED BUILD-TO LINE.

(b) Driveways shall have a maximum width of 12 feet.

#### **§120-77.2F Architectural Standards and Guidelines**

**Intent.** This Section establishes standards and guidelines for new construction within the Marina District to ensure that new development establishes a minimum level of architectural quality and positively contributes to the public realm. No particular architectural style is mandated or prohibited; rather the Architectural Standards and Guidelines are intended to promote harmony and help the district coalesce into a unified place. This section includes both mandatory standards and advisory guidelines. The advisory guidelines are intended to provide

insight into some of the desired characteristics of the district, while the standards set the minimum requirements for architectural quality. The mandatory standards are applicable to building elements that are clearly visible from the street or any civic space. This includes all public streets and civic spaces within the Marina District and adjoining the Marina District, but does not include parking areas located in accordance with §120-77.2E. *Advisory guidelines are printed in italics.* Mandatory standards are printed in normal font. The Architectural Standards and Guidelines are organized as follows:

- (1) Context and Architectural Character
- (2) Composition and Articulation
- (3) Building FAÇADE Walls
- (4) Wall Openings
- (5) Roofs
- (6) Projecting FAÇADE Elements
- (7) Signage

#### (1) Context and Architectural Character



*Where there is little context to relate to, the proper response is to create a new and worthy context. To achieve this goal, new buildings should establish an architectural character and pattern from which future development can take its cues. The creation of a unified, harmonious district is more important than the individual building. To this end, an “architecture of place” is preferred over an “architecture of our time.” Charlotte’s past as a resort community included fantastical amusement park structures and hotels, which helped make Charlotte a distinctive and memorable place. Charlotte’s lost historic buildings are part of a living tradition, which included buildings that spanned the vernacular to classical spectrum, from simple wood frame structures to elaborate masonry and stucco buildings rendered in exotic architectural styles. The standards and guidelines that follow are largely based upon principles that underlie this living tradition. The intent is not to replicate historic buildings, but to encourage a range of architectural expressions that will once again establish Charlotte and the Marina District as a distinctive and memorable place.*

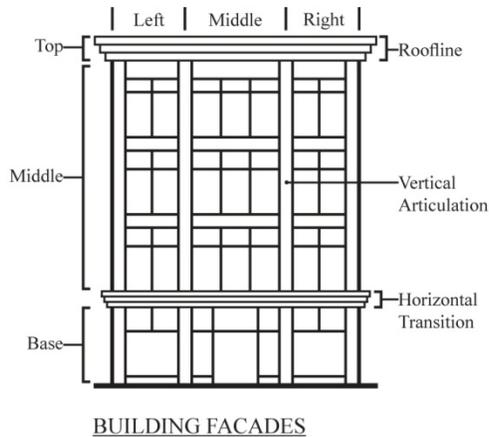


#### (2) Composition and Articulation

*It is likely that most of the buildings in the Marina District will be constructed at a larger scale, both horizontally and vertically, than any previous buildings in Charlotte. Large structures can be monolithic, monotonous, and lacking in human scale. This can be avoided through principles of composition and proportion.*

- *Each composition should be conceived as a whole assembled from composite parts, which in turn are wholes composed of smaller parts;*
- *Each building mass and FAÇADE composition should have a strong focus or center. The focus need not be at the geometric center of the composition and the composition need not be symmetrical;*
- *Each composition should have a readily definable base, middle and top and left, middle and right;*

- *Parts of the composition should be joined by transitional elements that both separate and link adjacent parts;*
- *Some elements of the composition should be dominant, while others are subordinate. This establishes a hierarchy, which is a defense against the monotony of simple repetition.*



**(a) Horizontal Transitions**

Building FAÇADES shall have Horizontal Transitions. A Horizontal Transition is an architectural element, such as a cornice, BALCONY, GALLERY or change in material that creates a distinction between the first and second stories or between the second and third stories. Horizontal Transitions are not required in buildings with Non-Commercial frontages.

**(b) Roof Lines**

Building FAÇADES 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 stories.

- *Horizontal transitions and roof lines are the means to achieve a distinctive horizontal base; occupied middle; and top that complement and balance one another.*

**(c) Vertical Articulations**

Building FAÇADES shall have Vertical Articulations. Vertical articulations can be produced by variations in roof lines; window groupings; applied FAÇADE elements such as piers or pilasters, BAY WINDOWS and BALCONIES; entrance stoops and porches; and subtle changes in materials and vertical planes that create shadow lines and textural differences.

- *Each building should have a clear and harmonious pattern of vertically oriented FAÇADE elements that break up long monolithic walls and divide the composition into one or more segments, each with a discernible left, middle and right. A balance of vertical and horizontal lines should be sought, with the balance tipped slightly to the vertical;*
- *Changes in vertical planes should be part of a larger FAÇADE composition and should not be used to present a false image of individual buildings. Where separate buildings abut, the principle planes of the FAÇADES should be flush.*

**(3) Building Façade Walls**

**(a) Finish Materials**

Each building FAÇADE may have two or more finish materials. STREET WALLS shall be constructed of

a material matching the adjacent building FAÇADE.

- *Materials should be separated horizontally, with “lighter” materials placed above more substantial materials, for example wood above stucco or masonry, or stucco above masonry.*

**(b) Projecting Elements**

All elements that project from the building by more than 16 inches, such as BALCONIES, BAY WINDOWS, canopies and marquees shall be visibly supported from below or above by brackets, posts, columns, pilasters or similar supports that are sized proportionately to the projecting structure.

**(c) Primary Materials**

The following primary materials are permitted:

- (1) Masonry, including brick, stone, terra cotta, ceramic tile or similar facings;
- (2) Cementitious stucco with smooth or sand finish;
- (3) Fiber cement panels, siding and trim boards. Wood grain finishes are not permitted (Building Types ‘A’ and ‘B’ only);
- (4) Solid PVC paintable or prefinished siding and trim boards (such as NuCedar Mills or equivalent). Wood grain finishes are not permitted (Buildings Types ‘A’ and ‘B’ only);
- (5) Painted wood clapboards or painted, stained or natural shingles. (Buildings Types ‘A’ and ‘B’ only).

**(d) Secondary Materials**

The following secondary materials are permitted for up to 10% of a building wall surface:

- (1) Pre-cast masonry (for lintels, trim and cornices only);
- (2) Exterior Insulation Finish System (EIFS) with smooth or sand finish. (EIFS may be utilized above the Horizontal Transition only);
- (3) Metal (for beams, lintels, trim elements and ornamentation only);
- (4) Polyurethane (such as Fypon or equivalent) Millwork (for lintels, trim elements and ornamentation only);
- (5) Glazed, ground face or split face concrete block (used as accent trim, piers and foundation walls only);
- (6) Glass block.

- *The palette of wall materials should be kept to a minimum, preferably two (e.g. stucco and tile, brick and stone) or less. Using the same wall materials as adjacent or nearby buildings helps strengthen the district character;*

- *Stucco and/or painted stucco surfaces should be smooth to prevent the collection of dirt and surface pollutants, and the deterioration of painted surfaces;*

- *Sheet metal parapet cap flashings should be painted to match wall or trim color;*

- *The following materials are not appropriate:*

- *Curtain Wall systems except in limited areas such as connections; between buildings, entrance lobbies, etc;*
- *Simulated finishes such as artificial stone;*

- Plywood siding.

#### (4) Wall Openings

##### (a) Opening Proportions

(1) Windows, doors and other openings (except at GROUND STORY commercial frontages) shall be square or vertical in proportion. Except at BAY WINDOWS, window frames shall be recessed at least 3 inches from the plane of masonry or stucco building FAÇADES;

(2) Windows may be ganged horizontally if each grouping is separated by a framing element at least seven inches wide.

- *The width to height ratio of windows, doors and similar elements should typically be 1:2 or 2:3.*

##### (b) Permitted Finish Materials:

(1) Windows and doors may be of steel; aluminum; including clear anodized or factory finished colors; fiberglass; aluminum clad wood; painted wood; stained or natural (clear finish) wood;

(2) Glazing shall be clear or lightly tinted;

(3) If muntins are provided, they shall be of the true divided or simulated divided (applied to interior and exterior with spacer bar within the glazing) types.

#### (5) Roofs

##### (a) Permitted Configuration



(1) Flat, (pitched as required for drainage) concealed by a parapet no less than 42 inches high or as required to conceal mechanical equipment. The parapet may have pitched, stepped or curved forms that help create a roof line;

(2) Gabled, symmetrically sloped, with a minimum pitch of 5:12, with eaves and/or partially concealed by a parapet;

(3) Hipped, symmetrically sloped, with a minimum pitch of 5:12, with eaves and/or partially concealed by a parapet;

(4) Shed, with a minimum pitch of 2:12 where attached to a larger building mass, with eaves and/or partially concealed by a parapet;

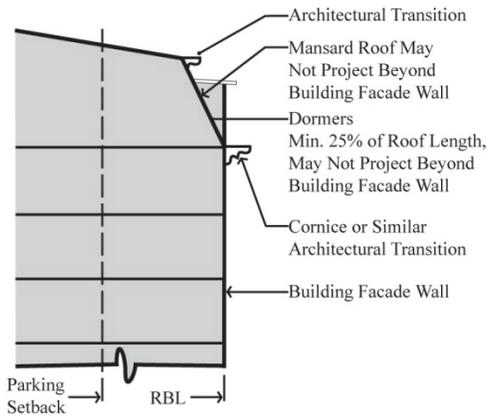
(5) Barrel Vaulted;

(6) Domed

- *Roof forms should complement the building mass and match the principal building in terms of style, detailing and materials. Double-pitched roofs (such as gable, hip, pyramid), dormer windows, and chimneys can add variety and visual interest when viewed from the streets below and from a distance. Flat roofs are acceptable if a strong, attractively detailed cornice and/or parapet wall is provided. Single-pitched or "shed" roofs should not be used for the principal building. Where the BUILDING ENVELOPE*

STANDARDS require “a distinctive roof profile” (Building Type ‘C’), additional roof forms may be considered.

**(b) Mansard Roofs**



**BUILDING FAÇADES**

(1) Mansard roofs are a type of pitched roof that are considered ATTIC STORIES and therefore not counted against the maximum story height. Mansards may be added only to buildings that are at least two stories in height or to one story Type ‘A’ buildings. They shall enclose at least one, but no more than two ATTIC STORIES of habitable space as indicated in the BUILDING ENVELOPE STANDARDS;

(2) Only dormer windows are permitted in mansard roofs. Windows, balconies and other features that are recessed into the mansard are prohibited. Dormers and other architectural features shall occupy a minimum of 25% of the roof length;

(3) A cornice or similar architectural feature shall form a transition between the mansard and the vertical building wall. No part of the mansard, including dormers, shall project beyond the building FAÇADE wall;

(4) A transitional architectural feature shall be provided between the top of the mansard and the upper part of the roof.

• *Mansards should be used only when emulating a traditional building style that typically employs mansard roofs, e.g. Beaux Arts, Victorian, etc.*

**(c) Skylights**

Skylights shall be flat to the pitch of the roof.

**(d) Permitted (visible) Roofing Materials**

(1) Standing Seam or Five Vee metal roofs of galvanized steel, copper, aluminum or zinc-aluminum;

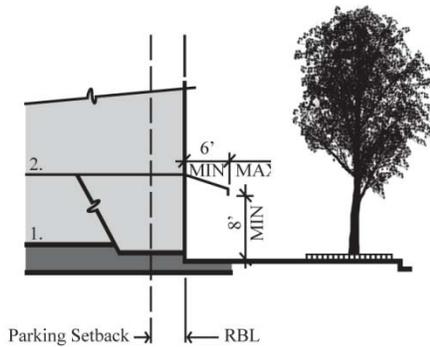
- (2) Asphalt or metal “dimensional” type shingles;
- (3) Cedar shakes (real or synthetic);
- (4) Slate tiles (real or synthetic)
- (5) Clay, terra cotta or concrete tiles;
- (6) ‘Green’ roofs on flat roofs only;
- (7) Roofing materials including shingles and metal panels that incorporate photovoltaic solar collectors.

**(6) Projecting Façade Elements**

**(a) Awnings and Canopies**



Where awnings or canopies are provided, they shall comply with the following:



AWNINGS AND CANOPIES

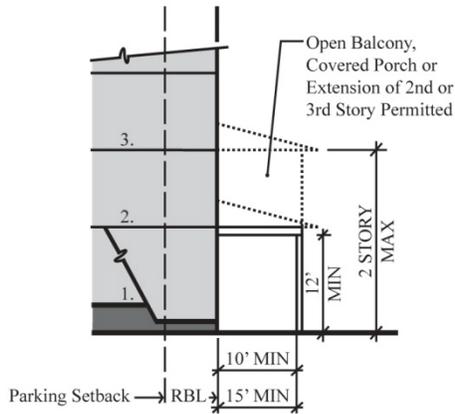
- (1) Minimum 8 feet clear above sidewalk, minimum 6 feet projection from building, maximum projection 2 feet from tree planters or grates, or 2 feet from curb line where no trees are present;
- (2) Where encroaching into a public right-of-way, subject to Department of Environmental Services approval;
- (3) Canvas cloth or equivalent (shiny or reflective materials are prohibited), metal or glass;
- (4) Internal illumination is prohibited;
- (5) One-quarter cylinder configurations are prohibited.



**(b) Galleries**



GALLERIES are permitted along building FAÇADES where the REQUIRED BUILD-TO LINE (RBL) or REQUIRED FRONTAGE ZONE (RFZ) abuts the required CIVIC SQUARE or does not abut a public right-of-way, provided they comply with the following:



**GALLERIES**

(1) Minimum width of 10 feet;

(2) GALLERIES shall have a roof, an open BALCONY, a covered porch or an extension of the story above. Where there is a covered porch or an extension of an upper story, the building shall have at least one additional story above that level. Where there is an extension of an upper story, the FAÇADE of the story extension shall have fenestration with areas of transparency equal to at least 50% but no more than 90% of the FAÇADE area;

(3) Minimum ceiling height 12 feet clear above sidewalk, but never less than one foot below ceiling height of adjacent ground story, 2 story maximum height;

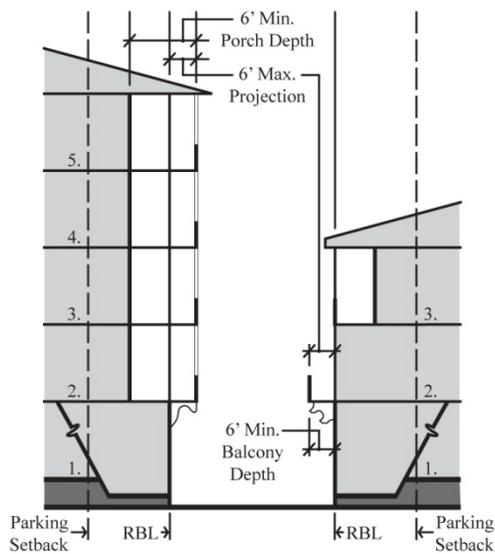
(4) The distance between columns or piers shall not exceed their height. Minimum spacing is 10 feet.

• *The location of columns or piers is encouraged to correspond with storefront openings.*

## (c) Porches and Balconies



Porches and BALCONIES shall comply with the following:



PORCHES AND BALCONIES

- (1) Porches and BALCONIES may occur at upper stories either forward of or behind the RBL or RFZ and shall have a minimum depth of 6 feet, but shall not extend more than 6 feet beyond the RBL except at the upper level of a GALLERY;
- (2) Porches may occur at the GROUND STORY along noncommercial frontages, either forward of or behind the RBL or RFZ and shall have a minimum depth of 8 feet, but shall not extend into the public right-of-way;
- (3) Porches and BALCONIES may have multi-story verandas and/or BALCONIES above;
- (4) Porches and BALCONIES may have roofs, but shall be open parts of buildings with no conditioned air supply. Insect screening is permitted.
- (5) The minimum distance between columns is 10 feet, and the distance between columns shall not exceed their height.

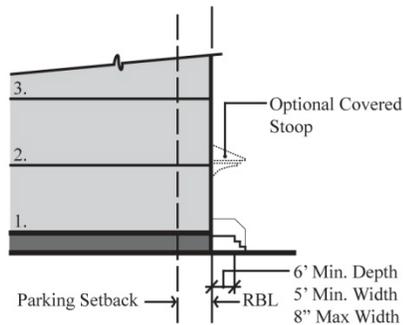
- Porches and BALCONIES are encouraged at upper story locations in order to take advantage of views and breezes.



**(d) Stoops**



Stoops are permitted along Non-Commercial frontages provided they comply with the following:



**STOOPS**

- (1) Minimum depth 6 feet;
- (2) Minimum length 5 feet;
- (3) Maximum length 8 feet;
- (4) Stoops may be covered or uncovered;
- (5) Stoops may occur forward of the RBL or RFZ and may encroach into the public right-of-way subject to approval from the Department of Environmental Services. Stoops shall not interfere with clear access for pedestrians on the sidewalk.

**(e) Finish Materials**

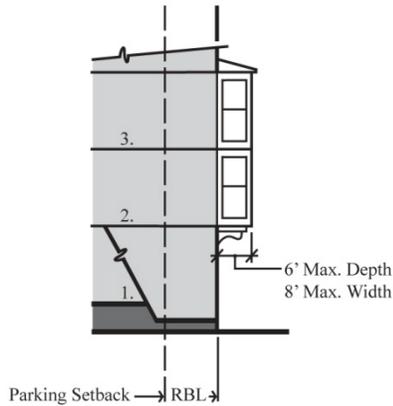
The following finish materials are permitted for porches, stoops, columns, arches, railings and balustrades:

- (1) Painted finish wood;
- (2) Solid PVC paintable or prefinished trim boards (such as Azek or equivalent). Wood grain finishes are not permitted;
- (3) Painted or stainless steel;
- (4) Cast iron;
- (5) Concrete with smooth finish;
- (6) Brick or stone masonry.

**(f) Bay Windows**



BAY WINDOWS are permitted provided they comply with the following:



**BAY WINDOWS**

- (1) Maximum depth 6 feet;
- (2) Maximum length 8 feet;
- (3) BAY WINDOWS shall have FENESTRATION on both front and side surfaces;
- (4) BAY WINDOWS may occur forward of the RBL or RFZ and may encroach into the public right-of-way above the GROUND STORY subject to approval from the Department of Environmental Services.

**(7) Signage****(a) Alternate Sign Program**

No signs shall be approved within the Marina District unless an alternative sign program in compliance with §120-177K has been established for the building where the proposed sign will be located.

**§120-77.2G Review and Approval Process**

**(1)** Construction of any new building or addition within the Marina District that fully complies with the requirements of this Section will be approved administratively. Construction of any new building or addition that does not comply with the requirements of this Section shall be categorized as a major site plan and subject to the requirements set forth in §120-191 of this chapter. The Director of Planning and Zoning may waive the requirements of the Marina 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 Marina District except for the following:

**(a)** Any deviation from the REGULATING PLAN including location of the REQUIRED BUILD-TO LINE (RBL), location of REQUIRED FRONTAGE ZONE, location of PARKING SETBACK LINE, location of allowable areas for parking/loading ingress/egress, location of mandatory commercial frontage and location of permitted building types;

**(b)** Any deviation from the minimum or maximum dimensional requirements of the BUILDING ENVELOPE STANDARDS, or the maximum building height requirements measured in stories, that is greater than 20%;

**(c)** Any deviation from the Siting requirements of the BUILDING ENVELOPE STANDARDS other than deviations from the percentage of the FAÇADE built to the REQUIRED BUILD-TO LINE (RBL) that are greater than 20% and deviations from the dimensional requirements for tower siting in Building Type C that are greater than 20%;

**(d)** Any deviation from the Building Function (Use) Standards;

**(e)** Any deviation from minimum or maximum dimensional requirements of the CIVIC SQUARE Standards that is greater than 20%;

**(f)** Any deviation from the minimum or maximum dimensional requirements and numeri-

cal requirements of the Parking and Loading Standards that is greater than 10%;

**(g)** Any deviation from the Architectural Standards requirement for an alternative sign program.

**(2)** Any development proposal that will cause the total number of dwelling units in the Marina District to exceed 430 and/or cause the total amount of commercial space in the District, not including existing commercial space in the Terminal Building, to exceed 44,000 square feet, shall require a Supplemental Environmental Impact Statement pursuant to the requirements of the State Environmental Quality Review Act and Chapter 48 of the City Code.

**§120-77.2H Definitions**

**Attic Story.** Habitable space situated within the structure of a pitched roof and above the uppermost story. They are permitted for all Building Types and do not count against the maximum story height. Attic stories may have only DORMERS as windows on the REQUIRED BUILD-TO LINE (RBL) side of the roof-pitch.

**Balcony.** An exterior platform attached to the upper stories of the building FAÇADE.

**Bay Window.** An enclosure extending the interior space of the building beyond the exterior building FAÇADE. For the purposes of this code, a BAY WINDOW may be generally u-shaped, curved (also known as a bow window) or rectangular.

**Block Corner.** The outside corner of a block at the intersection of any two streets. Dimensions from BLOCK CORNERS are measured from the intersection of two RBL's.

**Building Envelope Standards.** The part of this Section that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as storefronts, BALCONIES, and STREET WALLS. The BUILDING ENVELOPE STANDARDS establish both parameters and specific requirements. The applicable building envelope standard for a site is determined by the allowable building types indicated on the REGULATING PLAN. This produces a coherent street-space and allows the building owner greater latitude behind its FAÇADE.

**Civic Square.** A public open space designated on the REGULATING PLAN. The term square is generally used to describe spaces that have a predominately paved surface area. CIVIC SQUARES

do not include active recreation structures such as playgrounds or game courts.

**Dormers.** Roofed ancillary structures with windows providing light and air to habitable space within the ATTIC STORY. DORMERS are permitted and the attic does not constitute a story (for height measurement purposes) so long as the DORMERS do not break the primary eave line, are individually less than 15 feet wide, and are collectively not more than 60 percent of their REQUIRED BUILD-TO LINE FAÇADE length.

**Façade (Building Face).** The building elevation facing the public right-of-way or required CIVIC SQUARE, generally coinciding with the REQUIRED BUILD-TO LINE or required step backs. Building walls facing private interior spaces are not FAÇADES.

**Fenestration.** Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm). FENESTRATION is measured as glass area (including mullions and similar window frame elements) and/or as open area.

**Gallery.** A Lightweight roof structure or BALCONY supported by columns and attached to the building frontage to provide shelter to the sidewalk.

**Ground Story.** The first habitable level of a building at or above grade. For commercial frontages, at least two-thirds of the finished floor elevation within 30 feet of the required building line shall be within 18 inches of the adjacent fronting sidewalk level. When a residential use occupies the GROUND STORY, the finished floor shall be at least three feet, but never more than six feet above the fronting sidewalk elevation. The next story above the GROUND STORY is the second story.

**Parcel.** Where this term is used in §120-77.2, it refers exclusively to PARCELS I and II as indicated on the REGULATING PLAN. PARCELS may be subdivided into separate building lots in accordance with Chapter 128. Subdivisions do not affect any provisions of this section relating to PARCELS.

**Parking Setback Line.** A line or plane indicated on the REGULATING PLAN which extends vertically (unless otherwise noted) and is generally parallel to the REQUIRED BUILD-TO LINE (RBL) or REQUIRED FRONTAGE ZONE (RFZ). The parking setback is typically 30 feet behind the RBL, or the actual FAÇADE of the building where there is an RFZ, unless otherwise designated on the REGULATING PLAN. All parking shall be situated behind this line, except where it is entirely be-

low grade. The PARKING SETBACK LINE is a permissive minimum and parking may be placed anywhere within the lot behind this line.

**Regulating Plan.** The implementing plan for the development of the Marina District. The REGULATING PLAN indicates the allowable building types, allocates space for the required CIVIC SQUARE and provides specific information for vehicular access to each PARCEL.

**Required Build-To Line (RBL).** A line or vertical plane indicated on the REGULATING PLAN, defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The FAÇADE shall occur on the REQUIRED BUILD-TO LINE - this is a requirement, not a permissive minimum. The minimum length and height of frontage that is required at the RBL is shown on the appropriate Building Envelope Standard.

**Required Frontage Zone (RFZ).** A horizontal plane indicated on the REGULATING PLAN, defining the area within which the building FAÇADE must be placed. The FAÇADE shall occur within the REQUIRED FRONTAGE ZONE - this is a requirement that allows for a greater range of options on those PARCELS where the RFZ is instituted in place of the RBL. These are PARCELS where definition and enclosure of the street space are of lesser importance, therefore wider latitude is given.

**Street Wall.** A masonry wall set back not more than 24 inches from the required building line which assists in the definition of the street-space in the absence of a building. See the General Provisions of the BUILDING ENVELOPE STANDARDS for height specifications.

Section 3. Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, as amended, is hereby further amended as follows:

- (a) Section 62-1, Definitions, is amended by adding thereto where it should appear in alphabetical order the following new definition:

MARINA VENDING DISTRICT - Shall include all of the M-D Marina District as established pursuant to Chapter 120, Zoning Code.

- (b) Section 62-3, Fees and expiration of license, is amended by adding the words and symbol “, the Marina Vending District” after the words “Center City Vending District” in

each place that they are contained therein.

(c) Section 62-7, Additional Center City District and Harbortown provisions, is amended by amending the title to read "Additional Center City District, Marina and Harbortown provisions"; by adding the words and symbol "the Marina Vending District" after the words "Center City Vending District"; and by adding the words "or Marina" after the words "Center City", in each place that they are contained therein.

Section 4. This ordinance shall take effect immediately, except that Section 3 shall take effect on June 2, 2012.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember McFadden - 1.

Ordinance No. 2012-199  
(Int. No. 239)

**Changing The Zoning Classification Of 1000 North River Street And 4600, 4630, 4650 And 4752 Lake Avenue From H-V Harbortown Village To M-D Marina**

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 1000 North River Street and 4600, 4630, 4650 and 4752 Lake Avenue, from H-V Harbortown Village to M-D Marina:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being former Village of Charlotte Lots 21 thru 26, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at the intersection of the centerline of Lake Avenue (99' ROW) and the westerly extension of the north line of Lots A & B of Municipal Subdivision No. 2-2006, as filed in the Monroe County Clerk's Office in Liber 329 of Maps, Page 54, said intersection being the Point or Place of Beginning; thence

- 1) Southeasterly, along said north line of Lots A & B, a distance of 970 feet, more or less, to the center of the Genesee River; thence
- 2) Northeasterly, along said center of the Genesee River, a distance of 1450 feet, more or less, to the easterly extension of the centerline of Beach Avenue (66' ROW); thence
- 3) Northwesterly, along said extension and the centerline of Beach Avenue, a distance of 500 feet, more or less, to the northerly extension of the east line of Tax Parcel 047.470-01-007; thence
- 4) Southwesterly, along said east line of Tax Parcel 047.470-01-007, a distance of 357 feet, more or less, to the southeast corner thereof; thence
- 5) Northwesterly, along the south line of said Tax Parcel 047.470-01-007 and its extension, a distance of 675 feet, more or less, to the said centerline of Lake Avenue; thence
- 6) Southwesterly, along said centerline of Lake Avenue, a distance of 1160 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember McFadden - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-200  
Re: Loan Agreement - Brooks Landing  
Revitalization Project

Transmitted herewith for your approval is legislation related to the second major phase of development associated with the Brooks Landing Revitalization Project. This legislation will:

1. Authorize a loan agreement in an amount not to exceed \$900,000 with an entity to be formed by Ronald Christenson (Developer) for the development of the Flats at Brooks Landing. The terms of the loan include an interest rate of 1%, interest-only payments for 15 years and a balloon payment for the full loan amount to be paid at the end of 15 years.

2. Appropriate \$600,000 in proceeds received from the sale of 125 Lattimore Road to the University of Rochester to partially finance the loan.

The balance of the loan, \$300,000, will be financed from City Development Funds (\$152,371 and \$147,629 of the 2009-10 and 2011-12 NBD Project Assistance Funds, respectively).

In March 2012, Ordinance No. 2012-98 authorized several actions related to this project, including an agreement with the Developer for reimbursement of \$385,000 for environmental remediation at the development site, related Code amendments, and amendments to various easement agreements.

The financing package presented in March to assist the Developer in creating a feasible development plan included a \$750,000 REDCO loan. However, anticipated equity to be leveraged through New Market Tax Credits is not available, and the subsequent shift by the Developer to other capital funding sources makes the project ineligible for REDCO funds. A City loan in the amount of \$900,000 will allow the project, as designed, to move forward. The commencement of the Project is contingent upon resolution of collateral issues, including environmental issues.

In addition, the City will support a revised proposal for a PILOT agreement between COMIDA and the Developer for the project, subject to COMIDA requirements.

The updated sources and uses of funds for the project are as follows:

<u>Uses of Funds</u>	
Construction costs	\$16,908,466
Soft costs	<u>3,335,000</u>
Total	\$20,243,466

<u>Sources of Funds</u>	
Bank loan	\$ 2,990,633
EB-5 Equity	12,000,000
Developer equity	3,967,833
City loan	900,000
City agreement/environmental work	<u>385,000</u>
Total	\$20,243,466

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Ordinance No. 2012-200  
 (Int. No. 246)

**Authorizing A Loan Agreement For The Flats At Brooks Landing Development Project**

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with an entity to be formed by Ronald Christenson for the Flats at Brooks Landing Development Project. The loan shall be for a term of 15 years with interest at 1%. Interest in the amount of 1% shall be payable annually. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$900,000, and of said amount, or so much thereof as may be necessary, \$152,371 shall be funded from the 2009-10 City Development Fund, \$147,629 shall be funded from the 2011-12 City Development Fund and \$600,000 is hereby appropriated from funds received from the University of Rochester for the release of the restrictive covenant on the property at 125 Lattimore Road.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-201  
 Re: Amending Ord. No. 2011-353 -  
 Hardy Park Apartments Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2011-353 which authorized agreements for three loans for the Hardy Park Apartments Project, as follows:

<u>Amount</u>	<u>Source</u>	<u>Terms</u>
\$235,000	City Development Fund	Permanent financing 15 years/3% interest
\$250,000	Cash Capital	Construction/permanent financing

15 years/30 years amortization/3% interest	
Year 1-10 interest only payment	
Year 11-15 amortized payment	
Year 15 \$222,266 payment due	

County property taxes	2012	1,700
County property taxes	2013	1,700
Closing Costs		<u>8,100</u>
Total		\$60,000

\$350,000 Cash Capital  
 Construction/permanent financing  
 15 years/deferred payment  
 6.67% forgiven annually  
 Balance due upon sale of property

It is anticipated that the \$295,000 City Development Funds would be fully paid at 3% interest through the amortized 20 year loan.

\$835,000 Total

Any funds not needed toward associated costs would be used to reduce the principal balance of the loan.

This amendment will:

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

1. Increase the City Development Fund Loan amount by \$60,000 to a maximum of \$295,000 to be used for additional expenses related to the project through construction completion. The source of the additional funds will be the 2011-12 NBD Project Assistance Fund.
2. Extend the terms for all loans by five years, from 15 to 20 years.
3. Modify the payment plan for the \$250,000 Cash Capital loan to have interest-only payments for years 1-10 and amortized payments, based on a 30-year amortization, for years 11-20, resulting in a balloon payment of \$199,673 due at the end of the term.
4. Modify the \$350,000 Cash Capital deferred payment loan to forgive 5% annually for the 20-year term of the loan.

Ordinance No. 2012-201  
 (Int. No. 247)

**Amending Ordinance No. 2011-353, Relating To Loan Agreements For The Hardy Park Apartments Project**

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

All other terms and conditions will remain as originally authorized.

Section 1. Ordinance No. 2011-353, relating to loan agreements with Hardy Properties, Inc. to partially finance the costs of the construction and reconstruction of housing units as a part of the Hardy Park Apartments Project at 191-209 Jefferson Avenue, is hereby amended by increasing the amount of the loan from the City Development Fund by \$60,000, from \$235,000 to \$295,000. Said amount shall be funded from the 2011-12 City Development Fund. The terms of all loans for the Project shall be extended from 15 years to 20 years. The \$250,000 Cash Capital loan shall be at 3% interest, with interest-only payments for years 1-10, amortized payments for years 11-20 based on a 30 year amortization period, and a balloon payment of \$199,673 due at the end of year 20. The second Cash Capital loan, not to exceed \$350,000 as needed to complete property renovations, shall have deferred payment for 20 years, with 5% forgiven annually. The balance of the loan shall be payable if the property is sold during the term of the loan. All other terms and conditions shall remain the same as originally authorized.

These loans, totaling \$835,000, were authorized for the completion of renovation to the 10-unit residential structure at 191-209 Jefferson Avenue. It was recently determined that the developer, Hardy Properties, does not have sufficient financial resources to close on the City loans or to pay related property costs prior to the completion of project. The developer incurred substantial unanticipated costs related to the refinance of an adjoining property that affected his ability to maintain payment plans related to the subject property. The additional \$60,000 would be used as follows:

Section 2. This ordinance shall take effect immediately.

Accrued interest on outstanding		
mortgage loans		\$16,000
Legal fees		14,000
City property taxes	2009-10,	
	2010-11,	
	2011-12	5,500
City property taxes	2012-13	13,000

Passed unanimously.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-202  
Re: Zoning Map Amendment -  
849-851 Norton Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the property at 849-851 Norton Street from R-1 Low Density Residential District to C-1 Neighborhood Center District.

The property is currently used as a parking lot in conjunction with the former Pulaski Library at 1151 Hudson Avenue and is zoned R-1; the library is in a C-1 District. The City owns both properties.

Rezoning will enable the City to combine these two properties into a single parcel with the intention of offering the library building for sale, subject to receiving an acceptable business plan. In order to combine these two properties, they must be in the same Zoning District.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, April 16, 2012. One person spoke in support of the rezoning. By a vote of 6-0 the Planning Commission recommended approval; the minutes and recommendation are attached.

A public hearing on the rezoning is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-86

Ordinance No. 2012-202  
(Int. No. 221)

**Changing The Zoning Classification Of 849-851 Norton Street From R-1 Low Density Residential To C-1 Neighborhood Center**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 849-851 Norton Street, from R-1 Low Density Residential to C-1 Neighborhood Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 44, Township 14, Range 7 and being more particularly bounded and described as follows: Beginning at the intersection of the centerline of Norton Street (66'

ROW) with the northerly extension of the east line of Lot 407 of the Block & Blauw's Amended Subdivision, as filed in the Monroe County Clerk's Office in Liber 9 of Maps, Page 49, said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said extension and the east line of Lot 407, a distance of 133.0 feet, more or less, to the southeast corner thereof; thence
- 2) Westerly, along the south line of said Lot 407, a distance of 34.0 feet to the southwest corner thereof; thence
- 3) Northerly, along the west line of said Lot 407 and it's extension, a distance of 133.0 feet, more or less, to the said centerline of Norton Street; thence
- 4) Easterly, along said centerline, a distance of 34.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Scott  
May 22, 2012

To the Council:

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

Int. No. 222 - Authorizing Agreements For The Brownfield Assistance Program

Int. No. 223 - Establishing Maximum Compensation For A Professional Services Agreement For A Parking Garage Elevator Evaluation Study

Int. No. 224 - Establishing Maximum Compensation For A Professional Services Agreement For The Erie Harbor Enhancement Project

Int. No. 225 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Dam Engineering Assessments

Int. No. 226 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Quality Testing Services

Int. No. 227 - Establishing Maximum Compensation For A Professional Services Agreement For ArtWalk Artistic Services

Int. No. 235 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 240 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$477,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Dewey Avenue And Driving Park Avenue Preventive Maintenance Project In The City

Int. No. 241 - Establishing Maximum Compensation For A Professional Services Agreement For The Dewey Avenue And Driving Park Avenue Preventive Maintenance Project And Appropriating Funds

Int. No. 242 - Establishing Maximum Compensation For A Professional Services Agreement For The North Winton Road Improvement Project

Int. No. 162 - Establishing Maximum Compensation For A Professional Services Agreement For The City Hall Green Pervious Parking Lot Project

Respectfully submitted,  
Loretta C. Scott  
Matt Haag  
Elaine M. Spaul  
Lovely A. Warren (Did not vote on Int. Nos. 222 through 226)  
Dana K. Miller  
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-203  
Re: Agreements - Brownfield Assistance Program

Transmitted herewith for your approval is legislation related to the Brownfield Assistance Program. This legislation will:

1. Appropriate \$200,000 of 2011 United States Environmental Protection Agency (USEPA) Brownfield Assessment grant funds awarded to the City for the purpose of financing the investigation of hazardous substance sites.
2. Appropriate \$200,000 of 2011 USEPA Brownfield Assessment grant funds awarded to the City for the purpose of financing the investigation of petroleum sites.
3. Authorize agreements with the following nine firms for brownfield consulting services:

- Bergmann Associates
- Day Environmental, Inc.
- LaBella Associates
- LCS Inc.
- Leader Professional Services, Inc.
- Lu Engineers
- O'Brien & Gere Engineers, Inc.
- Stantec Consulting Services, Inc.
- Tritech Environmental Health & Safety

The cost of these agreements will be financed from the EPA grants appropriated herein. A portion (\$13,500) of each grant has been included in the proposed 2012-13 Budget for reimbursement of City staff and supply costs related to management of the Brownfield Assistance Program.

The City's award-winning Brownfield Assistance Program (BAP) is designed to stimulate environmental investigation and testing of city brownfield properties by developers and business owners. Interested parties apply to the City for investigations of parcels of interest. Upon approval, a service agreement is executed, and the applicant selects one of the BAP consultants to develop a proposal for environmental assessment services. The City oversees the process and ensures compliance with EPA grant requirements.

The applicant pays a fee equal to one third of the cost of the investigation. This fee is waived upon notification to the City that the project is terminated based on the environmental conditions found. All investigation reporting is retained by the City; and fees paid are used for additional BAP projects.

A request for proposals was issued on February 9, 2012. The USEPA does not allow a formal local preference; however, all but one of the nine responding firms are located in the city. Based on experience in the BAP program, qualifications to perform the environmental assessment services typically required by local businesses and developers, familiarity with EPA brownfield grant requirements, and reasonableness of costs, all nine are recommended.

Consistent with the term of the EPA grants, the agreements will have an initial term of three years with provision for a two-year renewal period. Adjustment to the specific unit prices after the first year will be permitted subject to City approval.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-203  
(Int. No. 222)

**Authorizing Agreements For The Brownfield Assistance Program**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for brownfield consulting services as a part of the Brownfield Assistance Program as required by the City:

- Bergmann Associates
- Day Environmental, Inc.
- LaBella Associates, PC
- LCS Inc.
- Leader Professional Services, Inc.
- Lu Engineers
- O'Brien & Gere Engineers, Inc.
- Stantec Consulting Services, Inc.
- Tritech Environmental Health And Safety, Inc.

Section 2. Each agreement shall have a term of three years, with provision for renewal for two additional one year terms. Each agreement shall provide for an assessment to be performed on an as needed basis, and shall establish a unit price to be paid for a particular assessment. The unit price may be adjusted after the first year with the approval of the City Engineer. The cost of the agreements shall be funded from the appropriations contained herein.

Section 3. The sum of \$200,000 is hereby appropriated from 2011 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency to fund the investigation of hazardous substance sites.

Section 4. The sum of \$200,000 is hereby appropriated from 2011 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency to fund the investigation of petroleum sites.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-204  
Re: Agreement - Pardi Partnership Architects, P.C., Parking Garage

Elevator Evaluation

Transmitted herewith for your approval is legislation establishing \$105,000 as maximum compensation for an agreement with Pardi Partnership Architects, P.C. for architectural and engineering services required to evaluate the elevators in municipal parking garages. The agreement will be financed from the prior years' Cash Capital.

Pardi was selected through a request for proposal process conducted in December 2011, and was subsequently authorized in February 2012 (Ord. No. 2012-81) to perform the evaluation of the elevators in the Sister Cities Garage, which needed immediate attention. Pardi will now provide similar services for the remaining garages.

High Falls, Court Street, Washington Square, Mortimer Street and South Avenue Parking Garages have a total of 17 elevators ranging in age from 17 to 35 years. The consultant will perform comprehensive garage elevator evaluations to identify safety and maintenance issues, establish condition ratings, and assess work required to render all elements in good-to-excellent condition. The consultant will also provide preliminary cost estimates for equipment replacement or repair and for any improvements needed to comply with current code requirements. A life cycle cost analysis and prioritization of elevator repairs will be used to develop a future five-year capital program for City garages elevators.

This phase of the project will result in the retention or creation of the equivalent of 1.1 full time jobs. The investigation will begin in June 2012 with completion anticipated in November 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-204  
(Int. No. 223)

**Establishing Maximum Compensation For A Professional Services Agreement For A Parking Garage Elevator Evaluation Study**

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

Section 1. The sum of \$105,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Pardi Partnership Architects, P.C. for a Parking Garage Elevator Evaluation Study. Said amount shall be funded from the Cash Capital allocation from prior

years (Parking Fund).

Ordinance No. 2012-205  
(Int. No. 224)

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-205  
Re: Agreement - Bayer Associates, Erie  
Harbor Enhancement Project

Transmitted herewith for your approval is legislation establishing \$65,000 as maximum compensation for an agreement with Bayer Associates for resident project representation services for the Erie Harbor Enhancement Project. The cost of the agreement will be financed from the bonds previously authorized for this purpose (Ordinance No. 2010-335).

The project, as outlined in the transmittal letter accompanying Ordinance No. 2010-334, includes construction of enhanced public pedestrian access to the waterfront; streetscape improvements along the west side of Mount Hope Avenue; and design of future improvements to Genesee Gateway Park, a 12-acre site extending from the Ford Street Bridge to 151 Mount Hope Avenue. The enhancements are intended to improve public access, sight-lines, recreational value, and scenic quality of the area, as well as to bolster the area's waterfront identity.

Bayer Associates was selected for design services on the Erie Harbor Enhancement Project through a request for proposal process. Council authorized that agreement in September 2010 (Ord. No. 2010-334); Bayer will continue on the project based on their availability, qualifications, experience, and familiarity with the project.

The City received bids for the construction on April 3, 2012. Work will be performed by Frederico Construction and Demolition, Rochester, NY, at a cost of \$553,489.

Consultant services will begin in spring 2012. It is anticipated that construction will begin in spring 2012 with scheduled completion in summer 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-87

**Establishing Maximum Compensation For A Professional Services Agreement For The Erie Harbor Enhancement Project**

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

Section 1. The sum of \$65,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bayer Associates for resident project representation services for the Erie Harbor Enhancement 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. 2010-335.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-206  
Re: Amendatory Agreement - T.Y.Lin  
International, Water Supply  
Infrastructure Repairs; Dam  
Engineering Assessments

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with T.Y.Lin International for completion of engineering assessments for Canadice Lake Dam and Hemlock Lake Dam. The original agreement authorized by City Council in June 2011 (Ord. No. 2011-216) established \$65,000 for engineering services related to the Upland water system. This amendment will increase the maximum compensation by \$100,000 for a total of \$165,000. The additional cost will be funded from prior years' Cash Capital allocation (Water Fund).

New dam safety regulations issued by the New York State Department of Environmental Conservation require a full Engineering Assessment Report of Large Class C, High Hazard Dams to be completed and submitted by August 19, 2012. This assessment will include a complete safety inspection and a thorough engineering analysis of the dam, including its function, structural stability, spillway capacity, and any conclusions as to whether the dam is in a safe condition.

T.Y.Lin was selected through a request for pro-

posals process in June 2011 for engineering services required for the Upland Structures Miscellaneous Repair Project. Given their current work in the Upland area and consequent savings, as well as the short time in which to complete the work, they are recommended to complete the dam engineering assessments.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-206  
(Int. No. 225)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Dam Engineering Assessments**

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 T.Y. Lin International for Dam Engineering Assessments for the Canadice Lake Dam and the Hemlock Lake Dam. 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 Cash Capital allocation (Water Fund) from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-207  
Re: Amendatory Agreement - Analytical Services, Inc., Water Monitoring Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Analytical Services, Inc. (Williston VT) for additional water quality testing services. The original agreement authorized in April 2011 (Ord. No. 2011-112), was for a three-year term, with compensation of \$2,000. An amendment in February 2012 (Ord. No. 2012-79) increased compensation to a total of \$15,000. This amendment will further increase compensation by \$20,000 for a total of \$35,000. The additional cost will be funded from the 2011-12 Budget of the Department of Environmental Services.

The EPA recently granted the City an extension to its Bilateral Compliance Agreement (BCA) regarding installation of ultraviolet (UV) disinfection reactors at Cobbs Hill and Highland reservoirs. A condition of the amended BCA requires the City to test the water leaving Cobbs Hill and Highland reservoirs twice a month for the presence of the waterborne pathogens *Giardia* and *Cryptosporidium*. The purpose of the testing is to document that additional UV treatment is not needed. This additional testing was not anticipated under the original agreement.

The final conditions of EPA's BCA extension were learned in March, after authorization of the February 21, 2012 amendatory agreement. It is now known that the annual cost of testing will be at least \$20,000. However, if the presence of *Giardia* or *Cryptosporidium* is detected, subsequent costs for continual monitoring will increase significantly, requiring this additional allocation.

Analytical Services, Inc. was initially selected through a request for proposal process in March 2011. Their performance has been excellent and they are recommended to continue to provide these services.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-207  
(Int. No. 226)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Quality Testing Services**

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Analytical Services, Inc. for water quality testing services. Said amount shall be funded from the 2011-12 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. 2012-208  
 Re: Agreement - John Dodd, Artistic  
 Benches for the University Avenue  
 And Art Walk Extension

Goodman		\$9,000
Bike rack:		
Mauro Cringoli	<i>Hyper Rack</i>	
RMSC grounds		\$5,500

Transmitted herewith for your approval is legislation establishing \$27,000 as maximum compensation for an agreement with John Dodd (Canandaigua, NY) for artistic services related to the University Avenue Improvements and Art Walk Extension Enhancements project. The cost of the agreement will be funded from Federal funds previously appropriated in Section 2 of Ordinance 2009-156 in May 2009.

Conceptual drawings of the benches and the bike rack, along with a map showing their locations, are attached. The artistic benches and the artistic bike rack will be completed by fall 2012 and are expected to be installed in time for the public dedication of the Art Walk Extension Enhancement project which is tentatively scheduled for late September 2012.

This agreement is one of several with artists for the commissioning of artistic benches and an artistic bike rack as part of the Art Walk Extension project. Publically advertised calls for art were issued in December 2011, and were posted on the City's and the Art Walk Extension Project websites; advertised on fliers and post cards distributed and displayed throughout the Neighborhood of the Arts; and sent directly to interested parties via a project e-mail list. Fifty-one proposals were received from artists for the Artistic Seating Call for Art, and eleven proposals were received from artists for the Artistic Bike Rack Call for Art.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-88

Ordinance No. 2012-208  
 (Int. No. 227)

**Establishing Maximum Compensation For A Professional Services Agreement For ArtWalk Artistic Services**

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

Community juries were established for each Call for Art. The juries selected three to five semi-finalists for each location of the benches and the bike rack. Those semi-finalists were then asked to create scale models of their art and the scale models were publically displayed for community voting. The juries then reconvened and selected the finalists for each location. Mr. Dodd was selected by the community jury to install three benches at two separate locations. Two of them, entitled *Deflected Reflection*, will be installed at the public plaza which is being constructed at the Anderson Artists building, and the other, entitled *Would You Come Join Us?*, will be installed at the southwest corner of University Avenue and North Goodman Street.

Section 1. The sum of \$27,000, 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 John Dodd for artistic services related to the University Avenue Improvements and Art Walk Extension Enhancements Project. Said amount shall be funded from the American Recovery and Reinvestment Act funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 2. This ordinance shall take effect immediately.

The other selected artists are:

Passed unanimously.

<u>Artist</u>	<u>Title</u>	<u>Cost</u>
<u>Benches:</u>		
John & Laurie Grieco	<i>Meeting Place</i>	
	University Av near SOTA	\$9,000
Roberley Bell	<i>Blob Bench</i>	
	NW corner of College & Goodman	\$9,000
Scott Grove	<i>Opposites Attract</i>	
	NE corner of East Av & Goodman	\$9,000
Dejan Pejovic	<i>Boulder Sphere</i>	
	SE corner of East Av &	

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-209  
 Re: Amending the City Code -  
 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 (including the Village of Lima), and the Town of Richmond.

The present wholesale rate of \$1.45 per 1,000 gal-

lons was established by the City Council in April 2011. As per the City contracts with both towns, an increase of 3.16% is proposed, based on the Consumer Price Index for the calendar year 2011. This would result in an increase of \$0.05 for a rate of \$1.50 per 1,000, and additional revenue of approximately \$6,800.

These wholesale water customers consumed about 135,000,000 gallons last year. Annual usage for 2011 in the Town of Lima Water Districts 1 and 2 (including the Village) was 72,900,000 gallons (54% of the total), and the Town of Richmond's usage was 62,00,000 gallons (46%).

The cost increase is related primarily to required operation and maintenance.

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. The proposed rate increase will go into effect on July 1, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-209  
(Int. No. 235)

**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: \$1.50 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, 2012.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-210 and  
Ordinance No. 2012-211  
Re: Dewey Avenue & Driving Park Avenue  
Preventive Maintenance Project

Transmitted herewith for your approval is legislation related to the Dewey Avenue & Driving Park Avenue Preventive Maintenance Project. This legislation will:

- 1. Authorize the issuance of bonds totaling \$477,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
- 2. Appropriate \$1,331,000 in anticipated Federal Highway aid to finance a portion of the Federal aid- eligible project costs; and
- 3. Establish \$159,000 as maximum compensation for an agreement with Lu Engineers, P.C., for Resident Project Representation (RPR) services. The funding for this agreement is summarized in the table below.

Agreements with the New York State Department of Transportation to administer these projects were authorized in March 2010 (Ord. No. 2010-81). Geometric changes to Driving Park Avenue were approved by Council at the May 2011 meeting (Ord. No. 2011-160).

This Federal aid project is administered by the City through the NYSDOT. The City has secured funding for 71% of the project costs from the Federal Highway Administration with the remaining 29% being a local share. The pedestrian enhancements within the Dewey Driving Park Focused Investment Strategy area are not eligible for federal transportation aid.

Work on Dewey Avenue will involve milling and resurfacing the pavement from Driving Park Avenue to Eastman Avenue; work on Driving Park Avenue will involve milling and resurfacing the pavement from the eastern railroad bridge to Mt. Read Boulevard. Work on both streets include: isolated pavement repairs at deteriorated pavement sections; installation of pavement markings; spot hazardous sidewalk repairs; new sidewalk including replacement of existing asphalt covered sidewalks; spot curb replacement; and modification of existing handicap ramps for compliance with current ADA guidelines. The intersection of Ramona Street will be realigned using curbing changes and pavement markings. A crosswalk on Ramona Street and the west leg of Driving Park Avenue will be installed.

The project will also include some pedestrian enhancements within the Dewey Driving Park Focused Investment Strategy area. These enhancements include bike racks, benches, countdown pedestrian timers and crosswalks.

Bids for construction were received on May 8, 2012. The apparent low bid of \$1,538,930.30 was submitted by DiFiore Construction, Inc., which is 8.8% less than the engineer's estimate. An additional \$172,364.70 will be allocated for project contingencies.

The funding sources for the costs of project components, based on the bid amount, are as follows:

<u>Source</u>	<u>Construction</u>	<u>RPR</u>	<u>Total</u>
	<u>Contingency</u>		
Federal aid	\$1,192,807.84	\$127,000	
	\$ 11,192.16		\$1,331,000
City transportation bonds	315,321.72	29,900	
	131,778.28		477,000
City transportation cash	11,150.24	0	
	1,144.76		12,295
City Cash Capital (FIS)	19,650.50	2,100	
	<u>28,249.50</u>	<u>2,100</u>	<u>50,000</u>
Total	\$1,538,930.30	\$159,000	
	\$172,364.70	\$1,870,295	

NYSDOT has established a pre-approved list of regional engineering firms, evaluated and recommended by federal, state and local staffs, from which project sponsors may obtain engineering services for Federal Aid transportation projects. These qualifications were used by Department of Environmental Services, Bureau of Architecture and Engineering staff to recommend Lu Engineers based on their capabilities and staff availability.

Resident project representation services will begin with project construction. It is anticipated that construction will begin in July 2012 with scheduled completion in November, 2012. This project will result in the creation/retention of the equivalent of 18.4 full-time jobs.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-89

Ordinance No. 2012-210  
 (Int. No. 240)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$477,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Dewey Avenue And Driving Park Avenue**

**Preventive Maintenance 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 reconstruction of certain streets as a part of the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,870,295. The plan of financing includes the issuance of \$477,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,331,000 appropriated from Federal Highway Administration funds and \$62,295 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$477,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$477,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2012-211  
(Int. No. 241)

**Establishing Maximum Compensation For A Professional Services Agreement For The Dewey Avenue And Driving Park Avenue Preventive Maintenance Project And Appropriating Funds**

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

Section 1. The sum of \$159,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers, P.C. for resident project representation services for the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$127,000 shall be funded from the appropriation made in Section 2, \$29,900 shall be funded from a bond ordinance adopted for this Project and \$2,100 shall be funded from the Cash Capital allocation from prior years.

Section 2. The sum of \$1,331,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-212  
Re: North Winton Road Improvement  
Project (Blossom Road to Corwin  
Road)

Transmitted herewith for your approval is legislation establishing \$375,000 as maximum compensation for an agreement with Hunt Engineers, Architects & Land Surveyors, P.C., Rochester, for engineering planning and design services for the North Winton Road Improvement Project. The cost of this agreement will be financed from previously appropriated (Ord. No. 2012-150) anticipated reimbursements from the Federal Highway Administration (\$241,600) and from prior years' Department of Environmental Services Cash Capital allocations (\$133,400).

Proposals for these services were solicited from all fourteen firms on the NYSDOT list of pre-approved regional engineering firms. Proposals were submitted by ten firms: Barton & Loguidice, P.C.; Erdman Anthony; Fisher Associates; Hunt Engineers, Architects and Land Surveyors, P.C.; LaBella Associates, P.C.; Lu Engineers (14534); Popli Design Group (14526); Ravi Engineering & Land Surveying, P.C.; Stantec Consulting Services, Inc.; and T.Y. Lin International. A team of four City staff reviewed the proposals and, based on their qualifications and approach to the project, Hunt Engineers, Architects & Land Surveyors, P.C. is recommended.

Design of the project will begin in summer 2012 and is anticipated to be completed in spring 2014. Construction of North Winton Road is expected to begin in 2015. This phase of the project results in the creation/retention of the equivalent of 4.1 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-90

Ordinance No. 2012-212  
(Int. No. 242)

**Establishing Maximum Compensation For A Professional Services Agreement For The North Winton Road Improvement Project**

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

Section 1. The sum of \$375,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Hunt Engineers, Architects & Land Surveyors, P.C. for engineering planning and design services for the North Winton Road Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$241,600 shall be funded from Federal Highway Administration funds appropriated in Section 5 of Ordinance No. 2012-150 and \$133,400 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 162 was introduced April 24, 2012 and appears in its original form with its

transmittal letter on page 171 of the current Council Proceedings.

Ordinance No. 2012-213  
(Int. No. 162)

**Establishing Maximum Compensation For A Professional Services Agreement For City Hall Green Pervious Parking Lot Project**

Passed unanimously.

By Councilmember McFadden  
May 22, 2012

To the Council:

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

Int. No. 228 - Authorizing An Agreement For A Bomb Squad Initiative Grant

Int. No. 229 - Authorizing An Agreement For A State Homeland Security Grant

Int. No. 230 - Authorizing An Agreement Under The 2011 State Law Enforcement Terrorism Prevention Program

Int. No. 231 - Authorizing Agreements For The 2012 Justice Assistance Grant Program

Int. No. 233 - Authorizing An Application And Agreements For The 2012 Summer Food Service Program For Children

Int. No. 234 - Authorizing Agreements Relating To The Rochester After School Academy Program

Int. No. 243 - Establishing Maximum Compensation For A Professional Services Agreement For Public Market Concerts

The following entitled legislation is being held in Committee:

Int. No. 232 - Authorizing Agreements Relating To The 2012 Summer Of Opportunity Program

Respectfully submitted,  
Matt Haag  
Loretta C. Scott  
Lovely A. Warren (Did not vote on Int. No. 243)  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION  
COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-214,  
Ordinance No. 2012-215 and  
Ordinance No. 2012-216

Re: Agreement - NYS Division of  
Homeland Security and Emergency  
Services Grants

Transmitted herewith for your approval is legisla-  
tion authorizing applications and agreements with  
the NYS Division of Homeland Security and  
Emergency Services for the receipt and use of  
grants totaling \$323,514, under the following pro-  
grams:

2010 State Homeland Security Program (SHSP)  
Bomb Squad Initiative

The 2010 SHSP Bomb Squad Initiative provides  
\$81,250 to enhance FBI-accredited bomb disposal  
unit capabilities through the development of re-  
sponse plans, acquisition of advanced equipment,  
completion of training, and the participation in  
exercises. The Police Department will use grant  
funds for explosives storage equipment (\$35,000)  
and specialized equipment and tactical training  
(\$46,250). This amount will be included in the  
proposed 2012-13 Budget of the Police Depart-  
ment.

The term of this grant is March 22, 2012 to July 31,  
2013.

2011 State Homeland Security Program (SHSP)  
Training and Equipment

This \$113,274 grant supports Chemical, Biological,  
Radiological, Nuclear and Enhanced Conventional  
Weapons (CBRNE) incident planning and training  
exercises. The Fire Department will use these  
funds for training (CBRNE, trench rescue, and  
structural collapse) at a cost of \$35,611, and related  
equipment at a cost of \$72,000. The balance of the  
grant, \$5,663, will cover the department's man-  
agement and administrative costs. These grant  
funds will be included in the proposed 2012-13  
(\$92,638) and 2013-14 (\$20,636) Budgets of the  
Fire Department.

The term of this grant is September 1, 2011 to  
August 31, 2014.

2011 State Law Enforcement Terrorism Pre-  
vention Program (SLETPP)

This \$128,887 grant is provided to enhance capa-  
bilities to identify, prevent, and address terrorist  
events. This grant will fund the purchase of per-  
sonal protection gear for approximately 42 Police  
Officers and related training.

The last round of funding authorized by Ordinance  
No. 2010-92 was for \$309,600 which was used to  
purchase equipment and training for Police De-  
partment special teams, including servers and soft-  
ware for security cameras and a truck to transport  
SCUBA equipment and personnel.

The term of this grant is September 1, 2011 to  
August 31, 2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-214  
(Int. No. 228)

**Authorizing An Agreement For A Bomb  
Squad Initiative Grant**

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

Section 1. The Mayor is hereby authorized to  
enter into an agreement with the New York State  
Division of Homeland Security and Emergency  
Services for funding for the Rochester Police De-  
partment under the 2010 State Homeland Security  
Program Bomb Squad Initiative 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 im-  
mediately.

Passed unanimously.

Ordinance No. 2012-215  
(Int. No. 229)

**Authorizing An Agreement For A State  
Homeland Security Grant**

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

Section 1. The Mayor is hereby authorized to  
enter into an agreement with the New York State  
Division of Homeland Security and Emergency  
Services for funding for emergency incident train-  
ing and equipment for the Rochester Fire Depart-  
ment under the 2011 State Homeland Security  
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.

Ordinance No. 2012-216  
(Int. No. 230)

**Authorizing An Agreement Under The 2011 State Law Enforcement Terrorism Prevention Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for funding for the Rochester Police Department under the 2011 State Law Enforcement Terrorism Prevention Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-217  
Re: Agreement - US Department of Justice,  
2012 Justice Assistance Grant

Transmitted herewith for your approval is legislation related to the 2012 Justice Assistance Grant. This legislation will:

1. Authorize an agreement with the US Department of Justice for the application for and receipt and use of a \$207,121 grant;
2. Authorize an agreement with the County of Monroe for the distribution and use of a portion of the grant, \$93,205, for implementation of "Operation Nightwatch".

As administrator for the grant, the City is allowed 10%, or \$20,712, to cover administrative costs. The remaining funds are allocated equally between the City and the County for their respective programs. The County intends to use its share to support "Operation Nightwatch", a program of the Probation Department.

The City share will be used to underwrite the salary

costs of a victims services specialist position in the Police Department's Family and Victims Services Section. These funds were anticipated and included in the 2011-12 Budget of the Police Department.

The previous Justice Assistance Grant was authorized in July 2011 under Ordinance No. 2011-259. The term of this grant is October 1, 2011 to September 30, 2015.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-217  
(Int. No. 231)

**Authorizing Agreements For The 2012 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 2012 Justice Assistance Grant Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe to fund the Monroe County Probation Department Grant Program.

Section 3. The agreement shall obligate the City to pay to the County an amount not to exceed \$93,205, 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 2012 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. 2012-218  
Re: Summer Food Service Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education for anticipated

reimbursements of \$336,187 for the 2012 Summer Food Service Program (SFSP), and establishing \$262,200 as maximum compensation for an agreement with the Rochester City School District for the preparation and delivery of the breakfasts and lunches. The cost of the agreement will be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

SFSP provides free breakfast and lunch to city children aged 18 and under and to disabled persons over 18 who are enrolled in a school year program for children with disabilities. The program will operate June 25 to August 24, 2012. Sites will be selected based upon proximity to youth service activities and satisfactory past participation in the program.

The program is administered by the City and reimbursed by the State Education Department, using federal funding. The District will prepare and deliver the meals to the program sites. Federal regulations strongly encourage the City to first consider the local school district as the source for obtaining meal service, and do not require competitive bid procedures when doing so.

The federal reimbursement rates and projected numbers of meals are as follows:

<u>Meals</u>	<u>Rate</u>	<u>Reimbursement</u>
Breakfast		
45,400	\$1.8975	\$ 86,147
Lunch		
75,200	\$3.3250	<u>250,040</u>
Total		\$336,187

The full reimbursement amount has been included in the proposed 2012-13 Budget of the Department of Recreation and Youth Services. The balance will be used as follows:

Salaries	
Coordinator, 2 monitors, clerk	\$52,400
Refuse pickup	13,700
Mileage reimbursements	1,500
Other administrative support	<u>6,387</u>
	\$73,987

The most recent agreement for these services was approved by Council in June 2011.

The number of meals served in past years is as follows:

<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Breakfast			
70,863	59,286	40,275	39,178

Lunch			
<u>106,696</u>	<u>88,992</u>	<u>66,119</u>	<u>65,737</u>
Total			
177,559	148,278	106,394	104,915

A recent assessment undertaken by the Rochester Area Community Foundation indicates that there is a greater need for summer meals to be provided to children in the city. In response, there will be an increased effort this year to publicize the program. A consequent increase in the number of meals is being planned.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-91

Ordinance No. 2012-218  
(Int. No. 233)

**Authorizing An Application And Agreements For The 2012 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 2012 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 \$262,200, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said budget.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-219  
 Re: Rochester After School Academy

Transmitted herewith for your approval is legislation related to the Rochester After School Academy program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of \$847,771 in 21st Century Community Learning Centers Program funding for the Rochester After School Academy (RASA) for the 2012-13 school year.
2. Establish maximum compensation for the following agreements, which will be funded from the grant appropriated herein.

<u>Agency/Consultant</u>	<u>Amount</u>
<u>School Partner/Services</u>	
Ibero-American Action League	
Rochester STEM High School (at Edison)	\$126,376
Community Place of Greater Rochester	
Dr. Freddie Thomas H. S., Northeast and Northwest College Preparatory High Schools	150,240
The Center for Youth Services	
East High School	153,200
Children's Institute	
Evaluation and Surveys	15,000
Coordinated Care Services, Inc.	
Professional Dev't, Parent University, APR Evaluation	234,966
Margaret C. Lancer, Consultant	
Fiscal Reporting Services	10,000
Furaha Moye, Consultant	
Site Monitoring, Support for Parent Outreach Events	<u>20,000</u>
Total	<u>\$709,782</u>

The balance of \$137,989 has been included in the proposed 2012-13 Budget of the Department of Recreation and Youth Services, and will be used to support the Jefferson High School RASA site operated by the City (\$28,300), and for administrative and indirect costs (\$109,689).

RASA is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. Annual enrollment is planned at 60 youth per site, for a total of 240. Enrollment for past years was: 160 (2008-09); 231 (2009-10); 281 (2010-11); and 250 (2011-12, to date). Project description and budget information are attached.

2012-13 will be the final year of this five-year

grant. The partnering agencies were selected through a request for proposal process and were included in the grant application with the expectation of their participation throughout the five-year term. Margaret Lancer and Furaha Moye were City employees during the two previous five-year RASA grants. During that time they successfully supported site operations and State reporting requirements, and it was determined they were best qualified to support the City's leadership of RASA. To assure consistency, it is recommended their agreements be renewed for this year.

The most recent action by Council on the RASA program was in June 2011 (Ord. No. 2011-234).

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-92

Ordinance No. 2012-219  
 (Int. No. 234)

**Authorizing Agreements Relating To The Rochester After School Academy Program**

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

Section 1. The Mayor is hereby authorized to enter into an 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 (RASA) Program for the 2012-13 school year.

Section 2. The Mayor is hereby authorized to enter into the following agreements for projects under the RASA Program:

<u>Agency</u>	<u>Amount</u>
<u>School Partner</u>	
IBERO-American Action League	
Rochester STEM High School	\$126,376
Community Place of Greater Rochester	
Dr. Freddie Thomas, NE & NW Prep	150,240
The Center for Youth Services	
East High School	153,200
 <u>Consultant</u>	
<u>Services</u>	<u>Amount</u>
Children's Institute	
Evaluation and Surveys	\$ 15,000
Coordinated Care Services, Inc.	
Professional Development, Parent University, APR Evaluation	234,966

Margaret C. Lancer	
Fiscal Reporting Services	10,000
Furaha Moye	
Site Monitoring, Support for Parent	
Outreach Events	20,000

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$709,782, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York 21st Century Community Learning Centers Program Funds. A Department of Recreation and Youth Services Program at Jefferson High School and administrative and indirect costs in a total amount of \$137,989 shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said budget.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - None - 0.

Councilmember Spaully abstained because of a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2012-220  
 Re: Agreement - Bands on the Bricks/Night Market

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Eskay Concerts Inc., d/b/a/ "Up All Night" (Rochester 14620), to produce the "Bands on the Bricks/Night Market" summer concert series at the Rochester Public Market. The cost of this agreement will be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

A request for proposals for these services was issued May 2, 2012, posted on the City website, publicized via a press release, and e-mailed to seven known local promoters of outdoor shows. Responses were received from two entities: Eskay Concerts and John Chmiel, Water Street Music Hall. The proposals were reviewed by an inter-

departmental team. Eskay was selected based on their extensive experience producing and promoting concerts in outdoor venues, as well as their proven ability to locate and book a diverse selection of performers. They also assisted in the initiation of the series at the Market and have produced the series for the past 12 years.

Eskay will provide talent, sound and production services for up to eight concerts during July and August 2012 featuring national and regional performers. The free concert series is part of the Public Market's overall strategy to increase off-market day usage of the site and to attract new visitors to the venue. Last year, over 21,000 people attended the concerts. Eskay will provide the City with 4% of gross revenue (up to \$75,000) generated from sponsorships and sales at the events and 34% of any revenues above \$75,000.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Ordinance No. 2012-220  
 (Int. No. 243)

**Establishing Maximum Compensation For A Professional Services Agreement For Public Market Concerts**

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Eskay Concerts (d/b/a Up All Night) for talent booking and production services for the "Bands on the Bricks/Night Market" summer concert series at the Rochester Public Market. Said amount shall be funded from the 2011-12 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 beverages to the public at the "Bands on the Bricks" concert series, in exchange for 4% of the first \$75,000 in gross revenue from sponsorships and sales at the events, and 34% of the gross revenue above \$75,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
 Ladies and Gentlemen:

Introductory No. 232  
 Re: Summer of Opportunity Program

Transmitted herewith for your approval is legislation related to the implementation of the 2012 Summer of Opportunity Program (SOOP), which will serve 428 youth through a combination of agency- and City-administered programs at a total cost of \$609,275. This legislation will:

- Appropriate \$110,000 from the Job Creation/Youth Development Allocation of the 2012-13 Community Development Block Grant;
- Authorize an agreement with the New York State Department of Labor for the receipt and use of a \$250,000 summer jobs program grant, received through the efforts of New York Senator Joseph Robach;
- Establish maximum compensation for agreements with 12 agencies for related services, summarized in the table below to be funded from the appropriations herein.

Additional funds of \$249,275 are included in the 2012-13 Budget of the Department of Recreation and Youth Services.

This year the City issued a joint Request for Proposals (RFP) with RochesterWorks. The RFP was sent directly to city and county youth services agencies and school districts; and posted on the City and RochesterWorks websites. A press advisory was also issued. The RFP stipulated that proposed programs were to serve 10-40 youth, ages 14-20, at a limit of \$1,500 per participant, in the areas of: work readiness, career exploration, community service, and/or academic enrichment. All proposals were based on minimum wage for the students; programs accepted by the City were modified for stipends for the students.

A total of 28 proposals were received from 21 agencies. An inter-agency selection committee of 10 reviewed and ranked proposals using the following criteria:

- Quality of project design
- Demonstrated capability
- Cost efficiency
- Demonstrated understanding of RFP objectives
- Value of added resources (funds, contributions, modules/services, etc.)
- Prior experience with RochesterWorks/City of Rochester funding

All proposals were approved for funding either by

the City or RochesterWorks. The following programs selected by the City will serve a total of 305 students at a cost of \$350,500:

<u>Agency/Program</u>	<u># Youth</u>	<u>Cost</u>	<u>Cost Per</u>
<u>Project Description</u>			
Ibero - GLT Landscaper Apprentice Program	10	\$ 14,200	\$1,420
Career exploration in landscaping. Upkeep of the El Camino Trail.			
Community Place of Greater Rochester - Health	35	38,400	1,097
Career exploration in health occupations.			
Ibero - STEM-Art	30	34,200	1,140
Career exploration through enhancement of a community sculpture garden			
RTMA-MCC	15	20,700	1,380
Career exploration in machining; potential employment pipeline			
Community Place of Greater Rochester - ROC ONE	40	43,700	1,093
Career exploration in multi-media			
Baden In-Control Drama Team	15	17,000	1,133
Career exploration in the arts			
Boys and Girls Club	20	20,400	1,020
Career exploration in culinary arts and job shadowing			
Iglesia Educational Centers	20	24,600	1,230
Career exploration in STEM disciplines			
Kuumba Consultants	40	46,400	1,160
Career exploration in arts, entrepreneurship			
Baden In-Control Video	20	22,600	1,130
Career exploration in multi-media; community service			

Charles Settlement House  
 20            26,400    1,320  
                  Career exploration in multi-media;  
                  community service

Baden Street Industry/Career  
40            41,900    1,048  
                  Career exploration and planning

Total  
 305            \$350,500

In addition, the following Summer of Opportunity components are administered directly by the City at a total cost of \$258,775, funded from the 2012-13 Budget of the Department of Recreation and Youth Services:

<u>Program</u>	<u># Youth</u>	<u>Total</u>
Recreation	40	\$ 88,195
Teens on Patrol (TOPS)	15	24,805
SOOP+	10	14,175
The Employment Store	<u>58</u>	<u>131,600</u>
Total	123	\$258,775

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.

The City collaborates with RochesterWorks to conduct joint recruitment and application intake, including mandatory Job Readiness Training for those who need it, and Parent Orientation for students ages 14-15 seeking a summer job. The Children's Institute will continue, as authorized in Ordinance No. 2012-46, to manage the application and scheduling processes and data through COM-ET, a software system that is compatible with the School District's database.

The City of Rochester will provide payroll processing services and check distribution for all Recreation, TOPS, and SOOP+ participants working at a City location.

To maintain consistency with RochesterWorks, payroll processing services will be provided for 58 participants by the Employment Store: 18 youth placed in private sector sites, and 40 part-time afterschool jobs for youth ages 16+ will be payrollled at a total cost of \$131,600. Approximately \$96,600 will cover wages while the remaining \$35,000 will cover the necessary fringe and fees.

The most recent agreements for these services were approved in June 2011 (Ord. No. 2011-233).

RochesterWorks is funding the programs offered by the following agencies: Ibero; ArtPeace; East Rochester Youth Activity Center; Rochester Education Foundation; Rochester Careers in Construction, Inc.; RCTV-15; City of Rochester Bureau of Recreation; ABC; Monroe Community College; Monroe 2-Orleans BOCES; Boys and Girls Club; SWAN; Provide a Way Community Development Services; Baden Street Settlement, and NEAD.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Introductory No. 232

**AUTHORIZING AGREEMENTS RELATING TO THE 2012 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 2012 Summer of Opportunity Program:

<u>Organization</u>	<u>Total</u>
IBERO - GLT Landscaper Apprentice Program	\$ 14,200
Community Place of Greater Rochester-Health	38,400
IBERO - STEM-Art	34,200
RTMA - MCC	20,700
Community Place of Greater Rochester - ROC One	43,700
Baden Street Settlement - In Control Drama Team	17,000
Boys & Girls Club	20,400
Iglesia Educational Centers	24,600
Kuumba Consultants	46,400
Baden Street Settlement - In Control Video	22,600
Charles Settlement House	26,400
Baden Street Settlement - Industry/Career	41,900
The Employment Store - Payroll Services	131,600
City - Recreation, TOPS, SOOP	127,175

Section 2. The agreements and allocations for City administered programs shall obligate the City to pay an amount not to exceed \$609,275, and of said amount, or so much thereof as may be necessary, \$249,275 shall be funded from the 2012-13 Budget of the Department of Recreation and Youth

Services, contingent upon adoption of said budget, \$110,000 is hereby appropriated from the Responding to General Community Needs Objective, Job Creation/Youth Development allocation of the 2012-13 Community Development Block Grant and \$250,000 is hereby appropriated from funds from the New York State Department of Labor under the agreement authorized in Section 3.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the New York State Department of Labor for funding for the 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.

Held in Committee.

The meeting was adjourned at 8:23 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

SPECIAL MEETING  
JUNE 12, 2012

9:15 A.M.

Present - President Warren, Councilmember Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 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.

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

Introductory No. 232 was introduced May 22, 2012 and appears in its original form with its transmittal letter on page 253 of the current Council Proceedings.

Councilmember Conklin moved to amend Int. No. 232.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

Ordinance No. 2012 221  
(Int. No. 232, As Amended)

**Authorizing Agreements Relating To The 2012 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 2012 Summer of Opportunity Program:

Organization	Total
IBERO - GLT Landscaper Apprentice Program	\$ 14,200
Community Place of Greater Rochester - Health	38,400
IBERO - STEM-Art	34,200
RTMA-MCC	20,700
Community Place of Greater Rochester - ROC One	43,700
Baden Street Settlement - In Control Drama Team	17,000
Boys & Girls Club	20,400
Iglesia Educational Centers	24,600
Kuumba Consultants	46,400
Baden Street Settlement - In Control Video	22,600
Charles Settlement House	26,400
Baden Street Settlement - Industry/Career	41,900
The Employment Store - Payroll Services	131,600
City-Recreation, TOPS, SOOP	127,175

Section 2. The agreements and allocations for City administered programs shall obligate the City to pay an amount not to exceed \$609,275, and of said amount, or so much thereof as may be necessary, \$249,275 shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said budget, \$110,000 is hereby appropriated from the Responding to General Community Needs Objective, Job Creation/Youth Development Allocation of the 2012-13 Community Development Block Grant and \$250,000 is hereby appropriated from funds from the New York State Department of Labor under the agreement authorized in Section 3. The Mayor shall provide for an evaluation of the 2012 Summer of Opportunity Program to be conducted by a third party for submission to City Council. If the Summer of Opportunity Program is to be continued in 2013, City Council requests that sponsoring organizations be selected pursuant to a request for proposal process.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the New York State Department of Labor for funding for the 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.

Underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, Miller, Ortiz, Palumbo, Spaul - 7.

Nays - None - 0.

Councilmember Scott abstained because of a professional relationship.

The meeting was adjourned at 9:22 A.M.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

PUBLIC HEARING MEETING  
CITY/CITY SCHOOL DISTRICT BUDGET  
JUNE 13, 2012  
5:30 P.M.

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Spaul - 8.

Absent - Councilmember Scott - 1.

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

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

PUBLIC HEARINGS

Pursuant to law public hearings will now be had on the following matter.

Adoption Of The Budget Estimates For Municipal Purposes For The 2012-13 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 290 7 speakers: Dr. Jeff Kaczorowski, Bill Collins, Scott Bullock, Mary D'Alessandro, Bill Gerling, Gini Denninger, Dave Bonis.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013 Int. No. 294 1 speaker Alex White.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2012 And Expiring June 30, 2013 Int. No. 295 No speakers.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013, And Appropria-

tion Of Sums Set Forth Therein Int. No. 291 1 speaker: Gini Denninger.

The meeting was adjourned at 6:35 p.m.

Daniel B. Karin  
City Clerk

\* \* \* \* \*

REGULAR MEETING  
JUNE 19, 2012

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
  - Neighborhood & Business Development
    - \*Edward R. Steinberg
  - Fire Department
    - \*Carol R. McDermott
    - \*Lisa T. McKay

*\*Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of May 22, 2012 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 4078-12
  - Quarterly Report - Professional Services Agreements with cost of \$10,000 or less 4079-12

The Director of Planning and Zoning submits a Notice of Environmental Determination 4080-12

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

30 signatures opposing Entertainment Center Licenses Laws, presented by Councilmember Spaul Petition No. 1664

381 signatures opposing City Budget regarding Fair Tax Assessment, presented by Councilmember Conklin Petition No. 1665

334 signatures in favor of Moratorium on Hydrofracking Petition No. 1666

PUBLIC HEARINGS.

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

Authorizing The Acquisition By Negotiation Or Condemnation Of Railroad Right-Of-Way For Upper Falls Terrace Park And Economic Development Purposes Int. No. 261 1 speaker: Carlos Carballada.

Authorizing The Acquisition By Negotiation Or Condemnation Of A Permanent Easement Over 236 University Avenue For The Facilities Modernization Program Int. No. 262 1 speaker: Carlos Carballada.

Approving A Decrease In The Pavement Width Of Corinthian Street Int. No. 272 No speakers.

Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Browncroft Neighborhood Street Lighting Project, As Amended Int. No. 279 No speakers.

Local Improvement Ordinance Amending Local Improvement Ordinance No. 1646, Care And Embellishment Of Street Malls For 2012 Int. No. 283 No speakers.

Establishing A Moratorium On Permits, Certificates Of Zoning Compliance And Variances For Exploration And Extraction Of Natural Gas Within The City Int. No. 284 15 speakers: Sandy Frankel, Nedra Harvey, Anna Sears, Dwain Wilder, Peter Mitchell, Frank J. Regan, Marilyn Catherine, James Beach, Andrew Rau, Charlotte Miller, Alex White, Harry Davis, Dean Wojtczak, Bonnie Canaan, Douglas Done.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
June 19, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 250 - Cancellation Of Taxes And Charges

Int. No. 251 - Establishing Maximum Compensation For A Professional Services Agreement For Administration Of The General Liability Insurance Program

Int. No. 252 - Authorizing Competitive Grant Applications

Int. No. 253 - Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

Int. No. 254 - Establishing Maximum Compensation For A Professional Services Agreement For Data Procurement Services

Int. No. 255 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

Int. No. 285 - Amending The 2011-12 Budget And Ordinance No. 2012-132

Int. No. 290 - Adoption Of The Budget Estimates For Municipal Purposes For The 2012-13 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees, As Amended

Int. No. 291 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013, And Appropriation Of Sums Set Forth Therein

Int. No. 292 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013

Int. No. 293 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013

Int. No. 294 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013

Int. No. 295 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2012 And Expiring June 30, 2013

Int. No. 296 - Amending The Municipal Code With Respect To Water Rates

Int. No. 297 - Amending The Municipal Code With Respect To Fees For Permits From The City Engineer

Int. No. 298 - Amending The Municipal Code With Respect To Fees For Permits From The Fire Chief

Int. No. 299 - Amending The Municipal Code With Respect To Parking Fines

Int. No. 300 - Amending The Municipal Code With Respect To Parking Rates, As Amended

Int. No. 301 - Amending The Municipal Code With Respect To Fees Of The City Clerk

Int. No. 302 - Amending The Municipal Code With Respect To Fees For Special Events

Int. No. 303 - Resolution Approving The 2012-

13 Debt Limit For General Municipal Purposes

The following entitled legislation is being held in Committee:

Int. No. 315 - Bond Ordinance Of The City Of Rochester, New York, Authorizing Application Of Certain Bond Proceeds To Offset The Cost Of Improvements To Specified School District Property Improvements

Respectfully submitted,  
 Carolee A. Conklin (Voted against Int. Nos. 291 and 293)  
 Carla M. Palumbo  
 Loretta C. Scott  
 Dana K. Miller  
 FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-222  
 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 \$73,546.34.

The properties located at 25 and 121 Lincoln Avenue are in common ownership. The number of units or front footage for both parcels was miscalculated for the embellishment charges and the owner was over-charged for street cleaning, roadway snow plowing, sidewalk plowing, and hazardous sidewalk repair. The property located at 1100-1120 South Goodman Street was also over-charged for embellishments for sidewalk snow plowing and hazardous sidewalk repair for sidewalks on South Goodman and Elmwood Avenue that do not exist.

The properties located at 300 Bay Street and 3475-3495 Lake Avenue were recently purchased and both are owned by religious organizations. Both entities are recognized by the IRS as 501(c)(3) organizations and were entitled to real property tax exemptions upon transfer. However, both failed to file applications in a timely manner but supplied adequate data that they were utilizing the properties for religious purposes and/or had plans of furtherance for the parcels as of February 1, 2011. Therefore, the taxes should be cancelled.

1135 Brooks Avenue is comprised of multiple lease accounts at the Greater Rochester International Airport. Lease account LS13 had previously been taxable as it was leased and occupied by US Airways Cargo. The lessee vacated the premises prior to taxable status date of February 1, 2011. However, supporting documentation was not supplied from Monroe County until recently.

If these cancellations are approved, total cancellations thus far for 2011-12 will be as follows:

	<u>Accounts</u>	<u>Amount</u>
City Council	8	\$ 99,871.40
Administrative	62	20,765.40
Total	70	\$120,636.80

These cancellations represent 0.051% of the tax receivables as of July 1, 2011.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-93

Ordinance No. 2012-222  
 (Int. No. 250)

**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 located at 25 Lincoln Avenue was incorrectly billed for embellishment charges for street cleaning; roadway snow plowing; sidewalk plowing; and hazardous sidewalk repair. The property was billed for 397 "units" or front feet when it should have been billed for 180 "units".

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount</u>
<u>Address</u>			<u>Canceled</u>
120.47-1-1	N	2012	
25 Lincoln Avenue			\$ 1,138.17

(B) The property located at 121 Lincoln Avenue was incorrectly billed for embellishment charges for street cleaning; roadway snow plowing; sidewalk plowing; and hazardous sidewalk repair. The property was billed for 2,070 "units" or front feet when it should have been billed for 1,019 "units".

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount</u>
<u>Address</u>			<u>Canceled</u>
120.47-1-51	N	2012	
121 Lincoln Avenue			\$ 5,512.50

(C) The property located at 1100-1120 S. Goodman Street was incorrectly billed for embellishment charges for sidewalk plowing; and hazardous sidewalk repair. The property was billed for 1,277 "units" or front feet when it should have been billed for 290 "units".

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount</u>
<u>Address</u>			<u>Canceled</u>
136.33-1-1.1	N	2012	
1100-1120 S. Goodman St.			\$ 1,322.58

(D) The property located at 300 Bay Street is owned by a nonprofit and utilized as a church and community center. It was purchased on 12/15/2009 and applications for exemptions were sent to the owning entity. Upon transfer of the property, the organization qualified as a nonprofit/religious organization. They are recognized by the IRS as a 501(c)(3) organization and provided adequate information that they were utilizing the property for their nonprofit/religious use from the date of purchase.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount</u>
<u>Address</u>			<u>Canceled</u>
106.43-4-29.1	N	2012	
300 Bay Street			\$20,877.44

(E) The property located at 3475-3495 Lake Avenue is owned by a nonprofit and utilized as a church. It was purchased on 8/31/2010 and applications for exemptions were sent to the owning entity. Upon transfer of the property, the organization qualified as a nonprofit/religious organization. They are recognized by the IRS as a 501(c)(3) organization and provided adequate information that they were utilizing the property for their nonprofit/religious use from the date of purchase.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount</u>
<u>Address</u>			<u>Canceled</u>
060.60-1-13	N	2012	
3475-3495 Lake Avenue			\$31,139.14

(F) Lease account LS13 is located at 1135 Brooks Avenue at the Greater Rochester International Airport and is owned by Monroe County. The property had been leased to US Airways Cargo on a month to month basis. The structure was vacated by US Airways prior to 2/1/2011 and reverted back to Monroe County and should have been made tax exempt.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount</u>
<u>Address</u>			<u>Canceled</u>
135.13-1-1.2/ LS13	N	2012	
1135 Brooks Avenue			\$13,556.51
Grand Total			\$73,546.34

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. 2012-223  
Re: Agreement - First Niagara Risk Management, General Liability Insurance Program Administration

Transmitted herewith for your approval is legislation establishing \$88,200 as maximum compensation for the first year of an agreement with First Niagara Risk Management, Inc., (Rochester 14623) for administration of the general liability insurance program. The cost of the first year of the agreement will be funded from the Undistributed allocation of the 2012-13 budget.

The general liability insurance program involves the review of all liability claims, the establishment of adequate reserves for possible settlement of claims, the processing of payments, and the maintenance of records and preparation of periodic management reports. It also involves the conduct of periodic safety surveys and the procurement of required insurance.

Historically, the City has contracted with private organizations for administration of this program. Gallagher Bassett Services, Inc. has been the provider since the program's inception in 1979. The current agreement was authorized by the Council in 2007; it expires June 30, 2012.

Proposals for the provision of claims administration services beyond this date were solicited through public advertisement and direct mailings. A proposal was also received from Gallagher Bassett and Sedgwick. The Finance and Law Departments reviewed the proposals. First Niagara is recommended because its pricing is lower and because it is offering extended services.

The term of the agreement is three years, with an option to renew for two additional one-year periods. Costs for the additional years of the agreement will be \$92,400 and \$96,000. Costs for the renewal years will not exceed budgeted amounts. All costs will be funded through the Undistributed allocation for the appropriate fiscal year.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-223  
(Int. No. 251)

**Establishing Maximum Compensation For A Professional Services Agreement For Administration Of The General Liability Insurance Program**

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

Section 1. The sum of \$88,200, or so much thereof as may be necessary, is hereby established

as the compensation to be paid for the first year of a professional services agreement between the City and First Niagara Risk Management, Inc. for administration of the General Liability Insurance Program. The agreement shall extend for a term of three years, with two one-year renewal options. Compensation for the second year shall not exceed \$92,400, and \$96,000 for the third year. Said amounts shall be funded from the 2012-13 and subsequent Budgets for Undistributed Expense, subject to adoption of subsequent budgets. Costs for the renewal years shall not exceed budgeted amounts in Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-224  
Re: Competitive Grant Applications -  
Fiscal Year 2012-13

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2012-13. This legislation will help to streamline the process by which the City applies for competitive federal, State and private grants. Council has approved such grant applications annually beginning in 2007.

There are over 900 grant programs offered by Federal grant-making agencies, as well as hundreds of State, regional and private grant opportunities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

Grant applications will continue to require individual Council endorsement when:

- The City is required to pay more than \$250,000 of the cost of the project.
- The award exceeds \$1,000,000 or, in the case of a capital project, completion is required in one calendar year or less.

Grants actually received still have to be approved and appropriated by City Council.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-224  
(Int. No. 252)

**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 City funding shall require City Council authorization.

Section 5. Grant applications exceeding \$1,000,000 and awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Section 6. This ordinance shall be in effect for the 2012-13 fiscal year.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-225  
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with The Puerto Rican Festival, Inc., Rochester, for the 2012 Puerto Rican Festival. The cost of this agreement will be financed from the 2012-13 Budget of the Bureau of Communications.

The Puerto Rican Festival, Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State. This growth now makes Monroe County and the City of Rochester home to the second largest population of Hispanics in the state. This year's festival will be held on July 20-22 at the Frontier Field VIP Parking Lot.

The Puerto Rican Festival, Inc. sponsors a variety of events, which serve to share and celebrate Puerto Rican culture. The largest event is the Puerto Rican Festival and, now in its 43<sup>rd</sup> year, is the longest-running cultural festival in Monroe County.

The festival is an annual three-day event, which averages a daily attendance of 8,000 people of all cultures and ethnic backgrounds. The City's sponsorship remains unchanged from last year, and will support free admission for the first two hours on Friday and Saturday, as well as several free activi-

ties during the festival. It provides free children's activities, a boxing exhibition, free youth participation and performance showcase, and a free health fair on Saturday.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-225  
(Int. No. 253)

**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 \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Puerto Rican Festival, Inc. for the 2012 Puerto Rican Festival. Said amount shall be funded from the 2012-13 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-226  
Re: Agreement - Experian, Data  
Procurement for Customer  
Relationship Management System

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with Experian (Costa Mesa, CA) for data procurement services to be utilized for targeted citizen outreach efforts by the Bureau of Communications. The cost of the agreement will be financed from the 2011-12 Budget of the Bureau of Communications.

The data provided by Experian will contain demographic and property/geographic information for residents of Monroe County. It will be utilized in the City's customer relationship management (CRM) software and enable the Bureau of Communications to conduct focused, cost-effective outreach that will inform residents of City initiatives, events, and meetings including, but not limited to, City Hall on the Road, Clean Sweep, and Voice of the Customer, and City-produced special events.

Qualifications were solicited through a request for proposals posted on the City's website. Responses were received from two firms: Peachtree Data, Inc. (Duluth, GA) and Experian. A team of eight City staff, representing Communications, IT, Budget, 911, and Environmental Services, reviewed and rated proposals. Based on its qualifications and approach to the project, including quality and coverage of data, ownership of data, experience, and cost, Experian was selected.

The agreement will have an initial term of one year with provisions for two one-year renewal periods, upon mutual consent, and approval of funding in subsequent Communications budgets.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-226  
(Int. No. 254)

**Establishing Maximum Compensation For A Professional Services Agreement For Data Procurement Services**

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 Experian for data procurement services for targeted citizen outreach efforts by the Bureau of Communications. Said amount shall be funded from the 2011-12 Budget of the Bureau of Communications. The agreement shall extend for a term of one year, with provision for two one-year renewals. Funding for renewals shall be contingent upon funding in the subsequent Budgets of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-227  
Re: Agreement - Ken Brown, Federal  
Lobbying Services

Transmitted herewith for your approval is legislation establishing \$92,000 as maximum compensation for an agreement with Ken Brown (Chevy Chase, MD) for Federal lobbying services from July 1, 2012 through June 30, 2013. The cost of the agreement will be funded from the 2012-13 Budget of the Law Department. This amount includes a \$7,500 monthly fee and an allowance of \$2,000 for documented incidental expenses and travel during the term of the contract.

Ken Brown has been the chief representative for the City of Rochester on federal government affairs matters since 2007. During that period, he has assisted the City in obtaining more than \$20 million in federal funding for a variety of infrastructure, economic development and other priority projects. In addition, he has helped the City build and strengthen its relationships with numerous federal agencies, including the Department of Commerce's Economic Development Administration, HUD, EPA, the Army Corps of Engineers, Department of Transportation, and Fish and Wildlife Service.

In the last year, Mr. Brown has assisted the City in

obtaining a \$2,057,850 grant from the Economic Development Administration to construct infrastructure to support the Midtown redevelopment project in downtown Rochester. He worked closely with the City's Congressional delegation to facilitate discussions with the Coast Guard that has resulted in an agreement that should facilitate and expedite the transfer of Coast Guard property to the City for the Port redevelopment project. He has also helped strengthen the City's relationship with the Department of Transportation, which has positioned Rochester to obtain funding for the Inner Loop project and the Rochester Intermodal Station.

Over the coming year, Mr. Brown will continue to work with the City on the following activities:

- Identify federal funding opportunities and assisting the City in pursuing and advocating for various federal grants and loans and other assistance;
- Assist the City in advocating for current funding applications pending before the EDA and HUD;
- Assist the City in working with the Coast Guard on facilitating the realignment of River Street;
- Advocate for the City's priorities to be included in legislation to reauthorize the nation's surface transportation law;
- Advocate for the City's priorities to be included in the next version of the Water Resources Development Act;
- Monitor federal legislation, regulations, and policies that will impact the City, and help the City effectively advocate on those matters.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-227  
(Int. No. 255)

**Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services**

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

Section 1. The sum of \$92,000, 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 Ken Brown for the provision of Federal lobbying services for one year. Said amount shall be funded from the 2012-13 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-228  
Re: Amending the 2011-12 Budget -  
Use of Unanticipated Revenue and  
Savings

Transmitted herewith for your approval is legislation amending the 2011-12 Budget to reflect updated financial projections by the Office Management and Budget (OMB) and to accelerate planned capital spending outlined in the City's Capital Improvement Plan and highlighted in the presentation of the 2012-13 Budget.

*Revenues exceeding the 2011-12 Budget estimate*

Sales Tax The original 2011-12 Budget assumed a slow recovery from the recession and a 1% increase in sales subject to sales tax. Revised estimates including cash receipts through May 2012 demonstrate a 5% growth rate in taxable sales resulting in OMB's revised estimate of an additional \$4 million in sales tax collections. The proposed amendment will add \$4 million in sales tax collections to 2011-12 Cash Capital. This amount, and its subsequent allocation to various capital projects, is in addition to the \$2 million in unanticipated sales tax collections authorized in April (Ordinance No. 2012-132).

These funds will be used to accelerate capital projects as follows:

Replacement of two fire trucks	\$ 940,000
Police vehicles	2,105,000
Demolition program	<u>955,000</u>
	\$4,000,000

EMS Franchise Fee The 2011-12 Budget did not assume the annual EMS franchise fee of \$300,000, which will be paid under the terms of the new agreement with Rural Metro in June 2012. These funds will be used to increase 2011-12 Cash Capital to fund the replacement of aged Fire Department turnout gear.

*Expenditure control enables capital investment*

OMB estimates that both the Police and Fire Departments will under-spend their budgeted amounts for 2011-12, and the Undistributed budget will also be under budget. The savings in the Undistributed Budget are attributable to the timing of the police and fire wage settlement. The savings in the Police and Fire Departments are attributable to unfilled vacancies and expenditure controls. These surplus amounts, \$500,000 each from the Police and Fire Departments, and \$2,045,000 from Undistributed, for a total of \$3,045,000, will be transferred to Cash Capital to further accelerate the demolition program.

Cost containment efforts in other departments will enable \$500,000 in CDBG funds budgeted for staff costs in 2011-12 to be reallocated to support

Neighborhood Business Development. The transfer requires an amendment to the Consolidated Community Development Plan which will be submitted for the July meeting of City Council. This is in addition to the \$2,483,350 appropriation requested in separate legislation presented to Council this month.

*Relocation of Youth Service and Office of Employment Opportunities*

The Bureau of Youth Services and the Office of Employment Opportunities of the Department of Recreation and Youth Services will be relocated from the former Sibley building to the Rundel Library. The cost of the move and related construction will be funded by a transfer of \$175,000 from the Undistributed Budget (Efficiency allocation) to Cash Capital, and \$25,000 in previously appropriated grant funding.

The amounts to be transferred to Cash Capital to accelerate capital projects are summarized below:

<u>Source</u>	
Additional sales tax revenue	\$4,000,000
EMS franchise fee	300,000
RPD savings	500,000
RFD savings	500,000
Undistributed savings	<u>2,220,000</u>
	\$7,520,000
 <u>Use</u>	
Demolition	\$4,000,000
Fire trucks	940,000
Firefighter gear	300,000
Police vehicles	2,105,000
DRYS relocation	<u>175,000</u>
	\$7,520,000

*Technical Amendment - Ordinance No. 2012-132*

The amendments to the 2011-12 Budget authorized in April via Ordinance No. 2012-132 transferred \$39,000 from Contingency to Cash Capital in two instances. Only one was intended. This amendment will correct that error.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-228  
(Int. No. 285)

**Amending The 2011-12 Budget And Ordinance No. 2012-132**

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

Section 1. Ordinance No. 2011-188, the 2011-12 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 \$4,000,000, which amount is hereby appropriated from increased revenue from sales tax collections.

Section 2. Ordinance No. 2011-188, the 2011-12 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 \$300,000, which amount is hereby appropriated from Emergency Medical Service Franchise Fee revenues.

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$2,220,000 from Undistributed Expense, \$500,000 from the Police Department and \$500,000 from the Fire Department, to the Cash Capital allocation.

Section 4. Ordinance No. 2012-132, amending the 2011-12 Budget, is hereby amended by reducing the amount transferred from the Contingency allocation to the Cash Capital allocation in Section 5 thereof by the sum of \$39,000.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-229,  
Ordinance No. 2012-230,  
Ordinance No. 2012-231,  
Ordinance No. 2012-232,  
Ordinance No. 2012-233,  
Local Improvement Ordinance No. 1657,  
Ordinance No. 2012-234,  
Ordinance No. 2012-235,  
Ordinance No. 2012-236,  
Ordinance No. 2012-237,  
Ordinance No. 2012-238 and  
Ordinance No. 2012-239,

Re: 2012-13 Budget

Transmitted herewith for your approval is legislation relating to the 2012-13 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. Downtown Special Services District (previously Downtown Guides)
  - f. Downtown Enhancement District

- g. High Falls Improvement District
- h. Atlantic Avenue Improvement District
- i. St. Paul Street Streetscape
- j. Upper East Alexander Refuse
- k. ARTWalk District

- 5. Confirm the addition to the tax roll of various assessments, fees, and unpaid charges.
- 6. Authorize certain fee increases and Charter and Code changes.

Details of the above actions related to the 2012-13 proposed budget of the City submitted to City Council on May 18, 2012 are summarized below:

- 1. Total appropriations of \$1,194,250,869 allocated for the City and the School District:

	<u>Proposed 2012-13</u>	<u>Amended 2011-12</u>
	<u>Dollar Difference</u>	<u>Percent Difference</u>
City	\$ 488,661,600	\$ 478,987,500
	\$ 9,674,100	+2.0
School	<u>705,589,269</u>	<u>691,631,531</u>
	<u>13,957,738</u>	+2.0
Total	\$1,194,250,869	\$1,170,619,031
	\$23,631,838	+2.0

Total non-tax revenue distributed between the City and the District:

	<u>Proposed 2012-13</u>	<u>Amended 2011-12</u>
	<u>Dollar Difference</u>	<u>Percent Difference</u>
City	\$ 443,014,670	\$ 433,340,570
	\$ 9,674,100	+2.2
School	<u>592,444,269</u>	<u>578,486,531</u>
	<u>13,957,738</u>	+2.4
Total	\$1,035,458,939	\$1,011,827,101
	\$ 23,631,838	+2.3

- 2. Total tax levies of \$167,149,400 for the City and City School District:

	<u>Proposed 2012-13</u>	<u>Amended 2011-12</u>
	<u>Dollar Difference</u>	<u>Percent Difference</u>
Tax Revenue	\$158,791,930	\$158,791,930
	\$ 0	0.0
Tax Reserve	<u>8,357,470</u>	<u>8,357,470</u>
	<u>0</u>	0.0
Tax Levy	\$167,149,400	\$167,149,400
	\$ 0	0.0

- 3. Total appropriations for the Local Works

fund of \$19,310,600 and total assessments of \$18,651,400:

	<u>Proposed 2012-13</u>	<u>Amended 2011-12</u>
	<u>Dollar Difference</u>	<u>Percent Difference</u>
Street Maintenance	\$ 4,295,079	\$ 4,374,042
	\$ - 78,963	-1.8
Sidewalk Repair	2,455,708	1,825,738
	629,970	34.5
Roadway Plowing	9,220,120	9,497,380
	-277,260	-2.9
Sidewalk Plowing	<u>2,680,493</u>	<u>2,650,740</u>
	<u>29,753</u>	1.1
Total	\$18,651,400	\$18,347,900
	\$ 303,500	1.7

- 4. The budgets for security and snow removal at the Public Market were approved on February 21, 2012. The budgets for the street malls were approved on March 27, 2012. The budgets for street lighting and streetscapes, East Avenue and Alexander Street Entertainment District, High Falls Business Improvement District, and Downtown Special Services were approved on April 24, 2012. The budget for the parking lots was approved on May 22, 2012. The ARTWalk District was approved in 2010. The assessments required are as follows:

	<u>Proposed 2012-13</u>	<u>Amended 2011-12</u>
	<u>Dollar Difference</u>	<u>Percent Difference</u>
Street Malls	\$ 28,334	\$ 28,808
	\$ -474	-1.6
Parking Lots	74,778	71,294
	3,484	4.9
Public Market	38,477	38,477
	0	0.0
Lighting and Sidewalks	46,181	43,829
	2,352	5.4
Downtown Special Services	503,509	504,694
	-1,185	-0.2
Downtown Enhancement	568,500	562,200
	6,300	1.1
High Falls	25,000	25,000
	0	0.0
Atlantic Avenue	2,342	3,045
	-703	-23.1
St. Paul Street Streetscape	20,649	20,649
	0	0.0

Upper East/Alexander Refuse		
20,315	20,532	
-217		-1.1
ARTWalk District		
39,524	101,528	
-62,004		-61.1

5. The proposed additions to the tax roll consist of the following charges:

Proposed 2012-13	Amended 2011-12	
Dollar Difference	Percent Difference	
Delinquent Refuse		
\$ 626,568	\$ 584,710	
\$ 41,858		7.2
Delinquent Water		
6,557,651	6,521,015	
36,636		0.6
Code Enforcement		
52,006	78,293	
-26,287		-33.6
Supplemental and Omitted Taxes		
190,369	212,835	
-22,466		-10.6
Local Improvements		
901	6,750	
-5,849		-86.7
Encroachments		
4,025	4,375	
-350		-8.0
Rehabilitation/Demolition		
182,354	243,043	
-60,689		-25.0
Code Violations		
1,262,475	1,411,350	
-148,875		-10.5
Arnold Park Monuments		
7,055	7,055	
0		0.0
Case Management Fees		
386,760	377,225	
9,535		2.5

- 6A. A local works increase is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$338,700 in revenue.
- 6B. A water rate increase is proposed to balance the Water Fund. The proposed increase is expected to result in a net increase of \$1,073,800 in revenue.
- 6C. An increase in parking fines which vary by type of violation and an increase in parking rates which vary by garage and bridge location are necessary to balance the parking fund resulting in incremental revenues of \$492,300 and \$737,300 respectively.
- 6D. Amending the City Code for proposed departmental fee and fine increases will result in incremental revenues of approximately \$243,300 to the following Departments:

City Clerk	\$ 5,700
Environmental Services	17,000
Fire Department	<u>161,400</u>
	\$184,100

6E. Amend the City Code to authorize the Mayor to establish fees for special events including festivals, block parties, and the use of the City Hall atrium resulting in incremental revenue of approximately \$10,000.

6F. An increase in administrative fees is proposed by the Department of Recreation and Youth Services resulting in incremental revenues of approximately \$59,200.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-229  
(Int. No. 290, As Amended)

**Adoption Of The Budget Estimates For Municipal Purposes For The 2012-13 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, 2012 to June 30, 2013, providing for the expenditure of \$[488,661,600] 488,545,600, 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 2012-13 are hereby authorized to be expended and the sum of \$[488,661,600] 488,545,600 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	\$1,755,200	
Administration	7,122,900	
Neighborhood and Business Development	13,693,200	
Environmental Services	78,144,700	
Finance	[10,629,900]	<u>10,513,900</u>
Information Technology	5,740,700	
Law	1,989,000	
Library	10,794,000	
Recreation and Youth Services	10,938,800	
Emergency Communications	13,312,900	
Police	85,439,200	
Fire	44,660,900	
Undistributed Expenses	136,003,500	
Contingency	2,695,900	

Cash Capital	33,002,000	
Debt Service	32,738,800	
Sub-total	\$[488,661,600]	<u>488,545,600</u>
Tax Reserve	2,402,470	
Total	\$[491,064,070]	<u>490,948,070</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 2012-13 is hereby fixed and determined at \$[443,014,670] 442,898,670 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2012-13 providing for the raising of taxation on real estate for municipal purposes of the sum of \$48,049,400 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 2012-13.

Section 6. This ordinance shall take effect on July 1, 2012.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2012-230  
(Int. No. 291)

**Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013, 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, 2012 to June 30, 2013, providing for the expenditure of \$705,589,269, 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 2012-13 are hereby authorized to be expended and the sum of \$705,589,269 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$668,034,032
Cash Capital	10,095,108
Debt Service	<u>27,460,129</u>
Subtotal	705,589,269
Tax Reserve	<u>5,955,000</u>
Total	\$711,544,269

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2012-

13 is hereby fixed and determined at \$592,444,269 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2012-13 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, 2012.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nay - Councilmember Conklin - 1.

Ordinance No. 2012-231  
(Int. No. 292)

**Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013**

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

Section 1. The sum of \$48,049,400, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2012 and expiring June 30, 2013 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, 2012 and expiring June 30, 2013.

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, 2012 and expiring June 30, 2013.

Section 3. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Ordinance No. 2012-232  
(Int. No. 293)

**Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013**

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, 2012 and expiring June 30, 2013 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, 2012 and expiring June 30, 2013.

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, 2012 and expiring June 30, 2013.

Section 3. This ordinance shall take effect on July 1, 2012.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nay - Councilmember Conklin - 1.

Ordinance No. 2012-233  
(Int. No. 294)

**Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2012 And Expiring June 30, 2013**

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, 2012 and expiring June 30, 2013 are hereby in all respects confirmed:

Street and Lot Maintenance	\$4,295,078.76
Roadway Snow Removal	9,220,120.44
Sidewalk Snow Removal	2,680,493.35
Hazardous Sidewalk Repair	2,455,707.46
Delinquent Refuse	626,567.53
Delinquent Water Charges	6,557,650.60
Supplemental Taxes	187,998.23
Omitted Taxes	2,371.23
Street Malls	28,334.00
Arnold Park Monuments	7,055.29
Parking Lots	74,778.00
Code Enforcements	52,005.53
Code Violations	1,262,475.00
Case Management Fees	386,760.00
Local Improvements	901.15
Downtown Enhancement	568,500.00
Downtown Special Services	503,509.00
Public Market Plowing	5,625.66
Public Market Security	32,851.07
Encroachment Fees	4,025.00
Rehabilitation Charges	182,353.88
ARTWalk	39,524.22
Lyell Avenue Street Lights - District I	2,590.91
Lyell Avenue Street Lights - District II	2,826.22
Wilson Blvd. Street Lights	650.02
Blossom Road Lights	609.42
East Main Street Lights	356.39
Monroe Avenue Lights I	7,418.47

Monroe Avenue Lights and Sidewalk II	9,670.05
Norton Street District	4,338.89
Cascade District	9,370.28
Lake Avenue Lights	4,577.49
High Falls Business Improvement District	25,000.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	603.96
Rundel Park Lighting	3,168.68
Atlantic Avenue Landscape	2,341.79
Upper East Alexander Refuse	20,315.00

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1657  
(Int. No. 295)

**Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2012 And Expiring June 30, 2013**

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, 2012 to June 30, 2013; (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, 2012 to June 30, 2013:

- 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 2012-13 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 2012-13 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, 2012 shall be \$18,651,400 consisting of \$4,295,079 for street and lot maintenance, \$2,455,708 for sidewalk repair, \$9,220,120 for roadway snow removal and \$2,680,493 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, 2012 and June 30, 2013, 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, 2012 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, 2012.

Passed unanimously.

Ordinance No. 2012-234  
(Int. No. 296)

**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 and C thereof to read in their entirety as follows:

- A. Consumption rates.

- (1) Consumption Charge; schedule of rates.

Gallons Consumed Per Month	Charge per 1,000 Gallons
0 to 20,000	\$3.24
20,000 to 620,000	\$2.98
620,000 to 10,000,000	\$2.34
10,000,000 to 15,000,000	\$1.53
Over 15,000,000	\$1.30

- (2) Base Charge.

Size of Meter (inches)	Charge per Month
Up to ¾"	\$6.81
1"	\$36.48
1 ½"	\$54.04
2"	\$72.31
3"	\$180.73
4"	\$361.15
6"	\$541.39
8"	\$721.65
10"	\$902.06

- C. Fire-service charges.

- (1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2"	\$37.99
4"	\$76.00
6"	\$149.55
8"	\$299.02
10"	\$441.45
12"	\$635.38

- (2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 4"	\$155.93
6"	\$207.82
8"	\$415.72
10"	\$613.14

- (3) Holly high-pressure consumption charge: \$7.51 per 1,000 gallons.

Section 2. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Ordinance No. 2012-235  
(Int. No. 297)

**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:



Street obstruction			
104-24	\$45	1 day	
	\$340	1 month	
Phone booth installation			
104-24	\$150	Annual	
Resurfacing existing driveway			
104-13	\$45 per driveway	Annual	
	\$245		
Utility pole installation			
104-13	\$170		
Interference with survey monument			
104-22	\$375 per occurrence		
Excavations			
104-13			
50 square feet or less	\$115		
51 to 100 square feet	\$250		
101 to 150 square feet	\$480		
Over 150 square feet	\$990		
Trenches less than 50 feet in length			
	Based on square feet as above		
Trenches greater than 50 feet in length			
	\$320, plus \$1 per linear foot		
Banners			
104-33	\$45	1 month	
Bridges			
104-33	\$215 initially;	1 year	
	\$30 thereafter	1 year	
Footings			
104-34	\$65		
Foundation walls			
104-34	\$65		
Vaults and areaways			
104-34			
100 square feet or less	\$100 initially;	1 year	
	\$30 thereafter	1 year	
101 to 500 square feet	\$215 initially;	1 year	
	\$55 thereafter	1 year	
Over 500 square feet	\$320 initially;	1 year	
	\$80 thereafter	1 year	

Tunnels		
104-34	\$215 initially;	1 year
	\$110 thereafter	1 year

B. Utility companies and other companies performing work in the city may pay an annual maintenance fee of \$1,350 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 \$215. An annual permit for one oversized or overweight vehicle shall be \$640, while an annual permit for four or more such vehicles shall be \$2,550.

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 \$425.

I. If work is not completed within the time established in a permit and a reinspection is required, a fee of \$70 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 \$600, and for additional tests the amount of \$800, in addition to making the proper restoration.

Section 3. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Ordinance No. 2012-236  
(Int. No. 298)

**Amending The Municipal Code With Respect To Fees For Permits From The Fire Chief**

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

Section 1. Section 54-12 of the Municipal Code, relating to fees for permits from the Fire Chief, as amended, is hereby further amended by amending the title to read "Fees" and by amending subsections B, C and D thereof to read in their entirety as follows:

B. Permits shall be required for the operation and/or maintenance of the following activities. Such permits shall be issued annually, and the annual fees for such permits shall be as follows:

- (1) Tire recapping or rebuilding plant: \$165.

- (2) Automobile wrecking yard, junkyard or waste material handling plant: \$165.
- (3) Nitrate motion-picture film stored, kept or had on hand in quantities greater than 25 pounds (about 5,000 feet of thirty-five-millimeter film): \$165.
- (4) Cellulose nitrate plastics (pyroxylin) stored or handled in quantities greater than 25 pounds by jobbers, wholesalers and retailers: \$165.
- (5) Cellulose nitrate plastics (pyroxylin) manufactured into products or used in the manufacture or assembly of other articles: \$165.
- (6) Combustible fibers stored or handled in quantities exceeding 100 cubic feet: \$80.
- (7) Dry-cleaning plants:
- Class I system, liquids having a flash point below 100° F. (37.8° C.): prohibited.
  - Class II system, liquids having a flash point at or above 100° F. (37.8° C.) and below 140° F. (60° C.): \$165.
  - Class IIIA system, liquids having a flash point at or above 140° F. (60° C.) and below 200° F. (93.4° C.): \$165.
  - Class IIIB system, liquids having a flash point at or above 200° F. (93.4° C.): \$135.
  - Class IV system, liquids classified as nonflammable: \$100.
- (8) Dust-producing operation: \$135.
- (9) Explosives or blasting agents manufactured, possessed, stored or sold or otherwise handling or disposing of these compounds: \$165.
- Transportation of explosives or blasting agents, per vehicle: \$80.
- (10) "Liquid," which shall mean, for the purpose of this section, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with Test for Penetration for Bituminous Materials ASTM D-5-73. When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.
- "Flammable liquid" shall mean a liquid having a flash point below 100° F. (37.8° C.) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F. (37.8° C.) and shall be known as a "Class I liquid".
- Class IA shall include those having flash points below 73° F. (22.8° C.) and having a boiling point below 100° F. (37.8° C.).
  - Class IB shall include those having flash points below 73° F. (22.8° C.) and having a boiling point at or above 100° F. (37.8° C.).
  - Class IC shall include those having flash points at or above (73° F.) (22.8° C.) and below 100° F. (37.8° C.).
- (b) "Combustible liquid" shall mean a liquid having a flash point at or above 100° F. (37.8° C.).
- Class II liquids shall include those having flash points at or above 100° F. (37.8° C.) and below 140° F. (60° C.).
  - Class IIIA liquids shall include those having flash points at or above 140° F. (60° C.) and below 200° F. (93.4° C.).
  - Class IIIB liquids shall include those having flash points at or above 200° F. (93.4° C.).
- (c) Flammable liquids and combustible liquids, Class II, stored, handled or used (not otherwise covered under Chapter 77, Oil Burners, or gasoline service stations and bulk plants):
- Storage in any building of more than 6 gallons of flammable liquid or more than 25 gallons of combustible liquid (Class II): \$80.
  - Storage outside of a building of more than 10 gallons of flammable liquid or more than 60 gallons of combustible liquid (Class II and Class III): \$80.
  - Paints, oils and varnishes stored more than 30 days: \$80.
- (d) Flammable liquids storage and combustible liquids, Class II, stor-

- age in stationary tanks, including bulk plants (not otherwise covered in gasoline service stations, and Chapter 77, Oil Burners, of the Municipal Code):
- [1] First 50,000 gallons: \$80.
  - [2] Second 50,000 gallons: \$80.
  - [3] Third and fourth 50,000 gallons (each): \$80.
  - [4] Each additional 100,000 gallons or fraction thereof: \$80.
  - [5] Each dispensing unit: \$35.
- (e) Flammable liquids and combustible liquids, Class II, manufactured, processed, blended or refined: \$165.
  - (f) Flammable liquids and combustible liquids, Class II, stored in drums for the purpose of manufacture, storage or sale:
    - [1] Maximum of 10 drums: \$80.
    - [2] Exceeding 10 drums: \$165.
  - (g) Spraying or dipping operations using more than one gallon of flammable or combustible liquids in any one working day: \$80.
- (11) Fumigation room, vault or chamber using a toxic or flammable fumigant: \$135.
  - (12) Hazardous chemical storage or handling:
    - (a) More than 2,000 cubic feet of flammable compressed gas: \$165.
    - (b) More than 6,000 cubic feet of nonflammable compressed gas: \$135.
    - (c) More than 55 gallons of corrosive liquids: \$80.
    - (d) More than 50 pounds of oxidizing materials: \$80.
    - (e) More than 10 pounds of organic peroxides: \$80.
    - (f) More than 50 pounds of nitromethane: \$80.
    - (g) More than 1,000 pounds of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures: \$165.
    - (h) Any amount of highly toxic material: \$80.
  - (i) Any amount of poisonous gas: \$80.
  - (j) More than 1 microcurie of radium (not contained in a sealed source): \$80.
  - (k) More than 1 millicurie of radium or other radioactive material (in sealed source): \$80.
  - (l) Any amount of radioactive material for which a license from the United States Nuclear Regulatory Commission is required: \$80.
- (13) Lumber storage in excess of 100,000 board feet: \$165.
  - (14) Magnesium or similar materials being melted, cast, heat-treated, machined or ground in quantities of more than 10 pounds per working day: \$165.
  - (15) Matches:
    - (a) Manufacture of: \$165.
    - (b) Storage in excess of 25 cases: \$80.
  - (16) Each oven or kiln (industrial or commercial baking/drying) operation and/or commercial cooking system: \$70 per location.
  - (17) Combustible material storage in excess of 2,500 cubic feet gross volume: \$100.
  - (18) Acetylene and other flammable gas usage in connection with welding or cutting: \$80.
  - (19) Calcium carbide storage in excess of 200 pounds: \$165.
  - (20) Acetylene generator with carbide capacity exceeding 5 pounds: \$165.
  - (21) Liquefied petroleum gas container(s) installed, handled or used in all buildings, structures or properties (except residential):
    - (a) 1,000 gallons' water capacity or more: \$120.
    - (b) Less than 1,000 gallons' water capacity: \$80.
- (22) Gasoline service stations:
    - (a) Each 10,000 gallons, or part thereof, of storage capacity: \$80.
    - (b) Each dispensing unit: \$25.
  - (23) Private plants:
    - (a) Each 10,000 gallons, or part there-

- of, of storage capacity: \$80.
- (b) Each dispensing unit: \$25.
- (24) Central stations: no fee.
- (25) Places of assembly (when a City license is not also required):
  - (a) 100-249 capacity: \$25.
  - (b) Over 249 capacity: \$50.
- C. Permits shall be required for the following activities, and fees shall be as follows:
  - (1) Setting off or discharging explosives (per job, not to exceed one year per permit): \$165.
  - (2) Delivering explosives or blasting agents to a terminal between the hours of sunset and sunrise (per delivery): \$80.
  - (3) Fumigation or thermal insecticidal fogging (per building): 165 for commercial buildings and \$35 for residential buildings.
  - (4) Bowling pin refinishing, involving use of flammable liquids or materials (per 50 pins): \$80.
  - (5) Bowling alley resurfacing operations, involving use of flammable liquids or materials (per alley): \$35.
  - (6) Any roof repair or replacement using any form of heat-generating equipment or process (per job): \$80.
  - (7) Setting off fireworks: \$120.
- D. Certificates shall be required for the performance of the following activities. Such certificates shall be issued annually, and the annual fees shall be as follows:
  - (1) For the certificate of fitness required by all persons storing, transporting, setting off or discharging explosives:
    - (a) Examination fee: \$35.
    - (b) Original certificate: \$135.
    - (c) Renewal of certificate: \$80.
  - (2) Pump and tank installation, removal, alteration or repair:
    - (a) Examination fee: \$35.
    - (b) Original certificate: \$135.
    - (c) Renewal of certificate: \$80.
    - (d) Certificate of registration for business: \$145.
  - (3) Installing, charging, filling, maintaining, recharging, refilling, repairing and testing rechargeable fire extinguishers:

- (a) Examination fee: \$35.
- (b) Original license: \$100.
- (c) Renewal of license: \$70.
- (d) Apprentice permit: \$70.
- (e) Certificate of registration: \$145.
- (f) Hydrostatic testing: \$70.

Section 2. Section 54-12 of the Municipal Code is hereby further amended by adding thereto the following new subsections G and H:

G. The following fees shall be charged for training:

- (1) Fire extinguisher/fire workplace safety training: \$20 per person.
- (2) CPR training: \$35 for Basic, \$45 for AED, and \$65 for Health Care Providers, per person.

H. There shall be an alarm box fee of \$700 per interior box and \$1,000 per exterior box.

Section 3. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Ordinance No. 2012-237  
(Int. No. 299)

**Amending The Municipal Code With Respect To Parking Fines**

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

Section 1. Section 111-85 of the Municipal Code, Fines and penalties for offenses and fees, as amended, is hereby further amended by amending subsection A(1)(a) thereof and the introductory to A(1)(b) to read in their entirety as follows:

- (a) Overtime or expired time for meter, paystation, or non-meter parking: \$20.
- (b) Restricted area: \$30.

Section 2. Section 111-85 of the Municipal Code is hereby further amended by relettering subsection A(1)(e) as A(1)(f), and by amending subsection A(1)(d) thereof and adding a new A(1)(e) to read in their entirety as follows:

- (d) Handicapped zone: \$100.
- (e) Less than 15 feet from hydrant: \$85.

Section 3. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Ordinance No. 2012-238  
(Int. No. 300, As Amended)

**Amending The Municipal Code With Respect To Parking Rates**

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

Section 7. Section 111-99 of the Municipal Code, Parking rates for on-street parking, as amended, is hereby further amended to read in its entirety as follows:

Section 111-99. Parking rates for on-street parking.

A. The following rates are established for on-street parking, except as provided in subsection B:

Class	Minutes	Cost
	2	\$0.05
	5	\$0.10
	12	\$0.25
D	15	\$0.30
	24	\$0.50
C	30	\$0.65
	48	\$1.00
B	60	\$1.25
A	120	\$2.50
10 Hr.	600	\$12.50

B. A daily maximum of \$18 shall be charged for parking on streets and bridges identified by the Parking Director and approved by the Mayor, using dynamic pricing with hourly amounts increasing for longer parking.

Section 2. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by amending subsection A(4) to read in its entirety as follows:

(4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any weekday parking shall be as follows:

(a) High Falls Garage, Court Street Garage, Genesee Crossroads Garage, Sister Cities Garage, South Avenue Garage and Washington Square Garage: \$8.00.

(b) Mortimer Street Garage: \$5.00.

Section 3. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by amending subsection A(6)(a)-(g) to read in their entirety as follows:

(a) Court Street Garage: \$[88] 84 for parking in the general area, \$[54] 50 for parking in the rooftop area, \$[104] 100 for parking in the premium area, and \$[135] 131 for parking in the reserved area.

(b) Genesee Crossroads Garage: \$[88] 84.

(c) High Falls Garage: \$[71] 67 for parking in the general area and \$[114] 110 for

parking in the reserved area.

(d) South Avenue Garage: \$[88] 84.

(e) Sister Cities Garage: \$[88] 84 for parking in the general area and \$[104] 100 for parking in the premium area.

(f) Mortimer Street Garage: \$[40] 50 for parking in the garage and in the surface lot.

(g) Washington Square Garage: \$[88] 84 for parking in the general area of the garage, \$[104] 100 for parking in the reserved area of the garage, and \$22 for parking in the Wadsworth Square Lot.

Section 4. This ordinance shall take effect on July 1, 2012.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2012-239  
(Int. No. 301)

**Amending The Municipal Code With Respect To Fees Of The City Clerk**

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

Section 1. Section 47B-3 of the Municipal Code, relating to fees for domestic partnerships, as amended, is hereby further amended by changing the fee for a statement of domestic partnership or a termination of domestic partnership from \$40 to \$50.

Section 2. Section 98-11 of the Municipal Code, relating to fees for sexually oriented business licenses, as amended, is hereby further amended by changing the fee for a sexually oriented business manager license or a sexually oriented business employee license in Subsection B thereof from \$30 to \$40.

Section 3. This ordinance shall take effect on July 1, 2012.

Passed unanimously.

Ordinance No. 2012-240  
(Int. No. 302)

**Amending The Municipal Code With Respect To Fees For Special Events**

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

Section 1. There is hereby added to the Municipal Code the following new Section 13-2:

Section 13-2. Fees for Special Events.

The Mayor shall establish fees for permits for festivals, parades, races, block parties, use of the City Hall atrium, and other special events using City streets, public places or facilities.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-17  
Re: 2012-13 Debt Limit

Transmitted herewith for your approval is legislation establishing the Debt Limit and Debt Rollover and Debt Extension amounts for the 2012-13 Budget.

2012-13 Debt Limit

The Debt Limit for tax supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption of principal on any borrowing approved as an exception to the Debt Limit and is further reduced by specific revenues attributable to bonded debt. The resulting Debt Limit for 2012-13 is \$16,829,000.

Attached is the 2012-13 Debt Authorization Plan, which calls for borrowing of \$16,829,000 in tax supported funds. The Plan also includes an additional \$10,246,000 supported by the City's Enterprise Funds (Water and Parking).

Debt Rollover 2011-12 and 2010-11

The Debt Authorization Plans for the current and the two immediately prior fiscal years can remain open contingent upon the approval of the rollover amounts. This provides flexibility in the timing of authorizations which vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of unauthorized items in the debt plan that are no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2011-12: The Debt Limit for this year was \$16,579,000. Of that amount \$3,974,000 has been authorized, leaving a balance of \$12,605,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2011-12 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

2010-11: The Debt Limit for this year was \$16,339,000. Of that amount \$5,921,000 has been authorized, leaving a balance of \$10,418,000.

Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2010-11 itemizes projects remaining for that year.

Time Limit Extensions for 2009-10, 2008-09, 2007-08, 2006-07 and 2005-06

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds, or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available. One-year extensions are requested for the following items based on programming and timing:

2009-10 Project

<u>Purpose</u>	<u>Amount</u>
F-1 Rundel Library Renovations renovation	\$ 490,000
F-2 Hazardous Waste Remediation Andrews Street	925,000
T-2 Mt. Hope Avenue Phase II street rehabilitation	880,000
T-2 Broad Street East/Chestnut street rehabilitation	420,000
T-4 Residential Street rehabilitation	232,000
G-7 Charlotte Lighthouse Promenade port development	53,000
F-2 Investigation and Remediation contaminated sites within city	75,000
F-1 City Hall rehabilitation	125,000
T-3 Pavement Program street rehabilitation	89,000
F-2 Hazardous Waste Remediation Seneca	<u>550,000</u>
Total 2009-10 Extension	\$3,839,000

2008-09 Project

<u>Purpose</u>	<u>Amount</u>
T-3 Milling & Resurfacing street rehabilitation	\$1,099,000
G-8 East End Development street rehabilitation	126,000
T-2 Residential Street rehabilitation	176,000
F-2 Investigation and Remediation contaminated sites within city	286,000
G-8 Capron Street/South Avenue downtown development	237,000
G-7 Waterfront Planning acquisition	700,000
G-7 River Street Extension acquisition	609,000
T-2 Broad Street/East/Chestnut street rehabilitation	90,000
T-2 Mt. Hope Avenue street rehabilitation	<u>84,000</u>
Total 2008-09 Extension	\$3,407,000

2007-08 Project

<u>Purpose</u>	<u>Amount</u>
G-8 Durand Eastman Park	

water quality improvements	\$ 120,000
F-2 Hazardous Waste Remediation contaminated sites within city	870,000
G-8Historic Aqueduct Redevelopment Broad St. aqueduct renovation	324,000
F-2 Hazardous Waste Remediation Olean Kennedy	100,000
F-2 Investigation and Remediation contaminated sites within city	545,000
T-2 Lawn Street street rehabilitation	23,000
G-3 La Avenida acquisition	<u>355,000</u>
Total 2007-08 Extension	<u>\$2,337,000</u>

2006-07 Project

<u>Purpose</u>	<u>Amount</u>
F-2 Hazardous Waste Remediation contaminated sites within city	\$ 61,000
F-2 Hazardous Waste Remediation Brooks Landing	<u>100,000</u>
Total 2006-07 Extension	<u>\$161,000</u>

2005-06 Project

<u>Purpose</u>	<u>Amount</u>
F-2 Hazardous Waste Remediation contaminated sites within the city	\$ 30,000
G-7 Waterfront Planning & Acquisition Port development	<u>1,195,000</u>
Total 2005-06 Extension	<u>\$1,225,000</u>

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,  
Thomas S. Richards  
Mayor

Attachment No. AL-94

Resolution No. 2012-17  
(Int. No. 303)

**Resolution Approving The 2012-13 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 2012-13 to \$16,829,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2010-11 and 2011-12 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2009-10 relating to Rundel Library renovations, hazardous waste investigation and remediation at contaminated City sites including but not limited to Andrews Street and Seneca, street rehabilitation for Mount Hope Avenue and Broad Street East-Chestnut Street, residential street rehabilitation, rehabilitation of City Hall, Pavement Program street rehabilitation, and port development at Charlotte Lighthouse Promenade; for fiscal year 2008-09 relating to milling and resurfacing, street rehabilitation for East End, Broad Street East-Chestnut Street and Mount Hope Avenue, residential street rehabilitation, hazardous waste investigation and remediation at contaminated City sites, downtown development near Capron Street-South Avenue, waterfront planning and acquisition, and River Street extension acquisition; for fiscal year 2007-08 relating to water quality improvements at Durand Eastman Park, hazardous waste investigation and remediation at Olean Kennedy and contaminated City sites, Historic Aqueduct Redevelopment, rehabilitation of Lawn Street, and La Avenida and acquisition, and for fiscal year 2006-07 relating to hazardous waste remediation at Brooks Landing and contaminated City sites, and for fiscal year 2005-06 relating to hazardous waste remediation at contaminated city sites and waterfront planning and acquisition.

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

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

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Conklin moved to discharge Int. No. 315 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-241  
Re: City School District Capital Program

Transmitted herewith for your approval is legislation authorizing the Rochester City School District to use \$7,547,000 of unspent school bond funds to finance capital improvements to City schools. These funds have been identified as being available due to economies in prior capital programs.

The City annually has approved funds for capital improvements to schools in amounts equal to the school debt redeemed during that year. However, because of the effect of school debt on the City's Maintenance of Effort (MOE) funding requirement, no debt for the regular School District capital program has been approved in 2011-12.

The School District has reviewed its capital program and identified the most significant projects to pursue this year with the use of unspent funds from previously approved bonds. Since no new bonding is required for these projects, this action will not negatively impact the MOE. This action will also allow the School District to obtain State building aid for these projects, which would positively affect the MOE in future years. Requests for new school bonding will still require a satisfactory resolution of the MOE issues.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-95

Ordinance No. 2012-241  
(Int. No. 315)

**Bond Ordinance of The City Of Rochester, New York, Authorizing Application of Certain Bond Proceeds To Offset the Cost of Improvements to Specified School District Property Improvements**

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"), at the request of the Rochester City School District (the "School District"), has financed certain capital improvements at various School District properties through the issuance of its Bonds and Bond Anticipation Notes. Based on construction savings achieved at various School District sites, certain excess Bond proceeds are now on deposit with the City. The School District has requested that the City allow these Bond proceeds to be applied to the costs of the planning and design of other School District capital improvements and for School Dis-

trict capital improvements for which funding has previously been authorized by Ordinance of the City Council but have not yet been fully funded by the City by issuance of its Bonds or Bond Anticipation Notes.

Section 2. The aggregate savings realized from prior capital improvement projects ("Prior Projects") is \$7,547,000. The School District has requested that those funds be applied for the specified purposes at the locations indicated in a report on file in the Office of the Director of Finance of the City. The estimated maximum cost of said improvements authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,547,000. Bond funding for further or other improvements at those or other School District properties is subject to the prior review and authorization of City Council in its customary process. To the extent this authorization provides funds for improvements previously authorized by City Council, borrowings for completion of those authorized projects shall be reduced by the pro rata amount of this authorization. This authorization does not increase the maximum project cost of any capital improvement previously authorized for funding by City Council. Prior Ordinances authorizing capital borrowings for projects included herein shall be deemed amended by the provisions hereof.

Section 3. The Bonds funding the costs of the specified improvements authorized by this Ordinance continue to 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 have been irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 4. To the extent Bond funding for the planning and design of any School District capital improvement included herein has not yet been authorized by Ordinance of the City Council, this Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. This Ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo  
June 19, 2012

To the Council:

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

Int. No. 256 - Authorizing The Sale Of Real

Estate, As Amended

Int. No. 258 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Centers

Int. No. 259 - Appropriation Of Funds - Insurance Reserve Fund

Int. No. 260 - Approving Business Programs And Amending Ordinance No. 2011-210, As Amended

Int. No. 278 - Resolution Approving Appointments To The Rochester Economic Development Corporation

Int. No. 286 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Harris Park Apartments Project

Int. No. 287 - Authorizing A Loan Agreement For The Harris Park Apartments Project

Int. No. 306 - Authorizing Agreements Relating To The Focused Investment Strategy Vacant Lot Fencing And Greening Program

Int. No. 312 - Authorizing An Amendatory Agreement For The Homelessness Prevention And Rapid Re-Housing Program And Amending Ordinances No. 2009-280 And 2010-322

Int. No. 313 - Resolution Endorsing Grant Applications For The New York Main Street Program

Int. No. 314 - Resolution Endorsing Grant Applications For The New York Urban Initiatives Program

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

Int. No. 261 - Authorizing The Acquisition By Negotiation Or Condemnation Of Railroad Right-Of-Way For Upper Falls Terrace Park And Economic Development Purposes

Int. No. 262 - Authorizing The Acquisition By Negotiation Or Condemnation Of A Permanent Easement Over 236 University Avenue For The Facilities Modernization Program

Int. No. 263 - Determinations And Findings Relating To The Acquisition Of An Easement Over 236 University Avenue For The Facilities Modernization Program Of The Rochester City School District Program

The following entitled legislation is being held in Committee:

Int. No. 257 - Amending Chapter 90 Of The Municipal Code, Property Code, With Respect To Certificates Of Occupancy

Respectfully submitted,

Carla M. Palumbo  
Carolee A. Conklin  
Jacklyn Ortiz  
Dana K. Miller  
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-242  
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, City records have been audited to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are buildable vacant lots. Both parcels being sold will be developed as parking lots.

The remaining two parcels are unbuildable vacant lots, both being sold to their adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,264.

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,  
Thomas S. Richards  
Mayor

Attachment No. AL-96

Ordinance No. 2012-242  
(Int. No. 256, As Amended)

**Authorizing The Sale Of Real Estate**

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.	Price
[51 Chamberlain St 107.69-1-41	40x128 John & Maria Stensrud]	5,105	\$ 450
330 Scio St 106.73-2-52	38x130 David Quintana	4,940	\$1,700

Ordinance No. 2012-243  
(Int. No. 258)

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

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
22 Lincoln St 106.41-3-28	33x110 Jacob Brinson	3,559
162 Syke St 120.33-2-58	37x62 Gerald Hayes	2,294

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 a 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 2012-13 Budget of the Neighborhood and Business 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 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 2. This ordinance shall take effect immediately.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-243  
Re: Agreement - Sally Wood Winslow,  
High Falls Centers Operation

Ordinance No. 2012-244  
Re: Appropriation - Insurance Reserve  
Fund, Section 108 Loan Payment

Transmitted herewith for your approval is legislation establishing \$41,600 as maximum compensation for a one year agreement with Sally Wood Winslow for operation of the High Falls Centers, which includes the museum, interpretive center, gallery, and gift shop. The cost of this agreement will be funded from the 2012-13 Budget of the Department of Neighborhood and Business Development, contingent upon adoption of the 2012-13 budget.

Transmitted herewith for your approval is legislation appropriating \$3,177,345 from the Insurance Reserve Fund to finance the payment of the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Note for the Sibley Building located at 228-280 E. Main Street.

Ms. Winslow has operated the Centers part-time from 1993 through February 2004, when she assumed operations on a full-time basis. The current agreement expires July 17, 2012

Ordinance No. 91-353 authorized agreements with HUD for a \$4 million Section 108 loan. The terms of the note included 10 years of interest-only payments with the full \$4 million principal balance due at maturity. Per the same Ordinance, agreements were authorized with Rochwil Associates for a 10-year loan with similar terms for the Section 108 proceeds for the Sibley Building Project. The Sibley Building project involved the purchase and renovation of the Sibley Building for a mix of uses including retail, commercial and the new downtown campus for Monroe Community College. The cost of the project was \$26.1 million. During the initial term of the Section 108 Loan, Rochwil was current with interest payments up through January 1998.

A requirement of a New York State grant received in 1992 requires the Centers to operate for a minimum of 23 years. Operation of the gift shop includes a monthly rental fee to the City of 15% of gross sales.

The City and HUD refinanced the Section 108 Loan in 2002 per Ordinance 2002-241, and extended the term of the note an additional 10 years. The new terms included annual principal payments of \$100,000 and semi-annual interest payments. The note matures on August 1, 2012 with the balance of \$3,177,345 due, which includes outstanding principal, and the final interest payment. During the second term of the note, the City paid all principal

Respectfully submitted,  
Thomas S. Richards  
Mayor

and interest charges to HUD from the City's HUD 108 Loan-Loss Reserve Fund.

Section 108 funds were provided directly to the City of Rochester from HUD and were subsequently loaned to Rochwil. Because the loan agreement is between the City of Rochester and HUD, the City is ultimately responsible for full repayment of the loan to HUD. As security for the loan, the City has pledged the current and future CDBG allocations to cover the loan amount. In the event of default by the City, HUD would reduce its future CDBG allocations provided to the City to repay the loan balance. After repayment of the loan to HUD, the City will still retain a lien on the Sibley property.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All major 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 2010-11 was \$39,317.98.

The unencumbered unappropriated balance of the fund, through March 31, 2012, is approximately \$16,327,894 million. In addition, there is an appropriated, unencumbered balance of approximately \$500,192. This proposed legislation will add \$3,177,345 to the appropriated balance.

As you are aware, Winn Development has been negotiating with Rochwil to purchase the Sibley Building. The City has been supportive of Winn's efforts, believing that Winn has the resources and experience to resurrect the Sibley Building. Since the City is owed the Section 108 Loan, a CDBG float loan, and delinquent PILOT payments and taxes, and intends to locate a police substation in the building, the City will have to enter into agreements with the parties to allow the sale of the building to proceed. The City's lien on the property will also have to be a subject of negotiation between the parties. It is anticipated that a plan to address these matters will soon be ready to share with Council. As previously indicated, it is unrealistic to expect that the City will be repaid all of these past due funds. However, it is hoped that a sale can be structured in such a manner that it will address City interests and provide Winn the ability to move quickly with its plans to renovate and find tenants to occupy the building.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-244  
(Int. No. 259)

**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 \$3,177,345, or so much thereof as may be necessary, to finance the payment of the United States Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Note for the Sibley Building.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-245  
Re: Community Development Block  
Grant - Business Programs

Transmitted herewith for your approval is legislation related to the City of Rochester's Business Programs. This legislation will:

1. Appropriate a total of \$2,370,550 from the Economic Stability allocation of the 2012-13 Consolidated Community Development Plan to fund business programs;
2. Appropriate and re-appropriate a total of \$112,800 from previous annual Consolidated Plans (2009-10 and 2010-11) as summarized in the 2012-13 Consolidated Plan (approved via Ord. No. 2012-185) for Business Programs.
3. Authorize agreements necessary to implement the following specific programs; and
4. Authorize the Director of Finance to make adjustments to the reprogrammed amounts set forth below which may have changed prior to the date of this ordinance.

Funds will be allocated to the following programs as summarized below. Program descriptions are attached.

<u>Program</u>	<u>Con Plan</u>	<u>Amount</u>
ED Financial Assistance	2009-10	\$ 56,400
Loan & Grant Programs	2010-11	56,400
	2012-13	<u>711,550</u>
		\$ 824,350
Section 108 Loan Loss Reserve	2012-13	100,000
Targeted Façade Improvement Program	2012-13	350,000
Neighborhood Commercial Assistance Program	2012-13	444,000
NBD Project Assistance Fund	2012-13	<u>765,000</u>
Total		\$2,483,350

Respectfully submitted,

Thomas S. Richards  
Mayor

Attachment No. AL-97

Ordinance No. 2012-245  
(Int. No. 260, As Amended)

**Approving Business Programs And Amending Ordinance No. 2011-210**

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

Section 1. There is hereby appropriated or reappropriated from the following accounts of the Promoting Economic Stability Allocations of the Community Development Block Grants the sum of \$2,483,350, or so much thereof as may be available and necessary, to fund the following programs:

Account/Program	Year	Amount
ED Financial Assistance Loan & Grant Programs	2009-10	\$ 56,400
	2010-11	56,400
	2011-12	711,550
Section 108 Loan Loss Reserve	2012-13	100,000
Targeted Façade Improvement Program	2012-13	350,000
Neighborhood Commercial Assistance Program	2012-13	444,000
NBD Project Assistance Fund	2012-13	765,000

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. The Director of Finance shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 5. Ordinance No. 2011-210, relating to Housing Development Fund Programs, is hereby amended by reducing the amount authorized and appropriated for Flower City Habitat for Humanity from the Improving the Housing Stock and General Property Conditions Objective, New Construction Allocation of the 2010-11 HOME Program by the sum of \$30,000, which amount shall be funded from the 2011-12 Budget of the Department of Neighborhood and Business Development.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-18  
Re: Appointments- Rochester Economic Development Corporation

Transmitted herewith for your approval is legislation confirming the appointment of three new members, and the re-appointment of seventeen members to the Rochester Economic Development Corporation. REDCO has a total of 25 Members, which includes five City ex-officio members.

<u>Reappointments</u>	<u>Initial Appt.</u>	
Robert D. Baden, President Rochester Software Associates	June	2005
Gary Bonadonna Political Director Rochester Regional Joint Board	January	2008
James Costanza, President Costanza Enterprises	June	2002
Sergio Esteban, President/CEO Labella Associates, PC	July	2007
James M. Genthner, Exec. VP Epic Advisors	June	2005
Karen Noble Hanson Dir. Of Finance Episcopal Diocese Rochester	June	1995
Barbara J. Jones Ret'd VP Comm'y Invest. JP Morgan Chase	June	1995
Wayne LeChase, CEO/Mng Partner LeChase Const Serv	June	1995
Dana K. Miller, Vice-President Rochester City Council	April	2012
Richard Mueller, Sr. VP M&T Bank	June	1995
David Rodriguez, CEO Council Rock Enterprises, LLC	June	2005
Ruth H. Scott, CEO Scott Associates	October	1983
Emilio Serrano, Retired CEO Ibero American Inv Corp	June	1995
Dale Trott, President DG&M Insurance Agency	August	2008
Julio Vazquez, CEO Eugenio Maria de Hostas Charter School	June	1995
Gerald P. Ward, President Brewer & Newell Printing, Inc	December	2007

David A. Young, Jr January 2008  
Business Manager  
IBEW Local #86

New Appointments

David L. Brooks, Sr. VP/Ch. Lending Officer  
ESLFCU

Michelle A. Hutchinson, Operations Partner  
Brown & Hutchinson

Katherine Karl, Partner  
Underberg & Kessler, LLP

City of Rochester Ex-Officio Members

R. Carlos Carballada, Commissioner  
Neighborhood/Business Development

Bret Garwood, Director  
Business and Housing Development, NBD

Thomas S Richards, Mayor

Brian L. Roulin, Director  
Finance

Lovely A. Warren, President  
City Council

Terms for members will extend to June 30, 2014.  
Resumes for members are on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-18  
(Int. No. 278)

**Resolution Approving Appointments To The Rochester Economic Development Corporation**

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

Section 1. The Council hereby approves the reappointment of the following members of the Rochester Economic Development Corporation (REDCO) for terms which shall expire on June 30, 2014:

- Robert D. Baden, President  
Rochester Software Associates
- Gary Bonadonna, Political Director  
Rochester Regional Joint Board
- James Costanza, President  
Costanza Enterprises
- Sergio Esteban, President/CEO  
Labella Associates, PC
- James M. Genthner, Exec. VP  
Epic Advisors
- Karen Noble Hanson, Dir. of Finance  
Episcopal Diocese Rochester
- Barbara J. Jones, Ret'd VP Comm. Invest.  
JP Morgan Chase

- Wayne LeChase, CEO/Mng. Partner  
LeChase Const. Serv.
- Dana K. Miller, Vice-President  
Rochester City Council
- Richard Mueller, Sr. VP  
M&T Bank
- David Rodriguez, CEO  
Council Rock Enterprises, LLC
- Ruth H. Scott, CEO  
Scott Associates
- Emilio Serrano, Retired CEO  
Ibero American Inv Corp
- Dale Trott, President  
DG&M Insurance Agency
- Julio Vazquez, CEO  
Eugenio Maria de Hostas Charter School
- Gerald P. Ward, President  
Brewer & Newell Printing, Inc
- David A. Young, Jr, Business Manager  
IBEW Local #86

Section 2. The Council hereby approves the appointment of the following members of the Rochester Economic Development Corporation (REDCO) for terms which shall expire on June 30, 2014:

- David L. Brooks, Sr. VP/Ch. Lending Officer  
ESLFCU
- Michelle A. Hutchinson, Operations Partner  
Brown & Hutchinson
- Katherine Karl, Partner  
Underberg & Kessler, LLP

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-246 and  
Ordinance No. 2012-247  
Re: Harris Park Apartments Project

Transmitted herewith for your approval is legislation relating to the Harris Park Apartments, a housing project at 72-136 Floverton Street to be undertaken by Conifer Realty. This legislation will:

1. Authorize a loan agreement not to exceed \$300,000 with Conifer Realty and appropriating that amount from the Affordable Housing Fund allocation of the Housing Development Fund of the 2012-13 HOME Program to finance the loan.
2. Authorize a property tax exemption and payment-in-lieu of taxes agreement with a Housing Development Fund Corporation to be formed by Conifer Realty for the above noted property, SBL #122.410-0001-006. This agreement will provide a 20-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).

Conifer is proposing to acquire and provide essen-

tial improvements to the Harris Park Apartments. The complex consists of 114 units of affordable housing. The scope of the rehabilitation work will include exterior enhancements, energy efficient upgrades, kitchen and bathroom repairs, and other deferred maintenance items. The project is expected to begin in July 2012.

The project currently has a Housing and Urban Development Housing Assistance Program agreement that requires all units remain affordable to households at or below 80% of the area median income. This agreement expires in 2031. Currently, there are 63 units that have Section-8 project vouchers and service households below 60 % of AMI, and 47 of the units have tenant-based enhanced Section-8 vouchers. Four units are currently occupied by households at 80% AMI. Conifer will continue the Section-8 project units and expects to have a more diverse income mixture in the future.

The proposed HOME loan will be used for construction and permanent financing. The loan will be for a term of 20 years at 1%, with annual interest only payments and principal due at the end of the term. The first year's tax payment under the PI-Lot agreement will be approximately \$82,314.

The project budget is summarized below:

<u>Cost</u>	
Acquisition	\$4,300,000
Construction	288,500
Professional services	43,500
Carrying and finance	149,000
Construction contingency	10,000
Total	<u>\$4,791,000</u>
<u>Sources</u>	
Conventional mortgage	\$3,800,000
City of Rochester	300,000
GP Equity	<u>700,000</u>
Total	<u>\$4,800,000</u>

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-98

Ordinance No. 2012-246  
(Int. No. 286)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Harris Park 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 20 years, the property at 72-136 Flovertton Street, SBL #122.410-0001-006, to be owned by a housing development fund company to be formed by Conifer Realty, and to be used for housing as a part of the Harris Park Apartments

Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 20 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.

Ordinance No. 2012-247  
(Int. No. 287)

**Authorizing A Loan Agreement For The Harris Park 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 Conifer Realty for the rehabilitation of housing at 72-136 Flovertton Street as the Harris Park Apartments Project. The loan shall be for a term of 20 years with 1% interest. Interest shall be payable annually. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2012-13 HOME 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. 2012-248  
Re: FIS Improvement Projects - Vacant  
Lot Improvement Program

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensa-

tion for an agreement with Schubert Centre, LLC for a project in the Beechwood FIS area; and approving the use of funds toward a pedestrian walkway project in the Jefferson Avenue FIS area. The cost of this agreement and funds for the walkway project will be financed from the appropriation authorized in Ordinance No. 2009-275.

In the Beechwood FIS, a privately-owned vacant residential lot is currently used illegally as a parking lot, and has been a long-standing eyesore. It is proposed to transform the site at 143-147 Webster Avenue into a viable conforming use. The project will allow for the lot to be paved and legalized as an ancillary parking lot for the Dazzle Theater. Fencing will be installed in front of the lot along Webster Avenue covering 118 feet of frontage. Significant landscaping will be included as well to ensure aesthetic quality of the lot from both the street-side view from Webster Avenue as well as the rear of the lot that is visible from adjacent residences. The owner of the lot, Shubert Center LLC, will act as developer with a consultant architect/engineer to be hired to develop the plans and oversee construction. The total cost is estimated at \$72,000 which includes both construction and professional services costs. The owner will contribute \$2,000, and will be required to obtain at least three estimates and award the project to the lowest bidding contractor.

The second proposed project is located in the Jefferson Avenue FIS area, and FIS funds would be used to enhance an existing plan by the City to install a pedestrian walkway/trail connector as part of their ongoing efforts to connect urban trails throughout Rochester's neighborhoods. The walkway, on an easement at 431 W. Main Street, connects the Voters Box Memorial and the newly constructed mixed-use building. The FIS funding would provide fencing along the eastern boundary of the easement; materials will be consistent with those used at the adjoining Anthony Square apartment complex. The cost of the fence is estimated to be \$15,000. This addition, which would otherwise not be part of the DES project, will enhance the trail to ensure a uniform appearance that integrates well with the surrounding area. Authorization to proceed with the trail project is anticipated to be submitted to City Council at the July 19, 2012 meeting. The project will be managed by the Department of Environmental Services.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-99

Ordinance No. 2012-248  
(Int. No. 306)

**Authorizing Agreements Relating To The Focused Investment Strategy Vacant Lot Fencing And Greening Program**

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

Section 1. The Mayor or his designee is hereby authorized to enter into an agreement with Schubert Centre LLC for improvements to the parking lot at 143-147 Webster Avenue as a part of the Vacant Lot Fencing and Greening Program. The agreement shall obligate the City to pay an amount not to exceed \$70,000, which amount shall be funded from the appropriation made in Ordinance No. 2009-275.

Section 2. The Mayor or his designee is hereby authorized to enter into any necessary agreements for the installation of a pedestrian walkway/trail connector over an easement at 431 West Main Street as a part of the Vacant Lot Fencing and Greening Program. The sum of \$15,000, or so much thereof as may be necessary for this purpose, shall be funded from the appropriation made in Ordinance No. 2009-275.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-249  
Re: Amendatory Agreement -  
Coordinated Care Services, Inc.  
(CCSI), HPRP/Heading Home

Transmitted herewith for your approval is legislation relating to the Homelessness Prevention Rapid Re-housing Program, Heading Home. This legislation will:

1. Amend Ordinance No. 2009-280 to reduce the amount appropriated therein for HPRP Administration by \$25,000, and reappropriating that amount for Heading Home;
2. Amend Ordinance No. 2010-322 to reduce the amount appropriated therein for HPRP Financial Assistance Services funds by \$7,000, and reappropriating that amount for Heading Home;
3. Authorize an amendatory agreement with CCSI for the implementation of Heading Home to increase compensation by \$32,000. The original agreement was authorized via Ord. 2009-280; this amendment will result in a total compensation of \$3,656,117.

HPRP regulations require that all funds be spent by the end of the program. Any unspent funds are not able to be carried forward. The program ends on July 21, 2012. The approval of the amendatory agreement will allow the unspent funds to be used to provide additional assistance before the termination of the program.

A description of the program and the related and

legislative history are attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-100

Ordinance No. 2012-249  
(Int. No. 312)

**Authorizing An Amendatory Agreement For  
The Homelessness Prevention And Rapid Re-  
Housing Program And Amending Ordinances  
No. 2009-280 And 2010-322**

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 Coordi-  
nated Care Services, Inc. for services under the  
Homelessness Prevention and Rapid Re-Housing  
Program in order to expend all unspent funds of the  
Program.

Section 2. The amendatory agreement shall  
obligate the City to pay an amount not to exceed  
\$32,000, and said amount, or so much thereof as  
may be necessary, is hereby reappropriated from  
the Homelessness Prevention and Rapid Re-  
Housing Program Funds reduced or reclaimed in  
Sections 3 and 4.

Section 3. Ordinance No. 2009-280, relating to  
the Homelessness Prevention and Rapid Re-  
Housing Program, is hereby amended by reducing  
the amount appropriated therein for administration  
by the sum of \$25,000.

Section 4. Ordinance No. 2010-322, relating to  
the Homelessness Prevention and Rapid Re-  
Housing Program, is hereby amended by reclaim-  
ing \$7,000 from the amount reduced in Section 2  
therein for City lead inspection services.

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

Section 6. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL:  
Ladies and Gentlemen:

Resolution No. 2012-19 and  
Resolution No. 2012-20  
Re: 2012 NYS Consolidated Funding  
Application NY Urban Initiatives  
And NY Main Street Programs

Transmitted herewith for your approval is legisla-  
tion endorsing applications by external agencies for  
funding through the 2012 New York State Consoli-  
dated Funding Application.

The Consolidated Funding Application (CFA) is  
offering financial resources to eligible applicants to  
undertake housing and commercial revitalization  
projects across New York State. To be eligible for  
funding, the local legislative body must provide a  
resolution of endorsement to ensure that applica-  
tions are consistent with governmental policies and  
goals.

The City has received requests from several organi-  
zations for resolutions in support of proposed pro-  
jects under the Urban Initiatives and New York  
Main Street Programs, and are summarized below.

Urban Initiatives Program. This program provides  
financial and technical resources for the restoration  
and improvement of housing, commercial areas,  
and public and community facilities in urban  
neighborhoods. Grants are awarded to not-for-  
profit community based organizations and charita-  
ble organizations that have a direct interest in im-  
proving the health, safety, and economic viability  
of a distressed urban neighborhood or other aspects  
of the area environment that are related to commu-  
nity preservation or renewal activities.

The following Urban Initiatives applications are  
recommended for your endorsement:

- 72 Conkey Avenue  
\$200,000 for renovation of a 4,000 sq. ft.  
building to be used as a community center on  
the first floor and 3 apartments on the second  
floor. Ibero American Development Corpora-  
tion will act as the developer.
- 422 & 429 S. Clinton Avenue (Association  
for the Blind and Visually Impaired)  
\$200,000 for renovations to 422 S. Clinton  
Avenue north and south wings. The north  
wing, which is the Lowenthal Knitting Works  
Building, is eligible for listing on the National  
and State Registers of Historic Places. And,  
up to \$100,000 for renovations and infrastruc-  
ture improvement at 429 S. Clinton Avenue  
(Skinner Building, formerly Rochester Mer-  
cantile).
- 175 N. Clinton Avenue (YWCA)  
\$200,000 for the renovation of the YWCA  
building located at 175 N. Clinton Avenue,  
which includes 96 existing residential units,  
common area space, YWCA program and of-  
fice space. The project also includes site im-  
provements and 14 new residential units with-  
in currently vacant space.
- 8 Ambrose St. (Volunteers of America)  
\$200,000 for new construction on a brown-  
field redevelopment site. This mixed-use pro-  
ject will create 40 units of housing for low-  
income seniors and adult day care services  
through a Program of All-inclusive Care for  
the Elderly (PACE) facility to be located on  
the first floor. Conifer Realty will act as de-  
veloper.
- 130 Woodward/133 Weld St. Project  
\$200,000 for renovation to preserve four units

of affordable rental housing. The developer will be PathStone, Inc..

New York Main Street Grant Program. This program provides assistance for Main Street revitalization efforts. Not-for-profit organizations and municipalities can apply for grants of up to \$250,000 for façade and building renovation and streetscape enhancement. Matching grants are provided to owners of mixed-use buildings to renovate facades, storefronts and commercial interiors, with additional funds for residential units up to a per building maximum of \$100,000.

Applicants must identify a well-defined area to maximize the impact on the community. The proposed activities are to be carried out in a program target area of generally no more than three contiguous blocks which has experienced physical deterioration or disinvestment, and has a number of sub-standard or vacant properties.

The following Main Street applications are recommended for your endorsement:

- Sector 4 CDC  
The identified target area is Thurston Road between Ravenwood Avenue and Enterprise Street.
- Monroe Avenue Merchants Association  
The identified target area is Monroe Avenue from Wilcox Street to Goodman Street.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-101

Councilmember Palumbo moved to amend Int. No. 313.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Resolution No. 2012-19  
(Int. No. 313, As Amended)

**Resolution Endorsing Grant Applications For The New York Main Street Program**

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

Section 1. The Council hereby endorses the applications of the Monroe Avenue Merchants Association and the Sector 4 Community Development Corporation to the New York State Division of Housing and Community Renewal, and of Friends of GardenAerial to the Office of Parks, Recreation, and Historic Preservation, for inclusion in the New York Main Street Grant Program, and finds that the applications are consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to

provide certified copies of this resolution to the appropriate staff at the New York State Division of Housing and Community Renewal and to the applicants.

Section 3. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

Councilmember Palumbo moved to amend Int. No. 314.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Resolution No. 2012-20  
(Int. No. 314, As Amended)

**Resolution Endorsing Grant Applications For The New York State Urban Initiatives Program**

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

Section 1. The Council hereby endorses the applications of the Ibero American Development Corporation, Association for the Blind and Visually Impaired, Young Women's Christian Association, Volunteers of America, NCS Community Development Corporation and PathStone, Inc. to the New York State Division of Housing and Community Renewal for inclusion in the New York State Urban Initiatives Program, and finds that the applications are consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Division of Housing and Community Renewal and to the applicants.

Section 3. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-250  
Re: Acquisition of Railroad Right-of-Way

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of approximately .9 acre of real property from CSX Transportation Inc., which holds title in the name of New York Central Lines LLC.

The property to be acquired consists of an abandoned railroad spur and trestle bridge. It is located near the east bank of the Genesee River, beginning

a short distance north of the Inner Loop and extending northward toward Dowling Place. The railroad property bifurcates Upper Falls Terrace Park.

The property will be used for parkland expansion, to enhance the public's views and enjoyment of the Genesee River, and for future economic development projects. The property information is below.

<u>Property Address</u>	<u>Land Area</u>	<u>Appraised Value</u>
<u>Reputed Owner</u>		<u>SBL</u>
000 St. Paul St.	.898 acre	\$15,000
New York Central Lines LLC		106.70-1-28.1

The acquisition cost was established through an independent appraisal prepared by Kevin L. Bruckner, MAI, dated April 27, 2012. The total acquisition amount, including closing costs, will not exceed \$20,000, and will be financed from prior year Cash Capital.

In accordance with the Eminent Domain Procedure Law, a determination and findings must be adopted prior to the condemnation approval.

A public hearing is required for the acquisition.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-102

Ordinance No. 2012-250  
(Int. No. 261)

**Authorizing The Acquisition By Negotiation Or Condemnation Of Railroad Right-Of-Way For Upper Falls Terrace Park And Economic Development Purposes**

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

Section 1. The Council hereby approves the acquisition of the following parcel of railroad right-of-way in an amount not to exceed that indicated to expand Upper Falls Terrace Park, enhance the view and enjoyment of the Genesee River, and for future economic development purposes:

<u>Property Address</u>	<u>Size</u>	<u>Appraised Value</u>
<u>Reputed Owner</u>		<u>SBL</u>
000 St. Paul St.	.898 acre	\$15,000
New York Central Lines LLC		106.70-1-28.1

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$15,000, and said amount, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

Section 3. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such

charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 4. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-251 and  
Ordinance No. 2012-252  
Re: Acquisition of an Easement -  
236 University Avenue

Transmitted herewith for your approval is legislation authorizing the acquisition of a permanent easement by negotiation or condemnation at 236 University Avenue, and adopting the related determinations and findings. The acquisition will permit the Rochester City School District to install a new water supply line connecting School 58 to the Holly Service, as part of Phase I of the Facilities Modernization Program (FMP).

Authorization for acquisition of the entire property at 236 University Avenue was previously approved by City Council pursuant to Ord. No. 2012-71. However, a negotiated sale at the appraised value was not agreed to by the property owner. Due to FMP budgetary constraints, the Rochester Joint Schools Construction Board elected not to pursue acquisition of the property by condemnation. The landscaping and site improvements that had been planned for this parcel will not be carried out. A 15-foot easement extending across the northern boundary of 236 University Avenue is necessary to allow installation, operation and maintenance of a water line connecting School 58 to the Holly service. The property information is below.

Property address:	236 University Avenue
Reputed owner:	East Main Realty Group, Inc.
SBL:	106.81-1-20
Land area:	approx. 2,574 sq. ft.
Appraised value:	\$1,300

The acquisition cost was established through an independent appraisal prepared by Kevin L. Bruckner, MAI. The total acquisition amount, including closing costs, will not exceed \$3,000, and will be financed from the proceeds of bonds to be issued by COMIDA on or about June 20, 2012, contingent upon their approval.

In accordance with the Eminent Domain Procedure Law, a determination and findings must be adopted prior to the condemnation approval.

A public hearing on the easement acquisition is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-103

Ordinance No. 2012-251  
(Int. No. 262)

**Authorizing The Acquisition By Negotiation Or Condemnation Of A Permanent Easement Over 236 University Avenue For The Facilities Modernization Program**

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

Section 1. The Council hereby approves the acquisition of a fifteen foot wide permanent easement along the northern boundary of the parcel at 236 University Avenue, SBL #106.81-1-20, reputed owner East Main Realty Group, Inc., constituting approximately 2,574 square feet, for the installation, repair and maintenance of a new water line to School 58 as part of the Facilities Modernization Program of the Rochester City School District.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$1,300, and said amount, and necessary closing costs, shall be funded from COMIDA Bonds funding the Facilities Modernization Program, contingent upon approval of said bonds.

Section 3. In the event that said easement cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easement. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easement pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-252  
(Int. No. 263)

**Determinations And Findings Relating To The Acquisition Of An Easement Over 236 University Avenue For The Facilities Modernization Program Of The Rochester City School District**

WHEREAS, the City of Rochester proposes to acquire an easement over the parcel at 236 University Avenue to effectuate the Facilities Moderniza-

tion Program of the Rochester City School District, and

WHEREAS, the Council of the City of Rochester held a public hearing on June 19, 2012 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel.

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

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of an easement over 236 University Avenue to effectuate the Facilities Modernization Program of the Rochester City School District:

- A. Project description - the project includes acquisition of an easement over the property at 236 University Avenue, consisting of a 15-foot strip of land extending across the northern boundary of the property, containing approximately 2,574 square feet.
- B. Project purpose - the acquisition will permit the Rochester City School District to complete upgrades to the water service at the adjoining School 58, by installing a connection to the Holly Service. The improvements to School 58 are being undertaken as part of Phase I of the Facilities Modernization Program.
- C. Project effect - the project will have no significant adverse environmental effects. The overall School Modernization Program was subject to State Environmental Quality Review. This project is a component of that review and has been determined to have no significant environmental impacts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 257  
Re: Amending the City Code - Certificate Of Occupancy

Transmitted herewith for your approval is legislation amending section 90-16 of the City Code, Certificates of Occupancy, to provide the following:

- 1. One- and two-family dwellings owned and operated by the Rochester Housing Authority (RHA) and inspected by them will be exempt from the C of O requirement.
- 2. Interior C of O inspections of units in one- and two-family structures may be waived if the unit has passed an RHA Section 8 inspection within one year.
- 3. Two-family owner-occupied dwellings will

become eligible for exemption from the C of O requirement through a one-time application. Currently, they must apply annually for the exemption.

4. One- and two-family dwellings occupied by the parent, child, spouse, or sibling of the owner will no longer be eligible for an exemption from C of O requirements.

The first two changes are recommended based on collaborative work with the Rochester Housing Authority (RHA). RHA has recently upgraded their housing standards to more closely align with City code requirements, and they have implemented an in-house inspection program. Their improved processes provide the necessary level of oversight and reliability, and allow the elimination of duplications in the City and RHA inspection programs.

The latter two changes are recommended based on feedback from property owners and a review of City inspector workloads. Annual exemption applications are unwieldy to administer, requiring excessive staff time in processing applications and verifying information. Owners also find the annual application onerous and unnecessary. Determining the validity of owner/tenant relationship status demands a great deal of staff time, and, most often cannot be verified, therefore it is recommended that the eligibility for exemption from C of O requirements for the owner's parent, child, spouse, or sibling be eliminated.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 257

**AMENDING CHAPTER 90 OF THE MUNICIPAL CODE, PROPERTY CODE, WITH RESPECT TO CERTIFICATES OF OCCUPANCY**

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

Section 1. Section 90-16 of the Municipal Code, Certificates of Occupancy, as amended, is hereby further amended as follows:

- 1) Subsection A(2)(e) is amended to read in its entirety as follows:

A change of occupancy whereby a one or two-family dwelling is no longer occupied by the owner. For one or two-family dwellings that are not occupied by an owner on July 1, 2012, a certificate of occupancy or a conditional certificate of occupancy shall be obtained immediately, but in no event later than 40 days after notice is sent by the City by regular first-class mail to the owner, at the owner's address on file with the City.

- 2) Subsections B (2) and (3) are amended to

read in their entirety as follows:

- (2) The Commissioner shall waive the requirement for an interior inspection prior to the issuance of a certificate of occupancy for a unit upon submission of a certification by the Rochester Housing Authority (RHA) stating that the dwelling unit in a one or two-family structure is in compliance with the inspection and clearance requirements of the RHA's housing programs as governed by the Department of Housing and Urban Development (HUD):
  - (a) if the most recent inspection was conducted by a certified RHA employee within one year of the submission date and it passed; and
  - (b) the RHA inspection confirmed that the unit did not have interior deteriorated paint.
- (3) The Commissioner shall issue or deny the waiver within ten business days of receipt of a written request.

- 3) Subsection B(4) is hereby repealed.

- 4) There is hereby added the following new subsection C, and subsections C through I are hereby relettered as subsections D through J, respectively:

C. Exemption.

- (1) Single family owner occupied structures are exempt from the certificate of occupancy requirement. Two family structures occupied in whole or in part by the owner are eligible to be exempted from the certificate of occupancy requirement upon completion and submission of an exemption request form.
- (2) One and two-family dwellings owned and operated by the Rochester Housing Authority's public housing program and subject to the required inspections, performed by a certified employee of the Rochester Housing Authority, are exempt from the certificate of occupancy requirement.

- 5) Subsection D, as relettered herein, is hereby amended by adding the following new sentence to the end thereof:

Whenever the interior portion of the inspection for the certificate of occupancy process is waived for a particular unit, in accordance with Subsection B(2), it shall be noted on the document.

- 6) Subsection F, as relettered herein, is hereby

amended by changing the reference to Subsection D therein to Subsection E, and by changing the reference to Subsection C therein to Subsection D.

7) Subsection H(1)(a), as relettered herein, is hereby amended to read in its entirety as follows:

(a) A certificate of occupancy for either a one-family dwelling or a two-family dwelling not occupied by the owner, issued on or after July 1, 2006, shall remain valid for a period of six years from the date of issuance, unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b), or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.

8) Subsection H(2), as relettered herein, is hereby amended by changing the reference to Subsection G(1) therein to Subsection H(1). The final sentence of said subsection is hereby amended to read in its entirety as follows:

If the new certificate of occupancy is not so obtained, the Commissioner may cause an inspection to be made of the subject dwelling.

Section 2. This ordinance shall take effect on July 1, 2012.

Held in Committee.

By Councilmember Scott  
June 19, 2012

To the Council:

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

Int. No. 264 - Authorizing An Agreement For An Urban And Community Forestry Grant

Int. No. 265 - Establishing Maximum Compensation For A Professional Services Agreement For Bridge And Structural Engineering Services And Authorizing An Agreement Extension. As Amended

Int. No. 266 - Authorizing Participation In The Two Bridge Preventive Maintenance Project And Appropriating Funds

Int. No. 267 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$377,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Reservoir Avenue Group Curb Replacement Project

Int. No. 268 - Establishing Maximum Compensation For An Agreement For A Water Rate Study And Audit

Int. No. 269 - Establishing Maximum Compensation For A Professional Services Agreement For The Cobbs Hill Reservoir Structural Improvements Project And Repealing Ordinances No. 2011-361 And 2011-362

Int. No. 270 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of Engineering Services For The Cobbs Hill Reservoir Structural Improvements Project In The City

Int. No. 271 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Traffic Flow Conversion Study

Int. No. 282 - Establishing Maximum Compensation For An Agreement For Rochester Harbor Dredging

Int. No. 288 - Establishing Maximum Compensation For A Professional Services Agreement For The Center City Two-Way Conversion Project

Int. No. 289 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$891,000 Bonds Of Said City To Finance The Cost Of The 2012 Parking Garage Repair And Reconstruction Program In The City

Int. No. 304 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Bicycle Trails Project

Int. No. 309 - Authorizing An Amendatory Agreement With The County Of Monroe For Green Fueling Stations And Amending The 2011-12 Budget

Int. No. 310 - Establishing Maximum Compensation For Agreements For The Inner Loop Sidewalk, Crosswalks And Various Arterial Sidewalks Project And Amending Ordinance No. 2011-254

Int. No. 311 - Authorizing Consolidated Funding Grant Applications And Agreements

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

Int. No. 272 - Approving A Decrease In The Pavement Width Of Corinthian Street

Int. No. 279 - Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Browncroft Neighborhood Street Lighting Project, As Amended

Int. No. 283 - Local Improvement Ordinance Amending Local Improvement Ordinance No. 1646, Care And Embellishment Of Street Malls For 2012

Int. No. 284 - Establishing A Moratorium On Permits, Certificates Of Zoning Compliance And Variances For Exploration And Extraction Of Natural Gas Within The City

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentleman:

Ordinance No. 2012-253  
Re: New York State Urban and  
Community Forestry Grant

Transmitted herewith for your approval is legislation authorizing a grant application to and agreement with the New York State Department of Environmental Conservation for the receipt and use of up to \$50,000 in grant funding under the Urban and Community Forestry Grant Program.

This State program provides support and assistance to communities in comprehensive planning, management, and education to create healthy urban and community forests, and enhancement of the quality of life for urban residents.

The funds of the grant will be used to support the annual maintenance tree pruning program for 2012-13. The total annual cost is approximately \$500,000. The required 50% match will be met through a combination of in-kind services and from 2012-13 Cash Capital.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-253  
(Int. No. 264)

**Authorizing An Agreement For An Urban And Community Forestry Grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Environmental Conservation for funding under the Urban and Community Forestry Grant Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-254  
Re: Agreement - LaBella Associates PC,  
Bridge and Structural Engineering

Transmitted herewith for your approval is legislation establishing \$75,000 as maximum compensation for an agreement with LaBella Associates PC for bridge and structural engineering services. The cost of this agreement, which is based on the past five-year average cost for these services, will be financed from the 2011-2012 Cash Capital allocations of the Department of Environmental Services.

The City is responsible for whole and partial maintenance of 60 bridges and 10 tunnels, which are examined annually to determine their structural condition; any required maintenance is identified and scheduled for repair. Under this agreement, LaBella will provide bridge and tunnel inspections, miscellaneous structural investigations, design and construction reviews, contract preparation, resident project representation, and general consultation services.

Requests for proposals were sent to 13 local firms; in addition to LaBella, responses were received from C&S Companies, and Clark Patterson Associates. The proposals were rated by five engineering professionals from the Department of Environmental Services. Based on their qualifications, assigned personnel, and overall familiarity and expertise with the scope of the planned work, LaBella Associates is recommended.

The agreement will have an initial term of one year with provision for four one-year renewals for a maximum total of five years. The costs of renewals will be financed from future Cash Capital allocations to the Department of Environmental Services, contingent upon approval of respective annual budgets.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-254  
(Int. No. 265, As Amended)

**Establishing Maximum Compensation For A Professional Services Agreement For Bridge And Structural Engineering Services And Authorizing An Agreement Extension**

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 annual compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for bridge and structural engineering services. The agreement shall have an initial term of one (1) year, and may provide for four (4) annual renewals. The agreement may extend until three (3) months after completion of a

two year guarantee inspection of the Projects. Said amounts shall be funded from the 2011-12 and subsequent Cash Capital allocations, contingent upon adoption of subsequent budgets.

Section 2. The Mayor is hereby authorized to enter into the extension of an agreement through April 1, 2013 with LaBella Associates, P.C. for environmental remediation of the former Phototech Imaging Brownfield Site at 1000 Driving Park Avenue pursuant to Ordinance No. 2009-80. The agreement extension shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-255  
Re: New York State Department of  
Transportation Two Bridge Preventive  
Maintenance Project

Ordinance No. 2012-255  
(Int. No. 266)

Transmitted herewith for your approval is legislation related to the Two Bridge Preventive Maintenance Project. This legislation will:

1. Authorize agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project;
2. Authorize the receipt and use of \$49,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of the design services and project administration; and
3. Establish \$60,000 as maximum compensation for an agreement with LaBella Associates, P.C. for design services related to the Project. This cost will be financed from the FHWA funds appropriated herein (\$48,000) and from 2012-13 Cash Capital (\$12,000).

The Two Bridge Preventative Maintenance Project includes maintenance related repairs to the Court Street Bridge over the Genesee River, and the East Main Street Bridge over the CSX Tracks.

Bridge improvements will include minor deck and pier repairs, routine painting, joint replacements, bearing replacements, and curb repairs. Recent bridge inspections indicate specific bridge elements have reached a point of deterioration where preventative maintenance activities are warranted to prolong the life of the structure. The estimated project cost is \$586,250.

Qualifications were solicited from the 14 firms on the NYSDOT list of regional engineering firms pre-approved for Federal Aid transportation projects.

Eight firms submitted proposals: Barton & Loguidice, P.C.; Bergmann Associates, P.C.; Clark Patterson Lee; Erdman Anthony; Hunt Engineers, Architects and Land Surveyors, P.C.; LaBella Associates, P.C.; C&S Engineers; and T.Y. Lin International. The selection team consisted of four engineering professionals from the Department of Environmental Services and an observer from the NYSDOT for Federal audit and procedural purposes. Based on a review of the qualifications, staff assigned to the work, and approach to the project, LaBella Associates P.C. is recommended.

Design services will begin this summer. it is anticipated that construction will begin in spring 2013 with scheduled completion in late fall 2013. The project results in the creation/retention of the equivalent of 6.5 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-104

**Authorizing Participation In The Two Bridge Preventive Maintenance Project And Appropriating Funds**

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

Section 1. The Council hereby approves participation by the City in the Two Bridge Preventive Maintenance Project (the Court Street Bridge over the Genesee River and East Main Street Bridge over the CSX Railroad).

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 and bridges.

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

Section 4. The sum of \$49,600 is hereby appropriated from funds to be received from the Federal Highway Administration to pay for design services and administration of the Two Bridge Preventive Maintenance Project.

Section 5. 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 LaBella Associates, P.C. for design services for the Two Bridge Preventive Maintenance Project. The agreement may extend until six (6) months after completion and acceptance of the construction of

the Project. Of said amount, \$48,000 shall be funded from the funds appropriated in Section 5 and \$12,000 shall be funded from the 2012-13 Cash Capital allocation.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-256  
Re: Reservoir Ave. Group Curb  
Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$377,000 and the appropriation of the proceeds thereof to partially finance street improvements for the Reservoir Avenue Group Curb Replacement Project.

Streets included in the project are Reservoir Ave (Mt. Hope Ave to 320 feet east of South Ave), Alpine Street (South Ave to Mt. Vernon Ave), and Burkhard Place (South Ave easterly to dead end). The project includes curb replacement with the installation of new stone curbs, underdrain, driveway aprons, and replacement of sidewalks as needed; adjustment or replacement of catch basins; topsoil and seed; and the restoration of all areas disturbed by construction. Concrete gutter replacement with new stone curb is also proposed on Reservoir Avenue on the section east of South Avenue. The project is being designed by the Department of Environmental Services. Related pavement width changes on Reservoir Avenue, east of South Avenue, were previously authorized in March 2012 (Ordinance No. 2012-115).

Bids for construction were received on May 15, 2012. The apparent low bid of \$378,200 was submitted by Gordon J. Phillips, which is 13.79% less than the engineer's estimate. An additional \$38,100 will be allocated for project contingencies.

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

Street Bonds	Total	
	Street Cash	Water Cash
Construction	\$378,200	
\$375,350	\$ 200	\$2,650
Contingency	38,100	
1,650	36,100	350
Total	\$416,300	
\$377,000	\$36,300	\$3,000

The minutes from the public informational meeting held on December 14, 2011 are on file in the City Clerk's office.

Construction is expected to begin in summer 2012, and be completed by fall 2012. The project results in the creation/retention of the equivalent of 4.11 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-105

Ordinance No. 2012-256  
(Int. No. 267)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$377,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Reservoir Avenue Group Curb Replacement Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets as a part of the Reservoir Avenue Group Curb Replacement Project (Reservoir Avenue from Mt. Hope Avenue to 320 feet east of South Avenue, Alpine Street from South Avenue to Mt. Vernon Avenue, and Burkhard Place from South Avenue easterly to its dead end) 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 \$416,300. The plan of financing includes the issuance of \$377,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$39,300 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$377,000 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 \$377,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-257  
Re: Agreement - Municipal & Financial  
Services Group, Water Rate Study  
And Water Audit

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Municipal & Financial Services Group (Annapolis, MD) for completion of a water rate study and water audit. The cost of this agreement will be funded from the 2011-12 Budget of the Department of Environmental Services.

The City has not undertaken a comprehensive water rate study in more than 30 years. The purpose of the study will be to assess and evaluate the City's retail and wholesale water rates, charges and service fees, and provide recommendations for adjustments. Any recommended adjustments must result in an equitable cost distribution across the customer base, apportioned on the basis of cost incurred by the City and benefit received by the water user.

The purpose of the water audit is to review existing water uses and accounting measures and identify where and how improvements can be made to accurately quantify and characterize water uses, consumption, and the amount of non-revenue water.

A request for proposals was sent directly to 15 firms known to provide these services and was posted on the City website. Proposals were received from two firms: Municipal & Financial Services Group; and Raftelis Financial Consultants, Inc. (Charlotte NC). Municipal & Financial Services Group was selected because of their team's extensive experience preparing cost of service and water audits for other large water utilities.

The study is expected to be completed by January 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-257  
(Int. No. 268)

**Establishing Maximum Compensation For  
An Agreement For A Water Rate Study And  
Audit**

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 agreement between the City and the Municipal & Financial Services Group for a water rate study and audit. Said amount shall be funded from the 2011-12 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. 2012-258 and  
Ordinance No. 2012-259

Re: Cobbs Hill Reservoir Structural  
Improvements

Transmitted herewith for your approval is legislation related to bonding for Water Operations Projects. This legislation will:

1. Rescind Ordinance Nos. 2011-361 and 2011-362 which authorized the issuance of \$1,350,000 Bonds for the costs of engineering services related to the Cobbs Hill and Highland reservoirs ultraviolet disinfection project;
2. Authorize the issuance of \$600,000 bonds and the appropriation of the proceeds thereof for engineering services related to the needed structural repairs of Cobbs Hill Reservoir; and
3. Establish \$600,000 as maximum compensation for an agreement with Malcolm Pirnie (Water Division of Arcadis) for design, construction phase engineering, and resident project representation (RPR) services. The cost of the agreement will be funded from the bonds appropriated herein. Malcolm Pirnie was selected for these services through a request for proposal process described in the transmittal letter accompanying Ordinance No. 2011-361.

As a result of negotiations between the New York State Bureau of Public Health and the U.S. Environmental Protection Agency the City was able to obtain approval to amend its Long Term 2 Enhanced Surface Water Treatment Rule (LT2) compliance schedule. The compliance date for the required installation of ultraviolet disinfection at Cobbs Hill and Highland reservoirs has been deferred from 2014 to 2024. This change has allowed the City to defer approximately \$10 million in capital expenses related to compliance with the LT2 Rule.

Other needed structural improvements that were included as part of the Ultraviolet Disinfection project will be performed in 2014 as originally planned. This legislation will authorize the City to proceed with the design of the improvements to Cobbs Hill reservoir. The scope of work for this project involves repairs to the concrete retaining walls including areas of spalled concrete and recaulking concrete slab joints, repairs to the inlet pipe, design of new outlet screens, and other miscellaneous repairs.

Design will be performed during 2012. Construction of the improvements is scheduled for 2014. During the construction phase the reservoir will be out of service.

Cobbs Hill Reservoir last received major restoration in 1983.

This project will result in the creation/retention of the equivalent of 6.5 full time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-258  
(Int. No. 269)

**Establishing Maximum Compensation For A Professional Services Agreement For The Cobbs Hill Reservoir Structural Improvements Project And Repealing Ordinances No. 2011-361 And 2011-362**

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

Section 1. The sum of \$600,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Malcolm Pirnie, The Water Division of ARCADIS, for engineering design services for the Cobbs Hill Reservoir Structural Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2011-361, relating to an agreement for the Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Project, and Ordinance No. 2011-362, a bond ordinance for the Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Project, are hereby repealed.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-259  
(Int. No. 270)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of Engineering Services For The Cobbs Hill Reservoir Structural Improvements 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 engineering design services for the Cobbs Hill Reservoir Structural Improvements Project, which includes repairs to the concrete retaining walls, repairs to the inlet pipe, design of new screens for the outlet lines and related improvements at the Cobbs Hill Reservoir 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 \$600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$600,000 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 \$600,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-260  
Re: Amendatory Agreement - North/South  
Clinton Avenue and St. Paul Street/South  
Avenue Two-Way Conversion Study

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with The Laberge Group (Albany, NY) for additional traffic engineering services for the North/South Clinton Avenue and St. Paul Street/South Avenue Two-Way Conversion Study. The original agreement (Ord. No. 2011-12) established maximum compensation of \$65,000. This amendment will increase compensation by \$3,500 for a total of \$68,500. The cost of the agreement will be financed from previous years' Cash Capital allocations of the Department of Environmental Services.

The study, begun in April 2011, will determine the feasibility of converting St. Paul Street/South Avenue and North/South Clinton Avenue between Byron Street and the Inner Loop Expressway/Cumberland Street to two-way traffic to improve neighborhood accessibility and walkability. The Laberge Group has completed an analysis of existing multi-modal traffic conditions, forecasted future conditions, and has developed a draft concept-level plan for implementation including neces-

sary traffic signal modifications, roadway geometric changes, parking impacts, bicycle/pedestrian enhancements, and related costs.

This amendment will enable the study to be expanded to include detailed analysis of one additional intersection at South Clinton Avenue and Byron Street.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-260  
(Int. No. 271)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Traffic Flow Conversion Study**

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

Section 1. The sum of \$3,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Laberge Group for planning and traffic engineering services for the North/South Clinton Avenue and St. Paul Street/South Avenue Two-Way Conversion Study. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-261  
Re: Agreement - Genesee Channel  
Maintenance Corporation, LLC,  
Port Dredging

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Genesee Channel Maintenance Company, LLC for dredging the Rochester Harbor. The cost of this agreement will be financed from 2011-12 Cash Capital.

In a letter to the City dated May 31, 2012, Judith Seil, executive director of the County of Monroe Industrial Development Agency (COMIDA) states that COMIDA will also provide up to \$50,000 to support the dredging.

Genesee Channel Maintenance Company, LLC was recently established by Essroc for the purpose of financing and managing the dredging of the federal navigation channel, which is required to maintain Genesee River access to their Boxart Street facility. The new LLC will dredge the channel in the Rochester Harbor in a manner adequate to permit deep draft ships to reach the Turning Basin area of the river from the Port Terminal docks. The City funds

will allow for the dredging of the channel between the piers and in the areas adjacent to the City Port Terminal facilities and public boat launch.

The channel has previously been dredged by the US Army Corps of Engineers (USACOE), most recently in 2009. Since then, no federal funds have been allocated for this purpose, and the USACOE has indicated that it will not have adequate funding to dredge the harbor in 2012 or 2013.

Deep draft ships, including cruise ships, do enter the harbor and dock at the Port Terminal; however, the only commercial shipping into the Rochester Harbor is by Essroc, which ships cement. In the spring of 2007, Essroc's cement cargo ship, for the first time, was unable to transit the Genesee River since the depths in the outer harbor and approaches were reduced to less than 14 feet. With emergency federal aid, the USACOE was able to complete dredging in 2008 and 2009, which partially restored navigation to the channel maintenance depth of 21 feet. In 2011, the Stephen B. Roman, which requires at least 19 feet of water, was again unable to enter the harbor. The Genesee River within the harbor experiences sediment accumulation on average of one to two feet per year.

In late 2011, the USACE proposed a one-time "Pilot Project for Dredging in Low Use Commercial Ports," which would allow a local entity to dredge the federal navigation channel at its own expense. The USACOE would assist by securing permits and providing depth soundings. Essroc pursued this with the USACE, and in March 2012, submitted a proposal to the City that included a commitment by the company of \$750,000 toward the dredging and a request for \$250,000 in assistance from local governments. According to Essroc, without viable commercial shipping, the business model for continued operation of its cement terminal is not sustainable.

In addition to the potential loss of a company with 50 years of history in Rochester, additional consequences of not dredging the federal navigation channel in 2012 include:

- 1) Without Essroc's shipping into the harbor, the USACOE is likely to rank the Rochester Harbor even lower on its priority list for dredging and, barring federal legislative change, the USACOE will not return to dredge the harbor for many years, if at all.
- 2) Without Essroc's Rochester facility, the cost of cement and concrete in the area will increase. The facility annually produces almost 100,000 tons of cement that is used by local businesses and in area construction projects.
- 3) Silting in of the channel will, in the next two to three years, prevent other large vessels and cruise ships that draft more than 12-14 feet from entering the harbor. The viability of the Port terminal facility is directly limited by a lack of access into the harbor.
- 4) Although it is not clear when sedimentation

will cause such changes in the river, eventually recreational boating and other light marine activity, including the planned marina project, would be affected.

The agreement will be for a term of one year, with an option to extend the term for an additional year. The extension would provide sufficient flexibility to accommodate various dredging permit requirements such as the prohibition of dredging in the fall during the annual salmon run. No additional funding would be required. The City will continue to advocate for the USACOE to fully fund and perform regular dredging of the Rochester Harbor federal navigation channel in the future.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-106

Ordinance No. 2012-261  
(Int. No. 282)

**Establishing Maximum Compensation For An Agreement For Rochester Harbor Dredging**

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 Genesee Channel Maintenance Company, LLC for Rochester Harbor dredging services for a term of one year, with a one-year renewal option. Said amount shall be funded from the 2011-12 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-262  
Re: Agreement - Center City Two-Way Conversion

Transmitted herewith for your approval is legislation establishing \$142,000 as maximum compensation for an agreement with Fisher Associates, P.E., L.S., P.C. (Rochester 14623) for engineering design and construction phase design services for the Center City Two-Way Conversion Project. The cost of the agreement will be financed from 2012-13 (\$100,000) and prior years' Cash Capital (\$42,000).

The related planning and traffic study for the conversion of North/South Clinton Avenue and St. Paul Street/South Avenue from one-way to two-way was completed by The Laberge Group as per Ordinance No. 2011-12. A proposal for an amendatory agreement with Laberge for the study

of an additional intersection for inclusion in the conversion is before you this month in separate legislation.

This project will implement the two-way conversion north of and including Main Street using the recommendations of the final report prepared by Laberge. This will include pavement marking modifications, traffic signal modifications, signing modifications, and curblines modifications. The project will also mill and resurface East Main Street from St. Paul Street/South Avenue to N./S. Clinton Avenue.

Qualifications for the design services were solicited from the fourteen firms on the NYSDOT list of pre-approved regional engineering firms for Federal Aid transportation projects, and from The Laberge Group because of their familiarity with and involvement in the project. Responses were received from Clark Patterson Lee Associates; Erdman, Anthony & Associates, Inc.; Fisher Associates, P.E., L.S., P.C.; Stantec Consulting Services, Inc.; Barton & Loguidice, P.C.; and The Laberge Group. Review by a team of three professional staff in DES resulted in the selection of Fisher Associates. The selection criteria included: approach and understanding of project objectives; project team experience with dense urban/downtown projects; project team experience with corrective traffic measures; proposed schedule; and current workload with State and City projects.

This design agreement will result in the creation/retention of the equivalent of 1.5 full-time jobs.

Construction is expected to begin in spring of 2013, and be completed by fall 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-262  
(Int. No. 288)

**Establishing Maximum Compensation For A Professional Services Agreement For The Center City Two-Way Conversion Project**

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

Section 1. The sum of \$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 Fisher Associates, P.C., for engineering design and construction phase design services for the Center City Two-Way Conversion Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$100,000 shall be funded from the 2012-13 Cash Capital allocation and \$42,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-263  
Re: 2012 Annual Parking Garage Repair  
And Reconstruction Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$891,000 and the appropriation of the proceeds thereof to finance the 2012 Annual Parking Garage Structural Maintenance Program.

T.Y. Lin International was retained in October 2009 (Ord. No. 2009-378) for multi-year planning and design services, with resident project representation services incorporated in March 2010 (Ord. No. 2010-116), for a comprehensive program for garage repairs. Under the terms of the agreements, T.Y. Lin is performing comprehensive garage inspections, condition ratings, prioritization, structural design, resident project representation, and developing both the annual and five-year long-term capital program for eight City-owned garages.

The 2012 Program includes post-tensioned tendon repairs, deck waterproofing and sealing, repair to structural components, expansion joint repair, structural façade repairs and upgrades, operator office code compliance upgrades, mechanical, electrical and plumbing system repairs, traffic striping and signage, lighting upgrades, hardware replacement, masonry repair, and roof repairs. Work will be done on the Genesee Crossroads, Mortimer Street, High Falls, South Avenue, Washington Square, Sister Cities, and Court Street garages.

Bids for construction were received on May 21, 2012 with the low bid price of \$1,264,639. An additional \$188,233 will be allocated for project contingencies. Construction will be performed by the following firms:

Crane Hogan (prime)	\$ 926,875
Hewitt Young (electrical)	160,000
Dansforth (mechanical)	43,364
Dansforth (plumbing)	<u>134,400</u>
Total	\$1,264,639

The project will be funded from the following sources:

<u>Construction</u>	<u>Contingency</u>	<u>Total</u>
Total		
\$1,264,639	\$201,993	\$1,466,632
Bonds		
\$877,240	\$ 13,760	\$ 891,000
Prior Years' CC (Parking)		
\$387,399	\$ 0	\$ 387,399
2011-12 CC (Parking)		
\$ 0	\$188,233	\$ 188,233

Construction is scheduled to begin in July 2012 with completion in December 2012. The project

results in the creation/retention of the equivalent of 16 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-263  
(Int. No. 289)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$891,000 Bonds Of Said City To Finance The Cost Of The 2012 Parking Garage Repair And Reconstruction Program In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction or construction of improvements to the Genesee Crossroads, Mortimer Street, High Falls, South Avenue, Washington Square, Sister Cities and Court Street Parking Garages in the City, being Class "A" buildings, as a part of the 2012 Parking Garage Repair and Reconstruction Program, including but not limited to post-tensioned tendon repairs, deck waterproofing and sealing, repair to structural components, expansion joint repair, structural façade repairs and upgrades, operator office code compliance upgrades, mechanical, electrical and plumbing system repairs, traffic striping and signage, lighting upgrades, hardware replacement, masonry repair, and roof repairs (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,466,632. The plan of financing includes the issuance of \$891,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$575,632 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 \$891,000 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 \$891,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12 of the Law, is twenty (20) years.

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in

substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-264  
Re: Agreement - Stantec, Bicycle Trails

Transmitted herewith for your approval is legislation establishing \$340,000 as maximum compensation for an agreement with Stantec for design of the City of Rochester Bicycle Trails. The cost of the agreement will be funded by \$272,000 in previously appropriated Federal Highway Administration Congestion Mitigation and Air Quality funds (Ord. No. 2011-355), and \$68,000 from prior years' Cash Capital.

The project will include the design of up to seven neighborhood trail connections, including:

- Harding/Brewster Park to Turning Point Park
- St. Paul Street Trailhead
- Vincent Street Open Space
- Plymouth Avenue Greenway
- South Wedge Neighborhood
- Genesee Valley Park

Qualifications for these services were solicited from the 14 firms on the NYSDOT list of pre-approved regional engineering firms. Seven submitted proposals: T.Y. Lin International; Fisher Associates (14623); Erdman Anthony; C&S Companies; Stantec; Ravi Engineering & Land Surveying, P.C.; and Bergmann Associates. The selection team consisted of three professionals from the Department of Environmental Services Bureau of Architecture and Engineering and the NYSDOT Project Liaison. Stantec is recommended based on their team's qualifications, project knowledge, proposal strength, and ability to complete the project on schedule.

This phase of the project results in the creation/retention of the equivalent of 3 full-time jobs. Preliminary Design is scheduled to begin in July 2012 and be completed in October 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-107

Ordinance No. 2012-264  
(Int. No. 304)

**Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Bicycle Trails Project**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$340,000, 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 for design services for the Rochester Bicycle Trails Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$272,000 shall be funded from the appropriation of Federal Highway Administration funds in Section 3 of Ordinance No. 2011-355 and \$68,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-265  
Re: Green Fueling Stations

Transmitted herewith for your approval is legislation related to the Green Fueling Stations, a joint project with Monroe County. This legislation will:

1. Authorize an amendatory inter-municipal agreement with Monroe County to provide \$280,000 as the City's final share of the cost for the design and construction of the Green Fueling Station at the City's Central Vehicle Maintenance Facility (CVMF) at Mt. Read Boulevard. The original agreement (Ord. No. 2009-382) provided for the City's share (\$75,000) of the related planning and preliminary design work; an amendatory agreement (Ord. No. 2011-158) provided a total of \$1,025,000 for the City's share of design and construction.
2. Amend the 2011-12 Budget by transferring \$175,000 from each of the Refuse and Local Works funds for a total of \$350,000 to Cash Capital to finance the amendatory agreement (\$280,000) and ancillary City construction costs including a temporary fueling station for use during construction (\$70,000).

The City and the County are jointly participating in the design and construction of two fueling facilities; one will be built at CVMF and owned by the City; the other will be built at the Frank E. VanLare Wastewater Treatment Plant and owned by the County. The agreement allows for shared use of the facilities. The total project estimate for both facilities is \$6,950,000 based on bids opened on June 6, 2012, and partially funded from a Federal Transportation Improvement Program Congestion Mitigation and Air Quality Grant (CMAQ) that is being administered by Monroe County.

The total cost of construction for the CVMF station is estimated at \$3,621,000 based on the June 6, 2012 bid, which is higher than the estimate of

\$3,000,000 assumed in Ord. No. 2011-158. The City portion of the CMAQ grant has recently increased from \$1.9 million to \$2.241 million, thus providing an additional \$341,000 in grant funds for this project and thereby reducing the City's portion of the \$621,000 increase to \$280,000. The funding for the project is summarized below.

<u>Funding Sources</u>		<u>Total</u>	
<u>Ord. No.</u>	<u>Ord. No.</u>		<u>Proposed</u>
<u>2009-382</u>	<u>2011-158</u>		<u>Amendment</u>
Bond Fund 2009-383		\$ 75,000	
\$75,000	\$ 0	\$ 0	0
Bond Fund 2011-159		425,000	
0	425,000		0
Local Works Cash Capital		240,000	
0	100,000		140,000
Refuse Cash Capital		540,000	
0	400,000		140,000
Water Cash Capital		<u>100,000</u>	
0	<u>100,000</u>		<u>0</u>
Total City funds		\$1,380,000	
\$75,000	\$1,025,000		\$280,000
FHWA CMAQ Grant		<u>2,241,000</u>	
0	<u>1,900,000</u>		<u>341,000</u>
Total facility Cost		\$3,621,000	
\$75,000	\$2,925,000		\$621,000

The project includes installation of new underground and above-ground fuel tanks for conventional and alternative fuels, dispensing systems, supply lines, fuel lanes, fire suppression systems, electrical work, fuel management systems and associated software, drainage, and spill containment systems.

The County retained Barton & Loguidice, P.C. for design, construction administration, and resident project representation services for the project. The CVMF and County VanLare facilities are scheduled to begin construction in August 2012 with completion in summer of 2013. The City's portion of the project results in the creation/retention of the equivalent of 39 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-265  
(Int. No. 309)

**Authorizing An Amendatory Agreement With The County Of Monroe For Green Fueling Stations And Amending The 2011-12 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe for design and construction services for green alternative fueling stations to service municipal fleet vehicles. The additional City share of the Project shall not exceed \$280,000. Said amount shall be funded from the 2011-12 Cash Capital allocation.

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

Section 3. Ordinance No. 2011-188, the 2011-12 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 \$350,000. \$175,000 is hereby appropriated from the Refuse Fund Balance and \$175,000 from the Local Works Fund Balance to fund construction of green alternative fueling stations to service municipal fleet vehicles, and ancillary costs.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-266  
Re: Inner Loop and Arterial Pedestrian  
Accessibility

Transmitted herewith for your approval is legislation related to improvements to Inner Loop sidewalks, and crosswalks and new sidewalks on various arterial streets. This legislation will:

1. Authorize an amendatory agreement with Bergmann Associates, P.C. for additional design services for this project. Ordinance No. 2011-254 established \$92,000 as maximum compensation; this amendment will increase that amount by \$11,000 to a total of \$103,000. The additional cost will be financed from Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Program (CMAQ) funds appropriated herein.
2. Appropriate \$661,600 in anticipated reimbursements from the FHWA CMAQ Program, and \$9,450 from anticipated reimbursements from NYS Marchiselli aid to finance the Project.
3. Establish \$150,200 as maximum compensation for an agreement with the Rochester and Southern (R&S) Railroad, Inc. for design and installation of signal system upgrades for the Emerson Street railroad crossing. The cost of this agreement will be financed from the FHWA reimbursements appropriated herein (\$120,160) and prior years' Cash Capital (\$30,040).
4. Amend Ordinance No. 2011-254 to change the funding sources for the agreement with Bergmann Associates, P.C. as follows:

Source of Funds	Original	Change	As Amended
Cash Capital	\$40,800	\$(18,450)	\$22,350

FHWA CMAQ	51,200	9,000	60,200
NYS Marchiselli	0	9,450	9,450
Total	\$92,000	\$ 0	\$92,000

Expanded pedestrian accessibility will include: the construction of ADA-accessible sidewalk ramps on Inner Loop bridges at N. Clinton Ave., Joseph Ave., North St., and Scio St; and new sidewalks on one side of Emerson Street (Mt. Read Blvd. to Lee Rd.), Lexington Avenue (Mt. Read Blvd. to Colfax St.) and Driving Park Avenue (Ramona St. to La-grange Ave.) to provide a safer pedestrian right-of-way.

Bergmann will provide design coordination with the R&S Railroad for a pedestrian crossing on the north side of Emerson St. at an existing railroad crossing owned by R&S Railroad. The existing railroad signals are inadequate; the need to replace them was not anticipated during the preliminary scoping phases.

This is a federal aid project administered by the City through New York State, and is identified in the 2009-10 and 2010-11 Capital Improvement Programs. The estimated construction cost is \$802,000, of which \$641,600 is federal funding appropriated herein, with the remaining \$160,400 funded from prior years' Cash Capital.

Design will be completed in summer 2012, with construction anticipated to begin in spring 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-108

Ordinance No. 2012-266  
(Int. No. 310)

**Establishing Maximum Compensation For Agreements For The Inner Loop Sidewalk, Crosswalks And Various Arterial Sidewalks Project And Amending Ordinance No. 2011-254**

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

Section 1. The sum of \$11,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for design services for the Inner Loop Sidewalk, Crosswalks and Various Arterial Sidewalks 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. The sum of \$661,600 is hereby appropriated from funds to be received from the Federal Highway Administration to fund this Project.

Section 3. Ordinance No. 2011-254, relating to the Inner Loop Sidewalk, Crosswalks and Various Arterial Sidewalks Project, is hereby amended by reducing by \$18,450 the amount funded from the Cash Capital allocation from prior years for the agreement in Section 3 thereof, of which amount \$9,000 shall be funded from the appropriation made in Section 2 and \$9,450 is hereby appropriated from anticipated Marchiselli Aid reimbursements from New York State.

Section 4. The sum of \$150,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Rochester and Southern Railroad, Inc. for design and installation of signal system upgrades for the Emerson Street railroad crossing for the Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$120,160 shall be funded from the appropriation made in Section 2 and \$30,040 shall be funded from the Cash Capital allocation from prior years.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-267  
Re: Grant Applications - 2012-13 New York State Consolidated Funding Application

Transmitted herewith for your approval is legislation which will authorize applications to New York State through the Consolidated Funding Application (CFA) and authorize necessary agreements with New York State to receive the grants. The CFA is the single point of entry for accessing up to \$750 million in State funding from eleven State agencies: Agriculture and Markets; Canal Corporation; Council on the Arts; Department of Labor; Department of State Empire State Development; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Parks, Recreation, and Historic Preservation; and Power Authority.

In May 2012, an interdepartmental team of City managers met to review CFA recommendations prepared by the Department of Environmental Services. Projects recommended for CFA submission were based on current stage of project development, ability to complete the project in the timeframe(s) established by the State agency, and ability to obtain matching funds through the Capital Improvement Program.

Applications are due through the CFA on July 16, 2012. The City of Rochester intends to submit up to 21 applications through the CFA, summarized as follows:

<u>Project</u>	<u>State</u>	<u>City Match</u>
<u>Total Cost</u>	<u>Request</u>	
Broad/Lyell/Dewey Intersection	\$1,800,000	\$900,000
Church Street Extension	\$400,000	\$200,000
Charles Carroll Plaza Reconstruction	\$4,650,000	\$2,325,000
Collegetown*	\$97,000,000	\$4,000,000
Erie Harbor Enhancements - Phase 2	\$725,000	\$362,500
Erie Harbor Park - Phase 2	\$3,170,000	\$1,585,000
Flint Street Gateway	\$3,000,000	\$1,500,000
Genesee Riverway Trail South Rehabilitation	\$2,000,000	\$1,000,000
Heritage Trail Marketing and Promotion	\$50,000	\$25,000
Inner Loop East Reconstruction**	N/A	N/A
La Avenida - Phase 2	\$1,450,000	\$725,000
Manhattan Square Park	\$2,800,000	\$300,000
Midtown Tower*	\$62,117,074	\$4,000,000
Norris Drive Green Street	\$1,000,000	\$800,000
Port of Rochester Marina Development**	N/A	N/A
Portland Avenue Enhancement	\$1,750,000	\$875,000
Public Market Improvements**	N/A	N/A
Rundel Library Fire Suppression	\$260,000	\$130,000
Sager Drive Green Street	\$750,000	\$600,000
Thurston Road Enhancement	\$1,750,000	\$875,000
Vacuum Oil Site Preparation**	N/A	N/A

\* Transformative Project.

\*\* Strategic Project - Submitted to Regional Council; Council authorization for funding request not needed at this time.

The specific programs through which the City is requesting funding for these projects are Empire State Development Grant Funds (Regional Council Capital Fund, Empire State Economic Development Fund, and Urban & Community Development Program), Regional Tourism Marketing Grant Initiative (I LOVE NEW YORK Fund), Environmental Protection Fund Municipal Grant Program, NYS Council on the Arts Grant Program, Local Waterfront Revitalization Program, Green Innovation Grant Program, NYSERDA FlexTech Program, NYSERDA Existing Facilities Program, and Regional Greenhouse Gas Reduction Program.

If State funding is awarded, it is anticipated that any local match amounts not already allocated will be requested in the Capital Improvement Plan.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-109

Attachment No. AL-110

Ordinance No. 2012-267  
(Int. No. 311)

Ordinance No. 2012-268  
(Int. No. 272)

**Authorizing Consolidated Funding Grant Applications And Agreements**

**Approving A Decrease In The Pavement Width Of Corinthian Street**

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 submit applications to and enter into agreements with New York State for funding through the Consolidated Funding Application for projects set forth in the transmittal of the Mayor which accompanies this ordinance. Local funding shall be provided through funds already allocated for these purposes or through the Capital Improvement Plan.

Section 1. The Council hereby approves a decrease of 4 feet, from 32 feet to 28 feet, in the pavement width of Corinthian Street, from 127 feet east of State Street to State Street, as a part of the Milling and Resurfacing Program.

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

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.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-268  
Re: Geometric Changes - Corinthian Street

Local Improvement Ordinance No. 1658  
Re: Special Assessment District -  
Browncroft Neighborhood Street  
Lighting Enhancements

Transmitted herewith for your approval is legislation authorizing the following pavement width changes as part of the 2011-12 Milling and Resurfacing Program:

Transmitted herewith for your approval is legislation establishing a special assessment district to finance the additional capital costs associated with purchasing street lighting enhancements as part of the Browncroft Neighborhood Street Lighting Project.

Corinthian Street at the intersection with State Street (127 feet east of State Street to State Street) will be decreased by four feet, from an existing width of 32 feet to the proposed width of 28 feet.

The improvements are being proposed at the request of the Browncroft Neighborhood Association. The special assessment district will provide for the apportionment of capital costs of enhanced street lights against the 393 properties located in the district. The apportionment will be based upon the front footage of the properties. A total of 72% of affected property owners signed a petition in favor of the proposed district. Initial improvements will be funded from 2012-13 Cash Capital; the estimated cost is \$950,000.

The project includes: milling and resurfacing of the pavement; isolated pavement repairs at deteriorated pavement sections; installation of pavement markings; spot hazardous sidewalk repairs; spot curb replacement; and modification of existing handicap ramps for compliance with current ADA guidelines.

The total front footage within the proposed district is 30,365 feet. The estimated initial incremental costs and assessments are listed below.

The intent of the pavement width changes is to make the pedestrian access safer by providing a sidewalk around existing areaway grates.

Construction will be completed this summer. The minutes of the public informational meeting held on April 23, 2012 are attached.

	Cost	Assessment Per Front Foot
Street lighting	\$172,268.35	\$0.38
Debt service	76,682.55	0.17
Total	\$248,950.90	\$0.55

A public hearing on the pavement width changes is required.

A public hearing is required on the establishment of

the district.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-111

Local Improvement Ordinance No. 1658  
 (Int. No. 279, As Amended)

**Local Improvement Ordinance - Upgrading  
 Of Street Lighting As A Part Of The Browncroft  
 Neighborhood Street Lighting Project**

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

Section 1. The Council hereby authorizes the  
 upgrading of street lighting as a part of the  
 Browncroft Neighborhood Street Lighting Project.

Section 2. The improvements and work de-  
 scribed in Section 1 shall be constructed in accord-  
 ance with the provisions of Chapter 10 of the Mu-  
 nicipal Code and shall be done by contract.

Section 3. The limits of the District of Assess-  
 ment for the improvements and work shall be the  
 following properties. The Council hereby finds  
 that the upgrading of said street lighting will bene-  
 fit the parcels of property within the district de-  
 scribed in proportion to each parcel's front footage  
 within the District, with corner parcels fronting on  
 two sides within the District having front footage  
 calculated by using 1/3 of the front footage of the  
 longer side plus the front footage of the shorter  
 side, as follows:

Number	Street SBL No.	Front Footage
209	Beresford Rd 12242000010220000000	77
219	Beresford Rd 12242000010210000000	76
222	Beresford Rd 12242000020630000000	78
231	Beresford Rd 12242000010200000000	76
232	Beresford Rd 12242000020640000000	76
241	Beresford Rd 12242000010190000000	76
242	Beresford Rd 12242000020650000000	76
252	Beresford Rd 12242000020660000000	76
257	Beresford Rd 12242000010180000000	120
262	Beresford Rd 12242000020670000000	76
265	Beresford Rd 12242000010170000000	60
275	Beresford Rd 12242000010160000000	60
276	Beresford Rd 12242000020680000000	76

283	Beresford Rd 12242000010150000000	60
284	Beresford Rd 12242000020690000000	76
291	Beresford Rd 12242000010140000000	70
292	Beresford Rd 12242000020700000000	60
299	Beresford Rd 12242000010130000000	60
302	Beresford Rd 12242000020010000000	73
307	Beresford Rd 12234000020490000000	70
312	Beresford Rd 12234000020270000000	73
317	Beresford Rd 12234000020480000000	70
320	Beresford Rd 12234000020280000000	80
325	Beresford Rd 12234000020470000000	70
330	Beresford Rd 12234000020290000000	70
335	Beresford Rd 12234000020460000000	70
340	Beresford Rd 12234000020300000000	70
345	Beresford Rd 12234000020450000000	70
350	Beresford Rd 12234000020310000000	70
355	Beresford Rd 12234000020440000000	70
360	Beresford Rd 12234000020320000000	70
365	Beresford Rd 12234000020430000000	70
370	Beresford Rd 12234000020330000000	70
373	Beresford Rd 12234000020420000000	70
378	Beresford Rd 12234000020340000000	70
381	Beresford Rd 12234000020410000000	65
388	Beresford Rd 12234000020350000000	70
391	Beresford Rd 12234000020400000000	62
398	Beresford Rd 12234000020360000000	70
401	Beresford Rd 12234000020390000000	100
408	Beresford Rd 12234000020370000000	70
416	Beresford Rd 12234000020380000000	71
840	Blossom Rd 12242000010230000000	111
860	Blossom Rd 12242000020620000000	170
930	Blossom Rd 12242000020320000000	90
944	Blossom Rd 12242000020310010000	103
28	Browncroft Blvd 10782000020640000000	125
50	Browncroft Blvd	168

	10782000020630000000				
235	Browncroft Blvd 100		210	Corwin Rd 50	
	12227000010110000000			12227000010640000000	
315	Browncroft Blvd 178		215	Corwin Rd 115	
	12227000020060000000			12227000010580010000	
28	Corwin Rd 60		216	Corwin Rd 75	
	12226000010340000000			12227000010630000000	
36	Corwin Rd 50		225	Corwin Rd 65	
	12226000010330000000			12227000010590000000	
40	Corwin Rd 85		226	Corwin Rd 63	
	12226000010320000000			12227000010620000000	
54	Corwin Rd 65		229	Corwin Rd 110	
	12226000010310000000			12227000010600000000	
64	Corwin Rd 50		230	Corwin Rd 62	
	12226000010300000000			12227000010610000000	
70	Corwin Rd 50		300	Corwin Rd 90	
	12226000010290000000			12227000020090000000	
75	Corwin Rd 65		308	Corwin Rd 90	
	12226000020020000000			12227000020080000000	
80	Corwin Rd 100		315	Corwin Rd 90	
	12226000010280000000			12227000020100000000	
90	Corwin Rd 70		320	Corwin Rd 90	
	12226000010270010000			12227000020070000000	
94	Corwin Rd 80		323	Corwin Rd 90	
	12226000010260010000			12227000020110000000	
110	Corwin Rd 50		331	Corwin Rd 90	
	12226000010250000000			12227000020120000000	
115	Corwin Rd 50		341	Corwin Rd 67	
	12226000020050000000			12227000020130000000	
116	Corwin Rd 50		20	Croydon Rd 55	
	12226000010240000000			12242000020200000000	
121	Corwin Rd 50		21	Croydon Rd 40	
	12226000020060000000			12242000020190000000	
124	Corwin Rd 50		25	Croydon Rd 42	
	12226000010230000000			12242000020180000000	
127	Corwin Rd 50		27	Croydon Rd 45	
	12226000020070000000			12242000020170000000	
130	Corwin Rd 75		28	Croydon Rd 38	
	12226000010220000000			12242000020210000000	
135	Corwin Rd 50		29	Croydon Rd 45	
	12226000020080000000			12242000020160000000	
143	Corwin Rd 50		34	Croydon Rd 40	
	12226000020090000000			12242000020220000000	
144	Corwin Rd 90		39	Croydon Rd 48	
	12226000010210000000			12242000020150000000	
147	Corwin Rd 50		40	Croydon Rd 40	
	12226000020100000000			12242000020230000000	
152	Corwin Rd 75		44	Croydon Rd 40	
	12226000010200000000			12242000020240000000	
155	Corwin Rd 50		45	Croydon Rd 48	
	12227000010500000000			12242000020140000000	
163	Corwin Rd 50		53	Croydon Rd 48	
	12227000010510000000			12242000020130000000	
164	Corwin Rd 55		54	Croydon Rd 60	
	12227000010690000000			12242000020250000000	
169	Corwin Rd 50		57	Croydon Rd 48	
	12227000010520000000			12242000020120000000	
170	Corwin Rd 105		60	Croydon Rd 60	
	12227000010680000000			12242000020260000000	
175	Corwin Rd 50		65	Croydon Rd 48	
	12227000010530000000			12242000020110000000	
183	Corwin Rd 50		66	Croydon Rd 40	
	12227000010540000000			12242000020270000000	
184	Corwin Rd 60		69	Croydon Rd 42	
	12227000010670000000			12242000020100000000	
193	Corwin Rd 135		72	Croydon Rd 62	
	12227000010550010000			12242000020280000000	
200	Corwin Rd 140		75	Croydon Rd 40	
	12227000010650010000			12242000020090000000	
			80	Croydon Rd 45	

	12243000010480000000				
81	Croydon Rd 40		29	Dorchester Rd 50	
	12242000020080000000			12234000010030000000	
86	Croydon Rd 45		35	Dorchester Rd 35	
	12243000010490000000			12234000010040000000	
87	Croydon Rd 40		43	Dorchester Rd 53	
	12242000020070000000			12234000010050000000	
91	Croydon Rd 40		49	Dorchester Rd 62	
	12242000020060000000			12234000010060000000	
92	Croydon Rd 45		57	Dorchester Rd 94	
	12243000010500000000			12234000010070000000	
97	Croydon Rd 64		61	Dorchester Rd 50	
	12242000020050000000			12234000010080000000	
98	Croydon Rd 45		67	Dorchester Rd 50	
	12243000010510000000			12234000010090000000	
104	Croydon Rd 72		73	Dorchester Rd 50	
	12243000010520000000			12234000010100000000	
105	Croydon Rd 60		81	Dorchester Rd 50	
	12242000020040000000			12234000010110000000	
114	Croydon Rd 72		89	Dorchester Rd 66	
	12243000010010000000			12234000010120000000	
115	Croydon Rd 60		90	Dorchester Rd 155	
	12235000010630000000			12226000020380000000	
124	Croydon Rd 59		97	Dorchester Rd 146	
	12235000010410000000			12234000010130000000	
125	Croydon Rd 60		115	Dorchester Rd 80	
	12235000010620000000			12234000020020010000	
131	Croydon Rd 75		125	Dorchester Rd 67	
	12235000010610000000			12234000020030000000	
134	Croydon Rd 75		130	Dorchester Rd 60	
	12235000010420000000			12226000020280000000	
143	Croydon Rd 75		135	Dorchester Rd 135	
	12235000010600000000			12234000020040000000	
144	Croydon Rd 75		138	Dorchester Rd 50	
	12235000010430000000			12226000020270000000	
154	Croydon Rd 75		144	Dorchester Rd 50	
	12235000010440000000			12226000020260000000	
155	Croydon Rd 75		150	Dorchester Rd 50	
	12235000010590000000			12226000020250000000	
164	Croydon Rd 75		160	Dorchester Rd 52	
	12235000010450000000			12226000020240000000	
165	Croydon Rd 75		161	Dorchester Rd 148	
	12235000010580000000			12234000020050000000	
174	Croydon Rd 75		166	Dorchester Rd 60	
	12235000010460000000			12226000020230000000	
175	Croydon Rd 105		175	Dorchester Rd 121	
	12235000010570000000			12234000020060000000	
184	Croydon Rd 75		176	Dorchester Rd 70	
	12235000010470000000			12226000020220000000	
193	Croydon Rd 120		184	Dorchester Rd 74	
	12235000010560000000			12226000020210000000	
194	Croydon Rd 75		185	Dorchester Rd 162	
	12235000010480000000			12234000020070020000	
204	Croydon Rd 75		194	Dorchester Rd 80	
	12235000010490000000			12227000010290000000	
205	Croydon Rd 75		204	Dorchester Rd 64	
	12235000010550000000			12227000010280000000	
214	Croydon Rd 75		210	Dorchester Rd 60	
	12235000010500000000			12227000010270000000	
215	Croydon Rd 75		215	Dorchester Rd 144	
	12235000010540000000			12235000010010000000	
224	Croydon Rd 75		219	Dorchester Rd 63	
	12235000010510000000			12235000010020000000	
225	Croydon Rd 119		220	Dorchester Rd 60	
	12235000010530000000			12227000010260000000	
234	Croydon Rd 70		225	Dorchester Rd 56	
	12235000010520000000			12235000010030000000	
23	Dorchester Rd 50		228	Dorchester Rd 70	
	12234000010020000000			12227000010250000000	
			229	Dorchester Rd 96	

	12235000010040000000	45	Newcastle Rd	70
238	Dorchester Rd 90		12243000010420000000	
	12227000010240000000	52	Newcastle Rd	70
242	Dorchester Rd 60		12243000010300000000	
	12227000010230000000	55	Newcastle Rd	70
253	Dorchester Rd 146		12243000010430000000	
	12235000010060010000	62	Newcastle Rd	70
260	Dorchester Rd 80		12243000010290000000	
	12227000010220000000	65	Newcastle Rd	70
261	Dorchester Rd 50		12243000010440000000	
	12235000010070000000	70	Newcastle Rd	70
267	Dorchester Rd 50		12243000010280000000	
	12235000010080000000	75	Newcastle Rd	70
270	Dorchester Rd 60		12243000010450000000	
	12227000010210000000	80	Newcastle Rd	70
273	Dorchester Rd 65		12243000010270000000	
	12235000010090000000	83	Newcastle Rd	70
276	Dorchester Rd 70		12243000010460000000	
	12227000010200000000	90	Newcastle Rd	70
285	Dorchester Rd 219		12243000010260000000	
	12235000010100010000	91	Newcastle Rd	70
340	Dorchester Rd 109		12243000010470000000	
	12227000020230010000	100	Newcastle Rd	70
365	Dorchester Rd 386		12243000010250000000	
	12235000010110000000	101	Newcastle Rd	70
14	Gramercy Pk 317		12243000010020000000	
	12226000020290000000	110	Newcastle Rd	70
15	Gramercy Pk 80		12243000010240000000	
	12226000020370000000	111	Newcastle Rd	70
25	Gramercy Pk 65		12235000010400000000	
	12226000020360000000	120	Newcastle Rd	70
26	Gramercy Pk 142		12243000010030000000	
	12226000020300000000	121	Newcastle Rd	70
33	Gramercy Pk 75		12235000010390000000	
	12226000020350000000	125	Newcastle Rd	35
45	Gramercy Pk 95		12235000010380000000	
	12226000020340000000	130	Newcastle Rd	70
53	Gramercy Pk 70		12235000010190000000	
	12226000020330000000	131	Newcastle Rd	35
65	Gramercy Pk 96		12235000010370000000	
	12226000020320000000	139	Newcastle Rd	70
68	Gramercy Pk 230		12235000010360000000	
	12226000020310000000	145	Newcastle Rd	35
77	Gramercy Pk 161		12235000010350000000	
	12226000020030000000	148	Newcastle Rd	140
88	Gramercy Pk 95		12235000010210010000	
	12226000020040000000	151	Newcastle Rd	140
464	N Winton Rd 104		12235000010330010000	
	12234000010010000000	156	Newcastle Rd	140
480	N Winton Rd 150		12235000010220010000	
	12226000010430010000	177	Newcastle Rd	105
540	N Winton Rd 218		12235000010300010000	
	12226000010500010000	187	Newcastle Rd	70
566	N Winton Rd 185		12235000010290000000	
	12226000010090000000	195	Newcastle Rd	70
7	Newcastle Rd 99		12235000010280000000	
	12243000010380000000	205	Newcastle Rd	70
18	Newcastle Rd 181		12235000010270000000	
	12243000010330000000	215	Newcastle Rd	70
19	Newcastle Rd 70		12235000010260000000	
	12243000010390000000	225	Newcastle Rd	90
27	Newcastle Rd 70		12235000010250000000	
	12243000010400000000	250	Newcastle Rd	458
34	Newcastle Rd 70		12235000010240000000	
	12243000010320000000	279	Newcastle Rd	150
37	Newcastle Rd 70		12227000010190000000	
	12243000010410000000	280	Newcastle Rd	150
44	Newcastle Rd 70		12227000020240000000	
	12243000010310000000	291	Newcastle Rd	78

	12227000010180000000	96	Quentin Rd	50
292	Newcastle Rd 78		10782000020230000000	
	12227000020250000000	5	Ramsey Pk	135
325	Newcastle Rd 148		12226000010420000000	
	12227000010160000000	10	Ramsey Pk	190
330	Newcastle Rd 150		12226000020390000000	
	12227000020270000000	15	Ramsey Pk	75
337	Newcastle Rd 78		12226000010410000000	
	12227000010150000000	22	Ramsey Pk	40
340	Newcastle Rd 78		12226000020400000000	
	12227000020280000000	25	Ramsey Pk	75
349	Newcastle Rd 142		12226000010400000000	
	12227000010140000000	30	Ramsey Pk	75
350	Newcastle Rd 174		12226000020410000000	
	12227000020290000000	37	Ramsey Pk	115
373	Newcastle Rd 150		12226000010390000000	
	12227000010130000000	40	Ramsey Pk	100
374	Newcastle Rd 136		12226000020420000000	
	12227000020010040000	49	Ramsey Pk	69
382	Newcastle Rd 47		12226000010380000000	
	12227000020010030000	50	Ramsey Pk	60
385	Newcastle Rd 100		12226000020430000000	
	12227000010120000000	60	Ramsey Pk	128
388	Newcastle Rd 47		12226000020440010000	
	12227000020010020000	61	Ramsey Pk	69
400	Newcastle Rd 118		12226000010370000000	
	12227000020010010000	69	Ramsey Pk	69
22	Quentin Rd 58		12226000010360000000	
	10782000020340000000	76	Ramsey Pk	62
28	Quentin Rd 50		12226000020460000000	
	10782000020330000000	79	Ramsey Pk	147
29	Quentin Rd 50		12226000010350000000	
	10782000020350000000	80	Ramsey Pk	129
30	Quentin Rd 50		12226000020010000000	
	10782000020320000000	19	Windemere Rd	85
32	Quentin Rd 50		12226000020160000000	
	10782000020310000000	32	Windemere Rd	80
35	Quentin Rd 50		12226000020150000000	
	10782000020360000000	35	Windemere Rd	85
41	Quentin Rd 50		12226000020170000000	
	10782000020370000000	42	Windemere Rd	60
49	Quentin Rd 50		12226000020140000000	
	10782000020380000000	52	Windemere Rd	60
50	Quentin Rd 50		12226000020130000000	
	10782000020300000000	55	Windemere Rd	90
55	Quentin Rd 50		12226000020180000000	
	10782000020390000000	58	Windemere Rd	60
56	Quentin Rd 50		12226000020120000000	
	10782000020290000000	64	Windemere Rd	60
61	Quentin Rd 50		12226000020110000000	
	10782000020400000000	65	Windemere Rd	70
62	Quentin Rd 50		12226000020190000000	
	10782000020280000000	67	Windemere Rd	67
67	Quentin Rd 50		12226000020200000000	
	10782000020410000000	70	Windemere Rd	65
70	Quentin Rd 50		12227000010490000000	
	10782000020270000000	75	Windemere Rd	63
75	Quentin Rd 50		12227000010300000000	
	10782000020420000000	77	Windemere Rd	67
76	Quentin Rd 50		12227000010310000000	
	10782000020260000000	80	Windemere Rd	57.5
81	Quentin Rd 50		12227000010480000000	
	10782000020430000000	84	Windemere Rd	57.5
82	Quentin Rd 50		12227000010470000000	
	10782000020250000000	85	Windemere Rd	65
90	Quentin Rd 50		12227000010320000000	
	10782000020240000000	90	Windemere Rd	60
91	Quentin Rd 73		12227000010460000000	
	10782000020440000000	99	Windemere Rd	68

104	Windemere Rd	60	12227000010330000000	281	Yarmouth Rd	60	12242000020460000000
105	Windemere Rd	50	12227000010450000000	288	Yarmouth Rd	60	12242000020400000000
114	Windemere Rd	50	12227000010340000000	291	Yarmouth Rd	60	12242000020450000000
115	Windemere Rd	75	12227000010440000000	295	Yarmouth Rd	68	12242000020440000000
122	Windemere Rd	80	12227000010350000000	296	Yarmouth Rd	60	12242000020410000000
125	Windemere Rd	75	12227000010430000000	304	Yarmouth Rd	60	12242000020420000000
132	Windemere Rd	65	12227000010360000000	305	Yarmouth Rd	60	12242000020020000000
135	Windemere Rd	75	12227000010420000000	310	Yarmouth Rd	60	12242000020430000000
140	Windemere Rd	90	12227000010370000000	315	Yarmouth Rd	70	12234000020260000000
145	Windemere Rd	65	12227000010410000000	318	Yarmouth Rd	60	12242000020030000000
153	Windemere Rd	60	12227000010380000000	325	Yarmouth Rd	70	12234000020250000000
156	Windemere Rd	70	12227000010390000000	326	Yarmouth Rd	60	12234000020220000000
165	Windemere Rd	150	12227000010400000000	335	Yarmouth Rd	70	12234000020240000000
195	Windemere Rd	150	12227000010170000000	336	Yarmouth Rd	80	12234000020210000000
211	Windemere Rd	90	12227000020260000000	345	Yarmouth Rd	70	12234000020230000000
212	Windemere Rd	75	12227000020190000000	346	Yarmouth Rd	66	12234000020200000000
222	Windemere Rd	75	12227000020180000000	354	Yarmouth Rd	67	12234000020190000000
223	Windemere Rd	90	12227000020160000000	355	Yarmouth Rd	70	12234000020160000000
234	Windemere Rd	65	12227000020200000000	364	Yarmouth Rd	68	12234000020180000000
239	Windemere Rd	64	12227000020150000000	365	Yarmouth Rd	70	12234000020150000000
240	Windemere Rd	62	12227000020210000000	374	Yarmouth Rd	60	12234000020170000000
215	Yarmouth Rd	120	12227000020140000000	375	Yarmouth Rd	60	12234000020140000000
216	Yarmouth Rd	124	12242000020520000000	380	Yarmouth Rd	60	12235000010640000000
229	Yarmouth Rd	80	12242000020330000000	381	Yarmouth Rd	60	12234000020130000000
230	Yarmouth Rd	72	12242000020510000000	389	Yarmouth Rd	60	12234000020120000000
239	Yarmouth Rd	80	12242000020340000000	390	Yarmouth Rd	60	12235000010650000000
240	Yarmouth Rd	72	12242000020500000000	396	Yarmouth Rd	60	12235000010660000000
249	Yarmouth Rd	80	12242000020350000000	397	Yarmouth Rd	60	12234000020110000000
250	Yarmouth Rd	72	12242000020490000000	400	Yarmouth Rd	60	12235000010670000000
262	Yarmouth Rd	72	12242000020360000000	406	Yarmouth Rd	60	12235000010680000000
265	Yarmouth Rd	120	12242000020370000000	415	Yarmouth Rd	65	12234000020100000000
270	Yarmouth Rd	72	12242000020480000000	416	Yarmouth Rd	60	12235000010690000000
275	Yarmouth Rd	60	12242000020380000000	421	Yarmouth Rd	99	12234000020090010000
280	Yarmouth Rd	60	12242000020470000000	422	Yarmouth Rd	62	12235000010700000000
	Yarmouth Rd	60	12242000020390000000	430	Yarmouth Rd	50	

12235000010710000000

Local Improvement Ordinance No. 1659  
(Int. No. 283)

Section 4. The additional construction costs relating to such street lighting upgrading, in an amount not to exceed \$[248,950.90] 390,924.64, shall be annually assessed and billed as Special Assessments against the parcels of property within the district for a period of 15 years, commencing with the 2013-14 year, or the tax year after completion of construction, whichever is later. Such amount shall be appropriated from the Special Assessments. Such assessments shall be billed on the regular tax bill and shall be due in one installment. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentleman:

Local Improvement Ordinance No. 1659  
Re: Technical Amendment - LIO  
No. 1646, Care and Embellishment  
Of Malls

Transmitted herewith for your approval is legislation amending Local Improvement Ordinance (LIO) No. 1646 authorized in March 2012 to change the source of related revenues and expenses from the General Fund to the Care and Embellishment Fund. No change to the dollar amount or any other aspect of the Ordinance is requested.

In 2011-12 and prior years, the Care and Embellishment program was managed by the Department of Recreation and Youth Services (DRYS). The DRYS budget historically included a revenue account and an expense account from which the Care and Embellishment funds were disbursed to the Street Mall Associations and to the Department of Environmental Services (DES) for standard maintenance performed on the malls.

LIO funding for standard maintenance of street malls was discontinued in 2011-12 (LIO No. 1634). DES did not include any revenue or expense for this program in their 2012-13 budget because the LIO agreements are processed outside General Fund activity. Therefore, the Accounting Bureau of the Finance Department recommends the use of the Care and Embellishment Fund for processing all program transactions, which necessitates the amendment requested herein.

A public hearing is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

**Local Improvement Ordinance Amending  
Local Improvement Ordinance No. 1646, Care  
And Embellishment Of Street Malls For 2012**

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

Section 1. Local Improvement Ordinance No. 1646, relating to Care and Embellishment of Street Malls for 2012, is hereby amended by replacing the General Fund as the source of the appropriation in Section 4 thereof with the Care and Embellishment Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-269  
Re: Establishing a Moratorium on  
Hydrofracking

Transmitted herewith for Council approval is legislation that will establish a yearlong moratorium on the exploration and extraction of natural gas, commonly referred to as "Hydrofracking" within the City of Rochester. Hydrofracking is the process used to extract natural gas that has been trapped in shale formations through high pressure horizontal drilling which infuses water, sand and chemical additives to create small fractures within the rock that will then allow for natural gas to flow.

Hydrofracking is a controversial issue, one that residents have asked be banned within the City of Rochester. The moratorium will allow for the City to take twelve months to research this topic and review the information that is available on the effects of hydrofracking. This will allow the City to make an informed decision on how to proceed upon the completion of the moratorium.

Major concerns around hydrofracking are the negative effects that it can have on the air, soil and water quality in the immediate and surrounding areas in which it is conducted. While the full effects of hydrofracking are yet to be known, it is important to take the necessary steps to ensure that any such work allowed within the City of Rochester is done safely and without a negative impact on the environment or on our residents.

The Planning Commission will make a recommendation to the Council on this topic at their June meeting and minutes will be provided prior to the June 19<sup>th</sup> Council Meeting.

Respectfully submitted,  
Loretta C. Scott  
Chair, Jobs, Parks & Public Works Committee

Attachment No. AL-112

Ordinance No. 2012-269  
(Int. No. 284)

**Establishing A Moratorium On Permits, Certificates Of Zoning Compliance And Variances For Exploration And Extraction Of Natural Gas Within The City**

WHEREAS, the City of Rochester hereby intends to place a moratorium on the exploration and extraction of natural gas within the City of Rochester under its zoning powers, in order to preserve and protect the public health, safety and welfare of the residents of and visitors to the City of Rochester from known and suspected dangers from natural gas exploration and extraction, while the effects of such activities in the City can be further studied; and

WHEREAS, the City Council of the City of Rochester finds that:

- (1) Natural gas exploration and extraction occurring in the urban environment of the City of Rochester may pose a significant threat to the health, safety and welfare of the residents of and visitors to the City of Rochester.
- (2) The potential exists for environmental and human health impacts as evidenced by reported cases of such impacts in other areas of the country where natural gas exploration and extraction has occurred.
- (3) Natural gas exploration and extraction within the City of Rochester could endanger the health, safety and welfare of City residents and visitors through the deposit of gases, vapors, hazardous substances and other materials into the air, soil, water and environment of the City. The City of Rochester, an urban area, with dense residential development, a built environment and the existence of many brownfield sites, may be particularly vulnerable to these impacts.
- (4) Clean air, water and soil are essential to most resources and activities in the Rochester area. The quality of air, water and soil may be degraded and polluted by natural gas exploration and extraction and the chemicals used in these processes, and this pollution may have immediate and long term adverse health impacts.
- (5) There has been inadequate research into the specific impacts of natural gas exploration and extraction in urban areas, where there are dense residential development, many existing industrial sites, and a large number of brownfield sites containing identified and unidentified hazardous substances or hazardous wastes. Of particular concern is the impact that the natural gas extraction method of high-volume hydraulic fracturing may have on the existing hazardous substances or hazardous wastes found in brownfield sites, the potential for and increased danger from

seismic activity in a developed urban area, and the increased danger from any spills, emissions or discharges due to proximity to dense urban populations.

- (6) The City of Rochester is uniquely situated on or adjacent to several bodies of water, including Lake Ontario, the Genesee River and the Erie Canal, which are already vulnerable to pollution from groundwater runoff and other sources. In addition, the City has a large number of parks as well as public and private cemeteries. There has been inadequate study of the potential adverse impact of natural gas exploration and extraction on these critical natural resources.
- (7) The protection of residents, neighborhoods and the natural environment by placing a moratorium on natural gas exploration and extraction in the City of Rochester is an appropriate use of the City's zoning powers; and

WHEREAS, a moratorium imposed on permits, certificates of zoning compliance and variances for natural gas exploration and extraction for a one-year period shall allow for further review in order that informed decisions may be made on the effects of such activities in the City.

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

Section 1. There shall be a one-year moratorium on the acceptance of applications for, and on the approval of, permits, certificates of zoning compliance and variances for natural gas exploration and extraction in the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Haag  
June 19, 2012

To the Council:

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

Int. No. 273 - Authorizing An Agreement For A Metropolitan Medical Response System Program Grant

Int. No. 274 - Authorizing An Agreement For A HazMat Grant Program

Int. No. 275 - Establishing Maximum Compensation For A Professional Services Agreement For Database Management Services

Int. No. 276 - Establishing Maximum Compensation For A Professional Services Agreement For Farrier Services

Int. No. 277 - Authorizing Agreements For Funding For Animal Population Control Programs

Int. No. 281 - Authorizing Agreements For The THRIVE Project, As Amended

Int. No. 305 - Authorizing An Agreement With The Town Of Brighton For Provision Of First Responder Services To West Brighton

Int. No. 307 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Youth Programs

Int. No. 308 - Authorizing Agreements For The Summer Youth Employment Program

The following entitled legislation is being held in Committee:

Int. No. 280 - Authorizing Agreements For Sexual Health Promotion For Young People

Respectfully submitted,  
Adam C. McFadden  
Matt Haag  
Loretta C. Scott (Abstained on Int. Nos. 307 and 308)  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-270  
Re: Metropolitan Medical Response System Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Homeland Security for the receipt and use of a \$281,693 Metropolitan Response System Program (MMRS) grant. Receipt of this grant was anticipated and funds have been included in the proposed 2012-13 Budget of the Fire Department.

Rochester is one of 124 cities nationwide designated by the Federal government as an MMRS jurisdiction. Since 2000, the Rochester Fire Department has led this regional program, whose purpose is to support local jurisdictions in the development and enhancement of emergency preparedness systems. The local project includes:

- Establishing and maintaining a pharmaceutical stockpile and/or distribution network;
- Ensuring the ability to track and monitor threats from chemical or biological agents;
- Developing and enhancing a patient tracking system; and
- Maintaining the Community Emergency Response Team (CERT) program to train ci-

vilians in emergency preparedness for response to all hazards events.

These efforts will continue to allow the City to improve and augment existing emergency preparedness plans and capabilities. Proactive efforts toward community preparedness are essential steps to effectively respond to and minimize the effects of any incident on responders and the community.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-270  
(Int. No. 273)

**Authorizing An Agreement For A Metropolitan Medical Response System Program Grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for funding for the Rochester Fire Department under the Metropolitan Medical Response System Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-271  
Re: Agreement - New York State Division Of Homeland Security and Emergency Services, HazMat Grant Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of \$123,933 in funding for the FY11 HazMat Grant Program.

This grant is provided to enhance HazMat response in the Rochester area. This year's funds will support the purchase of a chemical agent detector to aid first responders in identifying hazardous chemicals, and additional training for first responders.

There is no match required for this grant. The contract period is March 6, 2012-August 31, 2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-271  
(Int. No. 274)

**Authorizing An Agreement For A HazMat 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 New York State Division of Homeland Security and Emergency Services for funding for the HazMat Grant Program.

Section 2. The sum of \$123,933 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund HazMat equipment and training for the Rochester Fire Department.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-272  
Re: Agreement - Children's Institute,  
COMET Software Support System

Transmitted herewith for your approval is legislation establishing \$85,000 as maximum compensation for an agreement with Children's Institute Inc. to provide database management development and support to the Department of Recreation and Youth Services (DRYS). The cost of this agreement will be funded from the 2011-12 operating budget of the Department of Recreation and Youth Services.

Children's Institute will modify its existing database management system, Comprehensive Mentoring Technologies (COMET), to accommodate the recording and tracking of DRYS programs and activities. This contract will include access from all the DRYS recreation centers and other facilities, consultation services, customization, development of forms and processes, and interface with the existing "EZ Rec Pass" attendance system now in use at recreation centers. The term of the contract will cover a three-year period, beginning June 18, 2012 through July 17, 2015.

Children's Institute was selected to provide this service because COMET links to the Rochester City School District (RCS D). The RCS D currently uses COMET in evaluating their Universal Pre-K (UPK) programs. COMET is also currently being used by partner funders, including United Way, as well as non-profit agencies, to track attendance and evaluate outcomes. Using the COMET software system will increase efficiency with respect to tracking program activity and individual usage of DRYS services. This will eliminate duplicate counts within the DRYS system, as well as between the City and other service providers in the commu-

nity. It is essential that DRYS be on the same data platform as those other youth service agencies in the city to achieve the most efficient and productive client data management.

Implementation of this system will include obtaining parental permission for data about youth, including school records, to be shared with and between agencies. The system will facilitate evaluation of academic performance related to program participation. This data will also have the potential to enable DRYS to identify early signs of youth served by DRYS who are at risk of developing truancy, so that appropriate early intervention action can be taken by DRYS.

The Children's Institute has a current contract with the City to provide the application process for the Summer of Opportunity Program (SOOP). However, this proposed contract is for additional services, and is not inclusive of the SOOP activity.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-272  
(Int. No. 275)

**Establishing Maximum Compensation For A Professional Services Agreement For Database Management Services**

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 between the City and the Children's Institute, Inc. for database management services for the Department of Recreation and Youth Services for a term of three years. Said amount shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to amend Int. No. 276.

The motion was seconded by Councilmember Scott.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-273  
Re: Agreement - Daniel Collins,  
Farrier Services

Transmitted for your approval is legislation establishing maximum compensation of \$12,000 for an

agreement with Daniel Collins (Honeoye Falls, NY) to provide farrier services (horseshoeing) for the Mounted Patrol Unit of the Rochester Police Department. The cost of the agreement will be funded from the 2012-13 Budget of the Police Department.

Daniel Collins provides a highly specialized service, which includes blacksmithing and hoof care, and there are a limited number of practitioners nationwide. Mr. Collins has provided farrier services to the City since November 2000.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-273  
(Int. No. 276, As Amended)

**Establishing Maximum Compensation For A Professional Services Agreement For Farrier Services And An Amendatory Agreement For Veterinary Services**

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

Section 1. The sum of \$12,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Daniel Collins for the provision of farrier services for the Mounted Patrol Unit of the Rochester Police Department. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 2. The sum of \$3,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for an amendatory professional services agreement with Stone Ridge Animal Hospital for veterinary services for the Canine Unit of the Rochester Police Department. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-274  
Re: Agreements - New York State Animal Population Control Program Grants

Transmitted herewith for your approval is legislation authorizing agreements with The American Society for the Prevention of Cruelty to Animals (ASPCA) for the receipt of funding in the amount of \$107,695 for the New York State Animal Population Control Program.

These agreements will provide three separate grants

which will allow Rochester Animal Services to increase spaying and neutering services to pets of low-income Rochester residents from 1,773 operations per year to 3,073. All three grants are to be expended within the same one-year period.

The first grant, Payroll Support for Low-Income Spay/Neuter Program, will provide \$62,500 for personnel and will pay for one full-time veterinary assistant and several part-time contract veterinary technicians.

The second grant, Veterinary Supplies for Low-Income Spay/Neuter Program, will provide \$34,500 for surgery and recovery supplies to support the increased number of spaying/neutering operations.

The third grant, Targeted Promotion of Low-Income Spay/Neuter Program, will provide \$10,695 for marketing the expansion of the neutering/spaying program. It will pay for bus signs, television ads and theatre ads.

The City has not previously received this grant as it is a new program available from New York State administered by ASPCA. If the grant is successful, the City will have the opportunity to apply for the same grant next year, but no on-going funding is guaranteed.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-274  
(Int. No. 277)

**Authorizing Agreements For Funding For Animal Population Control 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 American Society for the Prevention of Cruelty to Animals for funding for Animal Population Control 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. 2012-275  
Re: Agreements - Teen Pregnancy Prevention Training Services

Transmitted herewith for your approval is legislation related to the THRIVE (Teens Helping to Reinvent Identity, Values and Empowerment) project, one of the activities supported by the U.S. Department of Health and Human Services Teen

Pregnancy Prevention grant (authorized via Ord. No. 2011-286). This legislation will establish maximum compensation for agreements as follows:

<u>Consultant</u>	<u>Purpose</u>	<u>Amount</u>
Center for Improvement of Child Caring	Training: Effective Black Parenting	\$17,125
Coordinated Care Services, Inc.	Training: HighScope Youth Work Methods	\$7,200

The cost of these agreements will be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Center for Improvement of Child Caring (CICC)  
CICC (North Hollywood, CA; Dr. Kirby Alvy, Executive Director) has developed and copyrighted a curriculum entitled, Effective Black Parenting, which has been used by the City and non-profit agencies in the Rochester area for several years. Direct training has not been provided locally since 2006.

CICC will train 15 participants, including City staff, local family development specialists, and community volunteers in the curriculum. These individuals will then be qualified to deliver the curriculum to parents. The training is scheduled for five full days, August 20-24, 2012.

City staff are in the process of developing a plan to recruit parents for participation in one of six sessions to be scheduled between September 2012 and summer 2013. Training will be delivered at City facilities and participating non-profit agencies. The goal is to train up to 60 parents in Effective Black Parenting.

The program goal is to improve participant parenting skills with an emphasis on decreasing reliance on corrective or harsh disciplinary method and increasing the development of social skills. The curriculum includes topics such as Social Learning Theory, Disciplining: Traditional and Modern Approaches, and the Pyramid of Success for Black Children.

Coordinated Care Services, Inc. (CCSI)  
CCSI will provide training for stakeholders and partners of the THRIVE initiative in HighScope Youth Work Methods, a copyrighted professional development curriculum designed to support and improve youth development programs and agencies. This is a component of the Capacity Building Project, a community-wide training initiative managed by the Rochester-Monroe County Youth Bureau, through CCSI. The HighScope curriculum aligns with the DRYS Strategic Plan and Youth Development Philosophy in the areas of safety, support, interaction, and engagement.

This agreement will provide for the training of approximately 40 participants in two separate series of four workshops each. The cost includes all

training materials.

The HighScope Youth Work Methods curriculum is a series of 10 skill-based methods workshops, designed to help those who work with youth move from research and conceptual frameworks to effective practice by using concrete strategies and tools. The curriculum includes topics such as Structure and Clear Limits, Planning and Reflection, and Voice and Choice.

The amount of this agreement does not meet the \$10,000 threshold for Council approval; however, CCSI currently has other agreements with the City, which in the aggregate exceed the threshold.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-275  
(Int. No. 281, As Amended)

#### **Authorizing Agreements For The THRIVE Project**

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 additional amounts not to exceed the following, for services under the Teens Helping to Reinvent Identity, Values and Empowerment (THRIVE) Project as part of the Federal Teenage Pregnancy Prevention Program:

<u>Organization</u>	<u>Program</u>	<u>Amount</u>
Coordinated Care Services, Inc.	HighScope Youth Work Methods	\$ 7,200
Center for the Improvement of Child Caring	Effective Black Parenting	17,125

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$24,325, and said amount, or so much thereof as may be necessary, shall be funded from the [2011-12] ~~2012-13~~ 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.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-276  
Re: Intermunicipal Agreement - Brighton,  
West Brighton Fire Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Town of Brighton for the provision of fire protection and emergency medical first responder service to the West Brighton Fire Protection District. The agreement will have a term not to exceed five years, with the option of one five-year renewal. Because the West Brighton Fire Protection District is currently the subject of a dissolution effort, the agreement will be terminable upon dissolution of the District. The Town of Brighton will pay the City \$750,000 for the first year of the agreement; the cost in subsequent years will increase by 3% annually, unless there are significant changes in the call volume in West Brighton.

In 2011, the Town of Brighton released a request for proposals for the provision of fire service to the West Brighton Fire District. The City submitted a proposal, as did the West Brighton Fire District, Brighton, and Henrietta Fire Departments. The City of Rochester Fire Department was selected by the Town of Brighton to perform primary fire service for the West Brighton Fire District.

Since 2002, the RFD has provided firefighters and apparatus for limited mutual fire service calls in specific areas in the Town of Brighton, which was first authorized by Ordinance No. 2002-306, and most recently extended via Ordinance No. 2012-83, which will be superseded by this proposed agreement.

It is anticipated that, under this agreement, RFD will respond to approximately 600 fire and EMS calls annually in the West Brighton Fire District. The agreement will include the following provisions:

- RFD will provide a Fire Engine Company to run from the West Brighton Fire House located on West Henrietta Road according to RFD response protocols. Response at the start of the agreement may be provided from the City's South Avenue Fire House.
- RFD will provide the necessary apparatus and equipment to run the company from the West Brighton Fire House.
- RFD may make necessary adjustments to the fire house facilities and communications systems to be consistent with RFD Fire House facilities and standards.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-276  
(Int. No. 305)

**Authorizing An Agreement With The Town Of Brighton For Provision Of First Responder Services To West Brighton**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the Rochester Fire Department will provide primary fire protection and emergency medical first responder services to the West Brighton Fire Protection District through a City fire company stationed in the West Brighton Fire Station at 2695 West Henrietta Road. The services may be provided through a City fire station if the West Brighton Fire Station is not immediately available. The agreement shall extend for a term not to exceed five years, beginning July 1, 2012, and may contain one five-year renewal option. The agreement shall be terminable in the event that a dissolution plan for the West Brighton Fire Protection District is implemented. The Town shall be responsible for improvements to the West Brighton Fire Station necessary to prepare the premises for 24 hour occupancy by the Rochester Fire Department. Such improvements may be made by the City, with the approval of the Town, and at the expense of the Town, in an amount not to exceed \$24,000. The City shall be responsible for routine repairs and maintenance to said facility up to the amount of \$25,000 annually. Daily cleaning and routine grounds work at the premises shall be provided by the City at no cost. The Town shall be responsible for snow plowing, and grass cutting in the rear of the premises. The City shall use its own apparatus for responses in the West Brighton Fire Protection District. The Town shall plan for replacement of said apparatus at its expense in ten years from the commencement of this Agreement. The Town shall provide fuel for said apparatus. The City shall be responsible for routine repairs and maintenance to said apparatus up to the amount of \$7,500 annually.

Section 2. The agreement shall obligate the Town of Brighton to pay to the City the annual sum of \$750,000, which shall escalate by 3% each year. The cost for the renewal term may be renegotiated between the parties if the number of West Brighton calls significantly changes during the initial term of the agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-277  
Re: Agreement- Baden Street Settlement  
Of Rochester, Inc.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Baden Street Settlement of Rochester, Inc. to provide a program coordinator for the After School in

the Park Camp, the summer ArtSmart Camp, and the summer Genesee Valley Park Sports Camp programs. The original agreement, Ordinance No. 2011-175, established maximum compensation of \$81,088 for a term of one year, expiring June 24, 2012. This amendment will extend the agreement by three months to September 30, 2012 and increase compensation by \$12,830, to a maximum total of \$93,918. The additional cost will be funded from the 2011-12 (\$2,518) and 2012-13 (\$10,312) budgets of the Department of Recreation and Youth Services.

The After School in the Park camp is a fee-for-service program offered by the City. The program provides care from 3-6:30 pm, Monday-Friday, for 30 city students between the ages of 6 and 13 at a cost of \$55 per week. The program also offers care during both the February and April school recess weeks from 9 a.m. to 5 p.m. for \$115 per week. The ArtSmart Camp and the Genesee Valley Park Sports Camp are nine week, full-day summer camp programs with a cost of \$85 per participant per week. The ArtSmart Camp will be held at Lake Riley Lodge with capacity for 60 participants and the Genesee Valley Park Sports Camp will be held at the Genesee Valley Field House with a capacity of 40 participants.

This amendatory agreement will provide funds for an extension of a position to provide coordination of these programs throughout the summer. DRYS is currently evaluating the staffing model used for fee-based youth programs; extending this agreement will allow time to complete the evaluation and provide recommendations.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-113

Ordinance No. 2012-277  
(Int. No. 307)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Youth Programs**

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

Section 1. The sum of \$12,830, 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 Baden Street Settlement of Rochester, Inc. for a program coordinator for the After School in the Parks Program, the summer Art Smart Camp at Lake Riley Lodge and the summer Genesee Valley Park Sports Camp. Of said amount, \$2,518 shall be funded from the 2011-12 and \$10,312 from the 2012-13 Budgets of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, Miller, Ortiz, Palumbo, Spaul - 7.

Nays - None - 0.

Councilmember Scott abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-278  
Re: Agreements - Summer Youth  
Employment

Transmitted herewith for your approval is legislation related to City youth employment programs. This legislation will:

1. Authorize an agreement with RochesterWorks, Inc. for receipt and use of a grant in the amount of \$18,000 which will be used to support two Bureau of Recreation summer employment programs.
2. Establish \$32,300 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential, to provide payroll services for 25 youths participating in the Biz Kid\$ Real and Junior Recreation Leader programs. The cost of the agreement will be funded from the RochesterWorks grant (\$18,000) and the 2012-13 DRYS Budget (\$14,700). The term of this agreement will be July 9, 2012 to June 30, 2013.

RochesterWorks received \$546,000 in Federal pass-through funds from New York State for summer youth employment efforts and, in turn, issued a request for proposals to local agencies to provide employment opportunity programs for youth. This is the same RFP jointly issued by the City for its Summer of Opportunity Program, as described in Introductory 232 submitted to Council in May 2012. The DRYS Bureau of Recreation applied directly to RochesterWorks for funding support for two long-standing youth employment programs that are now administered separately from SOOP, which is overseen by the DRYS Bureau of Youth Services.

The \$18,000 RochesterWorks grant will be used to partially support two youth work readiness programs - Biz Kid\$ Real, and Jr. Recreation Leaders. Biz Kid\$ Real, an extension of the BizKid\$ program, provides in-depth entrepreneurial education and experience to 10 City youth ages 14-17. The Jr. Recreation Leader Program provides job readiness for 15 City youth ages 14 and 15.

For both programs, youth are trained, paired with staff mentors, and are required to complete program-based work experiences during the summer. Program descriptions are attached.

Baden Street Settlement will provide payroll pro-

cessing services for the 25 youth enrolled in these two programs. Baden was selected through a request for proposal process conducted by NBD in the spring of 2012, in anticipation of their department's Citizen Explorers Project which also employs youth. NBD received one response from Baden Street Settlement. The proposal was evaluated by a team composed of NBD and DRYS staff who based their selection on the provider's ability to complete necessary tasks outlined in the RFP, cost of services, and references from clients for whom Baden has provided similar services. DRYS utilized the results of this RFP in choosing Baden as the payroll service provider.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-114

Ordinance No. 2012-278  
(Int. No. 308)

**Authorizing Agreements For The Summer Youth Employment 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 RochesterWorks, Inc. for the receipt and use of funding for the Summer Youth Employment Program.

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

Section 3. The sum of \$32,300, 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 Baden Street Settlement of Rochester, Inc. for payroll services for the Biz Kid\$ Real and Junior Recreation Leader Programs. Of said amount, \$14,300 shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services and \$18,000 is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, Miller, Ortiz, Palumbo, Spaul - 7.

Nays - None - 0.

Councilmember Scott abstained because of a professional relationship.

Councilmember Miller moved to discharge Int. No. 280 from Committee.

The motion was seconded by Councilmember

Spaul.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Miller, Palumbo, Ortiz, Scott, Spaul - 7.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-279  
Re: Agreements - New York State  
Department of Health Grant,  
Promoting Sexual Health

Transmitted herewith for your approval is legislation related to a New York State Department of Health grant to promote sexual health among young people through youth leadership and community engagement. This legislation will:

1. Authorize an agreement with the New York State Department of Health for receipt and use of a \$193,735 grant. This is the third year of a five year grant. This amount was anticipated and included in the 2012-13 Budget of the Department of Recreation and Youth Services (DRYS).
2. Establish \$103,020 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential, to recruit and supervise youth leaders, create a social marketing campaign, and conduct project outreach to local youth health clinics.
3. Establish \$20,000 as maximum compensation for an agreement with AIDS Care to provide a part-time health educator to train youth leaders and co-facilitate health education workshops, curriculum, and presentations related to the grant project.

Both agreements will be funded from the 2012-13 DRYS Budget and the term of both will be from July 15, 2012 to May 31, 2013. The remaining grant funds (\$70,715) will be used to support City staff and operational costs needed for implementation of the program.

In 2010, the Bureau of Recreation, in partnership with Baden Street/Metro Council for Teen Potential and AIDS Care, applied for and was awarded this New York State Department of Health grant. The goal of the funded program is to reduce unintended pregnancies and HIV and sexually transmitted infections among Rochester youth (ages 13-24) of color. Youth leaders, parents, health clinics, and community volunteers will be engaged to support and promote optimal sexual health for young people. Engaging youth leadership in facilitating the needed community changes is a unique aspect of this program.

It is anticipated that this program will engage 300 youth and families at community events with a health focus; 75 youth in workshops, curriculum delivery, and peer training activities; over 50 adults in youth-led workshops; and over 1,000 youth and adults through youth-led social marketing campaigns and distribution of health education materials.

During the first two years of the grant, the following key activities were accomplished:

- 15 youth leaders were trained
- 32 workshops were delivered to 221 youth, 255 adults, and 58 service providers
- Youth leaders participated in 24 health fairs/community events to promote related social marketing campaigns
- 9 special events for 486 youth and adults were held
- On-site rapid HIV testing was offered at 6 events, with 73 people tested

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-115

Ordinance No. 2012-279  
(Int. No. 280)

**Authorizing Agreements For Sexual Health Promotion For Young People**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for funding for a Sexual Health Promotion for Young People through Youth Leadership and Community Engagement Project.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential in an amount not to exceed \$103,020 to provide Project services.

Section 3. The Mayor is hereby further authorized to enter into an agreement with AIDS Care in an amount not to exceed \$20,000 to provide a part-time health education coordinator for Project activities.

Section 4. The agreements shall obligate the City to pay an amount not to exceed \$123,020, and said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

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

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Miller, Ortiz, Palumbo, Spaul - 6.

Nays - None - 0.

Councilmember Haag abstained because of a familial relationship. Councilmember Scott abstained because of a professional relationship.

The meeting was adjourned at 8:57 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

REGULAR MEETING  
JULY 24, 2012

Present - Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 7

Absent - President Warren, Councilmember McFadden - 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
    - \*Ronald L. Bardeen
    - \*Richard E. Haynes
    - \*Roger R. Hollis
  - Fire Department
    - \*Samuel T. Germano
    - \*Robert R. Martin
    - \*Patrick J. Waser

*\*Did not attend meeting.*

APPROVAL OF THE MINUTES  
By Councilmember Spaul

RESOLVED, that the minutes of the Special Meeting of June 12, 2012, the Public Hearing on June 13, 2012 and the Regular Meeting of June 19, 2012 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 (2)

General Liability Claims 4081-12  
Workers Compensation Claims 4082-12

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spaul presented petition with 449 signatures against the point system. Petition No. 1667

Councilmember Spaul presented petition with 29 signatures against entertainment center license laws. Petition No. 1668

PUBLIC HEARINGS.

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

Authorizing Amendatory 2010-11 And 2011-12 Community Development Program Plans And Authorizing Agreements For The Economic Development Financial Assistance Loan & Grant Programs Int. No. 331. No speakers.

Changing The Zoning Classification Of 1134-1144 Joseph Avenue From R-1 Low Density Residential To C-1 Neighborhood Center Int. No. 332 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Hartford Street Int. No. 337 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
July 24, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 316 - Appropriation Of Funds - Insurance Reserve Fund

Int. No. 317 - Reducing The Amounts Authorized In Certain Bond Ordinances

Int. No. 318 - Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

Int. No. 319 - Establishing Maximum Compensation For A Professional Services Agreement For A New GIS Buildings File

Int. No. 320 - Establishing Maximum Compensation For A Professional Services Agreement For A Centralized GIS System

Int. No. 341 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A GIS Model

Int. No. 349 - Local Law Amending The City Charter With Respect To City Residency

Int. No. 350 - Local Law Amending The City Charter With Respect To The Department Of Human Resource Management

Int. No. 351 - Local Law Amending The City Charter With Respect To The Corporation Counsel

Int. No. 352 - Local Law Amending The City Charter With Respect To The Small Claims Board

Int. No. 353 - Local Law Amending The City Charter With Respect To City Planning

The following entitled legislation is being held in Committee:

Int. No. 345 - Authorizing The Reacquisition Of 33 Bartlett Street

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Loretta C. Scott  
Lovely A. Warren  
Dana K. Miller (*Did not vote on Int. Nos. 316 through 318*)  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL:  
Ladies and Gentlemen:

Ordinance No. 2012-280  
Re: Appropriation - Insurance Reserve Fund

Transmitted herewith for your approval is legislation appropriating \$3 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 2010-11 was \$39,317.

At present, the fund balance is \$19,294,700; of that amount, \$6,143,512 is appropriated for disbursement. Under the proposed legislation, an additional \$3 million will be appropriated for the payment of claims, leaving an unappropriated balance of \$10,151,188. The most recent appropriation was for \$4 million and was approved by City Council in April 2008.

Detailed reports on the City's claim experience are submitted to the Council on a quarterly basis.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-116

Ordinance No. 2012-280  
(Int. No. 316)

**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 \$3 million, or so much thereof as may be necessary, to finance the payment of general liabilities and claims against the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-281  
Re: Rescinding Certain Portions of Previous Bonds

Transmitted herewith for your approval is legislation rescinding a total of \$196,000 in unused bonds. The funds were originally planned for projects for which the final costs were less than originally estimated. The affected bonds are summarized below:

<u>Ordinance</u>	<u>Original Authorization</u>	<u>Unused Amount</u>
	<u>Original Project</u>	
2009-322	\$ 473,000	\$20,000
	Street: Lawn Street	
2009-323	142,500	10,000
	Water: Lawn Street	
2010-261	155,000	10,000
	Water: 2010 Street Imp.	
2011-044	1,806,000	81,000
	Street: Westfield/Penhurst	
2011-045	500,000	25,000
	Water: Westfield/Penhurst	
2011-152	840,000	50,000
	Water: Jefferson Avenue	

The amounts authorized above are the authorized but unissued amounts remaining on the Bond Authorizations. The funds no longer needed for the current projects will be reallocated for other street projects.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-281  
(Int. No. 317)

**Reducing The Amounts Authorized In Certain Bond Ordinances**

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

Section 1. Bond Ordinance No. 2009-322, relating to street reconstruction as a part of the Lawn Street Improvement Project, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$20,000, from \$473,000 to \$453,000.

Section 2. Bond Ordinance No. 2009-323, relating to water main reconstruction as a part of the Lawn Street Improvement Project, is hereby amended by reducing the maximum amount of such purpose by the sum of \$10,000, and the amount of authorized bonding from \$142,500 to \$132,500.

Section 3. Bond Ordinance No. 2010-261, relating to water main reconstruction as a part of the 2010 Street Improvement Program, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$10,000, from \$155,000 to \$145,000.

Section 4. Bond Ordinance No. 2011-44, relating to street reconstruction as a part of the Westfield Street and Penhurst Street Improvement Project, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$81,000, from \$1,806,000 to \$1,725,000.

Section 5. Bond Ordinance No. 2011-45, relating to water main reconstruction as a part of the Westfield Street and Penhurst Street Improvement Project, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$25,000, from \$500,000 to \$475,000.

Section 6. Bond Ordinance No. 2011-152, relating to water main reconstruction as a part of the Jefferson Avenue Water Main Replacement Project, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$50,000, from \$840,000 to \$790,000.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-282  
Re: Appraisal Services

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following firms for appraisal services as needed by the respective departments:

*Department of Neighborhood and Business Development*

<u>Firm</u>	<u>Maximum Compensation</u>
Bruckner, Tillet, Rossi, Cahill & Associates	\$7,500
Pogel, Schubmehl & Ferrara, LLC	\$7,500
Midland Appraisal Associates, Inc.	\$7,500

These agreements are for commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.; the cost of the agreements will be funded from the 2012-13 Budget of the Department of Neighborhood and Business Development.

*Law Department*

The following firms will be used for appraisal services for assessment and other legal proceedings, and will be assigned based on work load and specific needs. Maximum aggregate compensation will be \$20,000 and will be funded from the 2012-13 Budget of the Law Department.

Midland Appraisal Associates, Inc.  
Bruckner, Tillett, Rossi, Cahill & Associates  
Pogel, Schubmehl & Ferrara, LLC

*Department of Environmental Services*

The following firms will be used for appraisal services for acquisitions related to street improvement projects, and will be assigned based on work load and specific needs. Maximum aggregate compensation will be \$6,500 and will be funded from the 2012-13 Budget of the Department of Environmental Services.

Midland Appraisal Associates, Inc.  
Bruckner, Tillett, Rossi, Cahill & Associates  
Pogel, Schubmehl & Ferrara, LLC

These firms were selected through a Request for Qualifications process. The RFQ was issued May 26, 2012, published in the *Democrat & Chronicle*, posted on the City website, and mailed directly to firms currently under contract with the City. Responses were received from the three selected firms and from Lester Appraisal (Williamsville, NY).

The selection of firms was based on experience with the typical and specialized work required for the City, and their familiarity with and location within the Rochester Metropolitan Statistical Area.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-282  
(Int. No. 318)

**Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services**

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

Section 1. The sum of \$7,500 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc. and Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Department of Neighborhood and Business Development. Said amounts shall be funded from the 2012-13 Budget of the Department of Neighborhood and Business

Development.

Section 2. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Law Department. Said amount shall be funded from the 2012-13 Budget of the Law Department.

Section 3. The sum of \$6,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Law Department. Said amount shall be funded from the 2012-13 Budget of the Department of Environmental Services.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-283  
Re: Agreement - The Sanborn Map Company,  
2-D GIS Building Layer

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with The Sanborn Map Company (Colorado Springs, CO) to create a new GIS buildings file to replace the one currently used in the City's GIS. The cost of the agreement will be funded from the prior years' Cash Capital allocation of the Information Technology Department.

The current 2-D GIS buildings file was created in 1991. While it has undergone routine maintenance, it has become outdated and is no longer useful or accurate for planning purposes. The new file will reflect demolitions, new construction, and recent subdivisions. For all buildings within the city limits, the file will include: building outlines; SBL information for each structure; and classification of building use (e.g. residential, commercial). This information will allow analysis and display of information such as square footage, number of stories, and number of rooms for individual buildings, as well as within each use classification.

This updated GIS file with its added capabilities will improve the City's site plan, design, and project review functions, and its ability to evaluate overall neighborhoods by providing a more accurate representation of the City's built environment.

A request for proposals for these services was issued on February 10, 2012, posted on the City website, and mailed directly to three known providers. Including Sanborn, proposals were received from eight firms: Bergmann Associates; Pictometry

(Henrietta, NY); ABT SRBI (New York, NY); Vertex Geospatial, Inc. (New Hartford, NY); KCI Engineering (Rochester, NY); Innovative Contracting (Rochester, NY); and Avineon, Inc. (Alexandria, VA).

A proposal review team included five staff representing the Bureau of Planning and Zoning, Department of Environmental Services and the Department of Information Technology. Each proposal was rated on cost, qualifications, experience with similar projects, method, building classification system offered and maintenance proposal. A copy of the evaluation sheet is attached. Sanborn was chosen based on the highest overall ranking.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-117

Ordinance No. 2012-283  
(Int. No. 319)

**Establishing Maximum Compensation For A Professional Services Agreement For A New GIS Buildings File**

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Sanborn Map Company for the development of a new 2-D GIS buildings file. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, Miller Palumbo Scott - 5.

Nays - Councilmembers Ortiz, Spaul - 2.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-284  
Re: Agreement - Esri, City-Wide GIS Transformation

Transmitted herewith for your approval is legislation establishing \$340,000 as maximum compensation for an agreement with Environmental Systems Research Institute (Esri), Redlands, CA, to provide a centralized, City-wide system of GIS software, data and applications. The cost of this agreement will be funded from prior years' Cash Capital.

Esri will work with City staff to provide a detailed system design, a GIS governance strategy, applications requirements analysis, and planning for the

upgrade of the current GIS platform. Esri will also implement their Local Government Information Model, a proprietary, standardized template of databases, tools, maps, and applications that allows for integration across City departments. After implementation, each department will be responsible for maintaining their own data for all departments to access and use. The advantage of this model is twofold: it will enable improved analytical and asset management capabilities, and it will allow sharing of applications and development with other municipalities that use the same model.

Esri was selected since the City has already adopted the Esri GIS platform (ArcGIS) for all of its geospatial needs. Esri is the industry leader in GIS technology; there are few viable alternatives available. All City departments currently use Esri as the basis for spatial analysis and have already developed workflows and processes that rely on Esri software. For these reasons, Esri is considered a sole source provider.

Esri has designated Bergmann Associates as an ArcGIS for Local Government Specialty Partner - one of only four integrators nationwide that currently have this certification. Bergmann will provide installation and configuration services throughout the project. This will facilitate better service and reduce cost in the development and implementation of an enterprise GIS.

The proposed scope of work was developed through the discovery workshop process Esri conducted in 2011 to determine the City's GIS needs. As part of the agreement, the City will enroll in Esri's Enterprise Advantage Program (EAP) to acquire a suite of support services including access to Esri online and onsite training materials and programs and a dedicated advisor to assist with technical issues during implementation. Esri is the exclusive source for this program, which will be a critical component to a successful implementation. The cost of the first year of the Enterprise Advantage Program is included in the overall compensation as part of the implementation. If the City elects to continue with that service after the first year, there would be a \$75,000 annual expense.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-118

Ordinance No. 2012-284  
(Int. No. 320)

**Establishing Maximum Compensation For A Professional Services Agreement For A Centralized GIS System**

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

Section 1. The sum of \$340,000, 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 Environ-

mental Systems Research Institute for the development of a centralized City GIS system. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, Miller Palumbo, Scott - 5.

Nays - Councilmembers Ortiz, Spaul - 2.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-285  
Re: Amendatory Agreement - Bergmann Associates, 3-D GIS Spatial Model of Center City

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, Rochester, NY, to extend the existing agreement (Ord. No. 2011-204) through June 30, 2013 and increase the amount of the agreement by \$40,000 to a total of \$120,000 for further development of a 3-D GIS spatial model of the Center City and to provide training for the City in use and maintenance of this model. The additional cost will be funded from the Cash Capital allocation of the Information Technology Department from prior years (\$20,800), and Downtown Quadrant Planning funds appropriated in Ordinances No. 2010-48 (\$9,200) and 2011-196 (\$10,000).

The 3-D GIS spatial model of Center City includes the Center City District (CCD) of the City of Rochester. The 3-D model is being used to improve master planning activities and citizen engagement in the Center City Master Plan update project. Future uses of the model will include zoning and design review, transportation planning, the RFP process and marketing and promoting Rochester's downtown development opportunities.

The extension of services will include further detailing of the 3-D GIS spatial model of Center City, as well as staff training for use in the site plan review process, the City's development review process and completion of the Center City Master Plan update. Ultimately, it is envisioned that the model will be fully integrated into all of the City's development, planning, permitting and environmental review processes to make them more efficient and more responsive to changing needs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-285  
(Int. No. 341)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A GIS Model**

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 Bergmann Associates, P.C. for the development of a 3-D GIS spatial model of the Center City. The amendatory agreement shall extend through June 30, 2013. Of said amount, \$9,200 shall be funded from the appropriations made in Section 1 of Ordinance No. 2010-48, \$10,000 shall be funded from the appropriations made in Section 1 of Ordinance No. 2011-196, and \$20,800 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, Miller, Palumbo, Scott, Spaul - 6.

Nays - Councilmember Ortiz - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Law No. 2,  
Local Law No. 3,  
Local Law No. 4,  
Local Law No. 5 and  
Local Law No. 6

Re: Local Laws - Amending the City Charter

Transmitted herewith for Council approval is legislation that will make changes and update the City Charter. Over the past months, City Council has worked to review the Charter to ensure that it is comprehensive and reflective of city government today.

Council also has met with the Administration to review these changes and discuss the impact that they would have, specifically around residency and the Bureau of Human Resource Management.

Upon passing of this legislation, a hearing will be had by the Mayor since they are Local Laws changing the City Charter.

Respectfully submitted,  
Lovely A. Warren  
President, Rochester City Council  
Councilmember, Northeast District

Carolee A. Conklin  
Chair, Finance Committee  
Councilmember-at-Large

Local Law No. 2  
(Int. No. 349)

**Local Law Amending The City Charter With Respect To City Residency**

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 2-17, Restrictions as to holding office or position, by adding the following new sentence to the end of the final paragraph thereof:

Persons who live outside of the City at the time of their appointment to such a position may be allowed up to one year to move in to the City.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 3  
(Int. No. 350)

**Local Law Amending The City Charter With Respect To The Department Of Human Resource Management**

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by renumbering Section 3-8.2, Director of Human Resource Management, as Section 6B-1, and by adding said renumbered section to a new Article VI B to be entitled "Department of Human Resource Management", and by further amending said section to read in its entirety as follows:

§ 6B-1. Department of Human Resource Management.

There shall be a Department of Human Resource Management, the head of which shall be the Director of Human Resource Management. The Director of Human Resource Management, under the supervision of the Mayor, shall be responsible for all matters concerning personnel policies, procedures and practices for the City of Rochester. He or she shall be responsible for establishing and maintaining a professional system for compensation benefits and employment conditions for all City personnel. The Director of Human Resource Management shall appoint, subject to the approval of the Mayor, such subordinates and employees of the Department of Human Resource Management as the Mayor may prescribe.

Section 2. Section 2-3 of the City Charter, Administrative departments, as amended, is hereby further amended by adding the words "a Department of Human Resource Management," after the words "an Information Technology Department," where they appear therein.

Section 3. Section 3-1 of the City Charter, Mayor, as amended, is hereby further amended by deleting the words "a Bureau of Human Resource

Management, the head of which shall be the Director of Human Resource Management;" where they appear in the third paragraph thereof.

Section 4. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 4  
(Int. No. 351)

**Local Law Amending The City Charter With Respect To The Corporation Counsel**

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 9-1, Corporation Counsel, to read in its entirety as follows:

§ 9-1. Corporation Counsel.

The Corporation Counsel, as the head of the Department of Law, shall attend to all the legal business of the City. He or she shall be admitted to practice as an attorney and counselor in the courts of the State of New York. He or she shall be the legal advisor of the City and all its departments and officers; shall represent the same in all acts and proceedings to which they are a party; shall have power to appeal from any order, decision or judgment; and shall, subject to necessary appropriations of the Council, have power to enter into any agreement and to compromise and settle any claim against the City. The Corporation Counsel shall have the power to commence an action or proceeding in the name of the City, or the necessary and proper City department, board, bureau or officer. He or she shall approve or prepare for execution any contract or instrument to which the City is a party. With the approval of the Mayor, the Corporation Counsel shall appoint assistants and deputies and other members of the Department.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 5  
(Int. No. 352)

**Local Law Amending The City Charter With Respect To The Small Claims Board**

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by repealing Section 12-33, Small Claims Board; its powers and duties.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 6  
(Int. No. 353)

**Local Law Amending The City Charter With Respect To City Planning**

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 14-1, The City planning program, to read in its entirety as follows:

§14-1. The Comprehensive Plan.

There shall be a City Comprehensive Plan, approved by the City Council, which shall identify the goals, objectives, principles, policies, standards, directions and/or programs for the immediate and long-range protection, maintenance, enhancement, growth and development of the City. The Comprehensive Plan shall consist of materials, written and/or graphic, including but not limited to plans, maps, charts, studies, ordinances, resolutions, reports and other descriptive material. The Comprehensive Plan shall be readily identifiable and available for use by the public; it shall consider the diversity of resources and conditions in the City; it shall be developed through an open and flexible planning process and while promoting the health, safety and welfare of the people of the City; and it shall consider the needs of the region.

Section 2. Section 14-2 of the City Charter, Reference of City planning program, as amended, is hereby further amended to read in its entirety as follows:

§ 14-2. Reference of City Comprehensive Plan.

The Council may provide:

- A. For the referral of the City Comprehensive Plan to the City Planning Commission for comment and recommendation.
- B. That all changes and amendments to the City Comprehensive Plan and schedules and programs relating thereto are referred to the City Planning Commission prior to adoption, and the Commission shall have a reasonable period to comment on the proposed changes or amendments, after which period the Council may adopt or reject the proposed amendments or changes.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 345  
Re: Reacquisition of 33 Bartlett Street.

Transmitted herewith for your approval is legislation relating to the settlement of a real property claim that will result in the City re-acquiring a parcel of property at 33 Bartlett Street. This legislation will:

1. Authorize the payment of \$8,000 to Sure Luck Homes 017 LLC, the current owner of 33 Bartlett Street;
2. Authorize the City to accept the conveyance of 33 Bartlett Street; and
3. Authorize the exchange of general releases between Sure Luck Homes 017 LLC and the City.

Sure Luck Homes recently acquired the property by purchase from Reoco, LLC, the real estate ownership arm of American Tax Funding LLC ("ATF"), which foreclosed on delinquent tax liens on the property that the City had sold to ATF.

In 1923, the owners of 33 Bartlett Street and 35 Bartlett Street entered into a driveway agreement to provide access to the rear portion of 33 Bartlett Street. Another agreement was executed in 1926. These agreements together provided the owners and occupants of 33 Bartlett Street with vehicle access to the rear portion of the premises at 33 Bartlett Street over the property of 35 Bartlett Street.

In 1985, Eddie and Mary Windom entered into a land contract with the City for the purchase of 33 Bartlett Street. In 1995, the City transferred title to the Windoms.

However, in 1994, while the land contract was still pending, the City terminated the driveway agreements for reasons that the City can no longer discover. Subsequently, a fence was installed on the property line between the two lots and vehicular access to 33 Bartlett Street was cut off, stranding several vehicles behind 33 Bartlett Street.

Given the City's history in the chain of title, the Law Department believes it would ultimately be the City's responsibility to defend against a claim made by Sure Luck Homes, the current owner of 33 Bartlett Street, or any claim made by the current owner of 35 Bartlett Street, who believed the driveway agreements had been properly terminated. This settlement will resolve these issues with respect to the driveway agreement and avoid potentially costly litigation.

Upon reacquisition of the property by the City, decisions will have to be made concerning the condition of the property and its continued occupancy. This property currently does not meet code requirements and it is unclear whether renovations are feasible.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 345

**AUTHORIZING THE REACQUISITION  
OF 33 BARTLETT STREET**

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

Section 1. The Council hereby approves the  
settlement of a real property claim whereby the  
City shall reacquire the property at 33 Bartlett  
Street from the current owner, Sure Luck Homes  
017 LLC, for the sum of \$8,000 and the release of  
all claims. Said amount shall be funded from the  
Insurance Reserve Fund.

Section 2. This ordinance shall take effect im-  
mediately.

Held in Committee.

By Councilmember Palumbo  
July 24, 2012

To the Council:

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

Int. No. 321 - Authorizing The Sale Of Real  
Estate

Int. No. 322 - Authorizing Acceptance Of An  
Easement For Sidewalk Purposes At 100 Platt  
Street

Int. No. 323 - Authorizing Agreements And  
Appropriating Funds For The Lead Hazard Control  
Grant Program

Int. No. 324 - Appropriating Funds And Author-  
izing Agreements For The Home Rochester Pro-  
gram

Int. No. 325 - Authorizing An Agreement For  
Economic Development Support Services

Int. No. 326 - Authorizing Agreements For  
Home Repair Programs

Int. No. 327 - Authorizing Agreements For The  
Neighborhood Stabilization Program In The Susan  
B. Anthony Neighborhood

Int. No. 328 - Authorizing Agreements For  
Targeted Housing Improvement Programs

Int. No. 329 - Authorizing An Agreement For  
The Lease Of Space For The Office Of Public  
Integrity

Int. No. 346 - Bond Ordinance Of The City Of  
Rochester, New York Authorizing The Issuance Of  
\$100,000 Bonds Of Said City To Finance The Cost

Of Environmental Clean-Up Of The Flats At  
Brooks Landing Development Project In The City

Int. No. 347 - Authorizing Agreements And  
Amending Ordinances For The Flats At Brooks  
Landing Development Project

Int. No. 257 - Amending Chapter 90 Of The  
Municipal Code, Property Code, With Respect To  
Certificates Of Occupancy, As Amended

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

Int. No. 330 - Determinations And Findings  
Relating To The Acquisition Of Railroad Right-Of-  
Way Along The Genesee River

Int. No. 355 - Repealing Ordinance No. 2012-  
250 And Authorizing The Acquisition By Negotia-  
tion Or Condemnation Of Railroad Right-Of-Way  
For Upper Falls Terrace Park And Economic De-  
velopment Purposes

Int. No. 331 - Authorizing Amendatory 2010-11  
And 2011-12 Community Development Program  
Plans And Authorizing Agreements For The Eco-  
nomic Development Financial Assistance Loan &  
Grant Programs

Int. No. 332 - Changing The Zoning Classifica-  
tion Of 1134-1144 Joseph Avenue From R-1 Low  
Density Residential To C-1 Neighborhood Center

Respectfully submitted,  
Carla M. Palumbo  
Carolee A. Conklin  
Jacklyn Ortiz  
Lovely A. Warren  
Dana K. Miller  
NEIGHBORHOOD & BUSINESS DEVELOP-  
MENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-286 and  
Ordinance No. 2012-287

Re: Sale of Real Estate and Acceptance of  
Easement.

Transmitted herewith for your approval is legisla-  
tion approving the sale of 3 properties.

Sale of Real Estate  
Each of the 3 properties is an unbuildable vacant lot  
that is being purchased by the adjacent owner for  
\$1. The intent of each owner is to combine the  
vacant lot with their respective parcel. The first-  
year projected tax revenue for these three proper-  
ties, assuming full taxation, current assessed valua-  
tions and current tax rates, is estimated to be  
\$5,352.

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

Acceptance of Easement

The City is requesting the acceptance of the donation of a permanent easement from Rochester Gas & Electric (RG&E) across their property located at 100 Platt Street. The easement area totals approximately 2,264 SF and will be used for sidewalk expansion purposes.

The Department of Environmental Services has requested this easement donation and anticipates construction of the sidewalk to begin this summer as part of the Hazardous Sidewalk Program.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-119

Ordinance No. 2012-286  
(Int. No. 321)

**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 unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>
<u>S.B.L.#</u>	<u>Purchaser</u>	
1392 N. Clinton Av 091.62-2-41	36x112 Zack Johnson	4,056
800-802 Hudson Av 091.81-3-57	34x149 Quality Vision International Inc*	5,066
147 York St 120.34-1-27	33x150 151 York St, LLC**	4,950

\* Corporate Officers: Edward Polidor, President; David Francati, Chief Financial Officer; Keith Polidor, Secretary

\*\* Officers: Brian Moran, President; Scott Spring, Vice President; Armand Suraci, Secretary

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.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-287  
(Int. No. 322)

**Authorizing Acceptance Of An Easement For Sidewalk Purposes At 100 Platt 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 for sidewalk purposes from the Rochester Gas & Electric Corporation over approximately 2,264 square feet of the parcel at 100 Platt Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-288  
Re: 2012 Lead Hazard Control Grant Program

Transmitted herewith for your approval is legislation relating to the City's 2012 Lead Hazard Control Grant Program. This legislation will:

1. Appropriate \$3,000,000 in Lead Hazard Control Grant Program funding from the U.S. Department of Housing and Urban Development (HUD). The application for the grant was authorized via Ordinance No. 2012-9.
2. Establish maximum compensation for agreements for the provision of application intake services as follows:

NeighborWorks Rochester, Inc.	\$49,400
Action for a Better Community, Inc.	\$43,741

The cost of these agreements will be funded from the HUD grant.

3. Establish \$83,375 as maximum compensation for an agreement with Environmental Education Associates, Inc. (Buffalo, NY) for lead hazard training services. The cost of this agreement will be funded from the HUD grant.
4. Appropriate \$140,000 from the Lead Hazard Reduction allocation of the Housing Development Fund of the 2012-13 Community Development Block Grant to fund agreements with the firms below for lead hazard evaluation services. Firms will receive an equal share of the total appropriation.

Lew Corporation  
Mountainside NJ  
Envoy Environmental Consultants, Inc.  
Rochester 14608  
Environmental, Testing & Consulting Inc.  
Batavia, NY

NeighborWorks Rochester, Inc.  
Rochester 14620

The Lead Hazard Control Grant Program provides financial assistance to eligible owners of 1-4 unit privately-held housing. Up to \$14,000 for a single-family residence will be available to correct lead-based paint hazards; an additional \$6,000 will be available for each of any additional units. Typical lead hazard control work activities include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment.

The program serves both owner-occupied and rental properties, with a focus on rental properties where children are most at risk for lead poisoning. Owner-occupants must earn income at or below 80% of the area median income and have a child occupant under age 6. Owners will be required to sign an agreement with the City to ensure a minimum of five years residency.

Rental property owners are required to provide a 10% funding match. They will also be required to sign an agreement ensuring affordable rents (per HUD guidelines) and that assisted units are offered to tenants with income at or below 50% AMI for a period of five years. All assisted property owners will be required to complete the EPA course, "Renovate Right", at the City's expense.

A request for proposal process was used to select providers of related services.

For application intake services, The Housing Council, NeighborWorks Rochester, and Action for a Better Community were directly solicited for proposals. These organizations have been used in the past and have performed well. It was the expectation that the same groups be given the opportunity to continue their partnership with the City. All three organizations responded to the RFP. An evaluation committee comprised of three NBD staff reviewed the proposals and assigned a numerical score (out of 100 total possible points) indicating how well each satisfied the evaluation criteria established in the RFP. The two highest-scoring firms - NeighborWorks Rochester and Action for a Better Community - were selected.

For lead hazard evaluation services, the RFP was mailed in May 2012 to the eighteen firms on the Environmental Protection Agency's Region 2 list of certified lead hazard evaluation firms that operate in the Rochester area. This list is attached. Proposals were received from six firms: Lew Corporation; Environmental Testing and Consulting; NeighborWorks Rochester; Envoy Environmental; Proway Management; and LaBella Associates. An evaluation team of three NBD staff reviewed the proposals and assigned a numerical score (out of 100 total possible points) indicating how well each satisfied the evaluation criteria established in the RFP. The four highest-scoring firms were selected to include Lew Corporation, Environmental Testing and Consulting, NeighborWorks Rochester and Envoy Environmental. These consultants have been providing satisfactory services for several years.

For training services, Cornell University and Environmental Education Associates were directly solicited for proposals in May 2012. These are the only local providers operating in Rochester that maintain certification to offer the course work outlined in the RFP. Cornell did not submit a proposal.

Since 2004, 1,271 units of lead-safe housing have been produced at a cost of \$27.2 million. This program will allow for a minimum production of an additional 220 units by May 2015.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-120

Ordinance No. 2012-288  
(Int. No. 323)

**Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program**

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

Section 1. There is hereby appropriated from funds to be received under an agreement with the United States Department of Housing and Urban Development for funding for the 2012 Lead Hazard Control Grant Program the sum of \$3,000,000, or so much as may be received, to fund the Lead Hazard Control Grant Program.

Section 2. The sum of \$140,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Lead Hazard Reduction Account) of the 2012-13 Community Development Block Grant to fund the Lead Hazard Control Grant Program.

Section 3. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for application intake services for the Lead Hazard Control Grant Program. The agreements shall be funded from the appropriation made in Section 1.

<u>Organization</u>	<u>Amount</u>
Action for a Better Community, Inc.	\$43,741
NeighborWorks Rochester	49,400

Section 4. The Mayor is hereby authorized to enter into an agreement with Environmental Education Associates, Inc. in an amount not to exceed \$83,375 for lead hazard training services for the Lead Hazard Control Grant Program. The agreement shall be funded from the appropriation made in Section 1.

Section 5. The Mayor is hereby authorized to enter into agreements with the following in amounts not to exceed \$35,000 for lead hazard evaluation services for the Lead Hazard Control Grant Program. The agreements shall be funded

from the appropriation made in Section 2.

Environmental Testing & Consulting, Inc.  
Envoy Environmental Consultants, Inc.  
Lew Corporation  
NeighborWorks Rochester

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Spaul - 6.

Nays - None - 0.

Councilmember Scott abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-289  
Re: Home Rochester Program

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

1. Appropriate \$200,000 from the Home Rochester allocation of the Homeownership Fund of the 2010-11 Consolidated Community Development Plan/HOME Program for development subsidies; and
2. Authorize agreements with the Rochester Housing Development Fund Corporation (RHDFC) and with organizations that have been designated and certified as Community Housing Development Organizations (CHDO) to act as developers and oversee the rehabilitation of the homes.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. The program is administered by the Rochester Housing Development Fund Corporation (RHDFC). The proposed appropriation of \$200,000 will provide subsidies averaging \$20,000 for the acquisition and rehabilitation of up to ten vacant structures by participating developers.

Participating developers include the Urban League of Rochester Economic Development Corporation (ULREDC), PathStone, and the following qualified CHDOs: Marketview Heights Association, NCS Community Development Corporation, Group 14621, North East Area Development (NEAD), Isla Housing and Development Corporation, South Wedge Planning Committee (SWPC), and the Ibero-American Development Corporation.

The rehabilitated properties will be marketed to

families with incomes not exceeding 80% of the median family income (MFI). All purchasers are required to attend pre- and post- purchase home-buyer training classes and to reside in the properties for a minimum of ten years.

The most recent authorization for the continuation of the program was approved in June 2010 (Ordinance No. 2010-205).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-289  
(Int. No. 324)

**Appropriating Funds And Authorizing Agreements For The Home Rochester Program**

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Home Rochester Account) of the 2010-11 HOME Program the sum of \$200,000, or so much thereof as may be necessary, to fund housing development subsidies through the Home Rochester Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with the Rochester Housing Development Fund Corporation and designated Community Housing Development Organizations (CHDOs) and non-profit developers for the Home Rochester Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, Miller, Palumbo, Scott, Spaul - 6.

Nay - None - 0.

Councilmember Ortiz abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-290  
Re: Agreement - Greater Rochester Enterprise Economic Development Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Greater Rochester Enterprise (GRE) to provide services related to attracting businesses to the City of Rochester. The agreement will be financed from the Fund for the

City's Future, and will have a term of one year, expiring on June 30, 2013.

This past year, GRE has worked with nineteen organizations who considered locating to the City of Rochester. Efforts continue to attract businesses to the Eastman Business Park as well as other sites found within our community. GRE also supports entrepreneurship and innovation within our community.

GRE collaborates with government leaders, businesses, universities, as well as not-for-profit organizations to help ensure a united approach to economic development within the city and the Greater Rochester/Finger Lakes region. GRE acts as an ambassador to promote the city, to connect businesses to City of Rochester resources, and to lead initiatives, as appropriate, to increase resources for new business entities.

Terms of the agreement are similar to last year's agreement and will include the following expectations, among others:

- Work with the Rochester region's economic development partners to attract businesses located outside the region to the City of Rochester.
- Deliver at least fifteen out-of-region business attraction opportunities that can include sites located within the City of Rochester.
- Include and reference the City of Rochester prominently in all marketing content it develops to promote the Greater Rochester/Finger Lakes region, including but not limited to [www.RochesterBiz.com](http://www.RochesterBiz.com), quarterly newsletters, presentations delivered to local business groups, and capstone presentations delivered to out-of-region companies.

The most recent annual agreement was authorized by City Council in June 2011.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-290  
(Int. No. 325)

**Authorizing An Agreement For Economic Development Support Services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Enterprise for support of the City's economic development efforts.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Fund for the City's Future.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 326.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-291  
Re: Agreements and Appropriations - Home Repair Programs

Transmitted herewith for your approval is legislation related to the continuation of the Emergency Assistance Repair (EARP) and the Aging in Place Home Modification Programs, which are financed from the Housing Development Fund of the 2012-13 Consolidated Community Development Plan.

This legislation will:

1. Appropriate \$540,000 from the Housing Development Fund, Emergency Assistance Repair Program allocation of the 2012-13 Plan to address emergency minor home repairs and home safety modifications for income-eligible owner occupants.
2. Establish \$40,000 as maximum compensation for an agreement with Lifespan for City-wide implementation of the Aging in Place Program.
3. Authorize amendatory agreements, as summarized below, with NCS Community Development Corporation for implementation of EARP in each of the City Quadrants. The original agreements were authorized via Ordinance No. 2011-322.

Quadrant	Original Amount	Amendatory Amount	Total
Northeast	\$127,500	\$125,000	\$ 252,500
Northwest	142,800	140,000	282,800
Southwest	91,800	90,000	\$181,800
Southeast	<u>147,900</u>	<u>145,000</u>	<u>292,900</u>
Totals	\$510,000	\$500,000	\$1,010,000

Description and details of the programs are attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-121

Ordinance No. 2012-291  
(Int. No. 326, As Amended)

**Authorizing Agreements For Home Repair Programs And Amending Ordinance No. 2012-92**

BE IT 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 in an amount not to exceed \$40,000 to implement the Aging in Place Home Modification Program.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with NCS Community Development Corporation to implement the Emergency Assistance Repair Program (EARP) in service areas in amounts not to exceed the following:

Service Area	Amount
NE Quadrant	\$125,000
NW Quadrant	\$140,000
SW Quadrant	\$ 90,000
SE Quadrant	\$145,000

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$540,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Emergency Assistance Repair Program Account) of the 2012-13 Community Development Block Grant.

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

Section 5. Ordinance No. 2012-92, authorizing an agreement for Phase 3 of the Exterior and Security Rehabilitation Program as a part of the Focused Investment Strategy, is hereby amended by reducing the total amount authorized for the agreement with NCS Community Development Corporation, Inc. and the amount authorized for the agreement from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2011-12 Community Development Block Grant by the sum of \$120,000, which amount shall remain appropriated for this Program for use by the City to purchase windows for the Program.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-292  
Re: Susan B. Anthony Homeownership Project

Transmitted herewith for your approval is legislation relating to architectural services for the Susan B. Anthony Homeownership Project. This legislation will:

1. Authorize an agreement with the Landmark Society of Western New York for receipt and use of a \$2,000 grant for additional architectural services for the project; and
2. Authorize an amendatory agreement with Habza Architecture to provide additional architectural services at 54 Madison Street. Ordinance No. 2012-91 established \$52,900 as maximum compensation; this amendment will increase compensation by \$2,000 for a total of \$54,900. The additional cost will be funded from the Landmark Society grant.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-292  
(Int. No. 327)

**Authorizing Agreements For The Neighborhood Stabilization Program In The Susan B. Anthony Neighborhood**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York for funding for the Neighborhood Stabilization Program in the Susan B. Anthony Neighborhood.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with Habza Architecture, P.C. for architectural and engineering services for the Neighborhood Stabilization Program in the Susan B. Anthony Neighborhood.

Section 3. The amendatory agreement shall obligate the City to pay an amount not to exceed \$2,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received under the agreement authorized in Section 1.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-293  
Re: Targeted Housing Improvement Programs

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements for the implementation of specific housing improvement programs in support of other City housing investments. These agreements, summarized below, will be funded from the 2012-13 Consolidated Community Development Plan Housing Development Fund/Home Program.

<u>Agency</u>	<u>Amount</u>
Ibero-American Development Corporation	\$200,000
NCS Community Development Corporation	\$200,000
Flower City Habitat for Humanity, Inc.	\$50,000

The first two agreements proposed are the result of a process initiated in the fall of 2010. The administration issued a request for proposals for mixed/use affordable housing projects to be considered for the New York State Consolidated Funding Application in 2011. Among others, the Holy Rosary and El Camino projects were funded. As part of the City's commitment to support these projects, funding was to be made available to undertake residential rehabilitation for properties surrounding these projects. These agreements will be funded from the Community Housing Development Organization (CHDO) account.

These programs will offer financial assistance to eligible owners of 1-4 unit residential properties to complete renovations. Properties will be eligible for up to \$30,000 for exterior improvements to enable code compliance and curb-side appeal. The design standards established for the FIS rehab programs will be required for each property. Up to \$14,000 in lead hazard control assistance will also be made available to eligible property owners through the City's Lead Hazard Control Program. It is anticipated that each organization will produce six properties at cost of \$180,000. A 10% administrative fee will be allowed for program administration, not to exceed \$20,000. The projects are expected to be completed by Spring 2013.

The third proposed agreement, with Habitat, was not part of the process described above. It is part of the JOSANA neighborhood plan to improve conditions in the neighborhood. As part of this effort, the City agreed to provide matching funds for Habitat for Humanity to undertake a housing rehabilitation program designed to address owner-occupied properties. The City funds will be matched with a \$50,000 funding award received by Habitat for Humanity from the New York State Affordable Housing Corporation. Funding will be used to provide financial assistance between \$5,000-\$20,000 to eligible owner-occupants to make home repairs. It is expected that 10 properties will be addressed by the program. This agreement will be funded from the Affordable Housing

Fund account.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-293  
(Int. No. 328)

**Authorizing Agreements For Targeted Housing Improvement Programs**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for affordable housing projects:

<u>Organization</u>	<u>Amount</u>
Ibero-American Development Corp.	\$200,000
NCS Community Development Corp.	200,000
Flower City Habitat for Humanity, Inc.	50,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$450,000, and of said amount, or so much thereof as may be necessary, \$400,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Community Housing Development Organization Account) of the 2012-13 HOME Program and \$50,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Account) of the 2012-13 HOME Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, Miller Palumbo, Scott, Spaul - 6.

Nays - None - 0.

Councilmember Ortiz abstained because of a professional relationship.

Councilmember Palumbo moved to amend Int. No. 329.

The motion was seconded by Councilmember Scott.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-294  
Re: Lease Agreement - Buckingham Properties,  
Office of Public Integrity

Transmitted herewith for your approval is legislation authorizing a three-year lease agreement with Buckingham Properties for the lease of 2,296 square feet of space in the Buckingham Commons Building, 85 Allen Street, for maximum rent of \$102,890. The cost of this agreement will be financed proportionally from the annual Budgets of the Mayor's Office.

This office space will continue to accommodate the functions of the Office of Public Integrity. The offices are close to City Hall, while still providing anonymity to City employees and/or private citizens who have concerns to be addressed by the Office of Public Integrity. This represents a continuation of an existing lease which was approved in Ordinance No. 2006-359.

The lease will contain two one-year renewal options. The annual cost will be \$14.50 per square foot, or \$33,288 for the first year, with 3% annual rental increases. The cost of electricity will be the responsibility of the City. All other utility costs are included in the rent.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-294  
(Int. No. 329, As Amended)

**Authorizing An Agreement For The Lease Of Space For The Office Of Public Integrity And Amending Ordinance No. 2011-295**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Buckingham Properties, LLC for the lease of space in the Buckingham Commons Building at 85 Allen Street to be used by the Office of Public Integrity. The agreement shall extend for a term of three years, with two one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$33,288 in rent for the first year, with 3% annual increases for the subsequent years. Said amounts shall be funded from the annual budgets of the Mayor's Office. The City shall also be responsible for electric costs. Heating and cooling costs shall be included in the rent.

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

Section 4. Ordinance No. 2011-295, as amended by Ordinance No. 2012-57, relating to the lease of the parking lot at 33 Capron Street, is hereby further amended by allowing the sublease in Section 1 to be with The Board of Managers of the Capron

Street Lofts Condominium instead of with River-view Lofts, LLC.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-295 and  
Ordinance No. 2012-296  
Re: Professional Services Agreement,  
Environmental Reimbursement and  
Project Agreements - Brooks Landing  
Revitalization Project

Transmitted herewith for your approval is legislation related to environmental remediation for the second major phase of development associated with the Brooks Landing Revitalization Project (Project). This legislation will:

1. Authorize the issuance of bonds in the amount of \$100,000 and appropriation of the proceeds thereof to finance the cost of a professional services agreement with Day Environmental Inc. and to partially finance environmental reimbursement to an entity to be formed by Ronald Christenson (Developer);
2. Establish \$30,000 as maximum compensation for an agreement with Day Environmental Inc. to provide oversight and reporting of construction-related environmental work to be performed by the Developer. The agreement will be funded by a portion of the above referenced \$100,000 in bond proceeds;
3. Amend Ordinance No. 2012-98, authorized on March 27, 2012 to modify the source of funds for the City's environmental reimbursement to the Developer in an amount not to exceed \$385,000, by replacing a minimum of \$70,000 of prior year Cash Capital with a portion of the above referenced \$100,000 in bond proceeds;
4. Amend Ordinance No. 2012-200, authorized on May 22, 2012, to modify a portion of the sources of funds for a City loan in the amount of \$900,000 for the Project. Of the \$900,000 loan, \$300,000 will now be funded by \$209,213 in 2011-12 City Development Funds - NBD Project Assistance Funds and \$90,787 in prior years Cash Capital. The source of funds for the remaining \$600,000 for the loan will not change.
5. Authorize the Mayor to execute an agreement amending and releasing certain restrictive covenants contained in the deed from the City to Rochester Riverfront Properties, L.P., recorded December 29, 2006.

The City will fund a total of up to \$415,000 for environmental remediation activities related to the Project. This includes:

- A. Reimbursement to the Developer of up to \$385,000 for environmental remediation work; and
- B. A professional services agreement with Day Environmental Inc. up to \$30,000 to provide oversight and reporting of environmental remediation work to be performed by the Developer.

\$100,000 in bonded debt for environmental investigation and remediation for Brooks Landing was allocated in the approved 2006-2007 CIP.

As per the terms of the Project's Land Disposition Agreement (LDA) as amended, the City needs a means by which to oversee the daily environmental remediation activities on site to be performed by the Developer. Day Environmental Inc. will perform these and other environmental related oversight services on behalf of the City. These professional services are needed to: observe, document and inform the City of all remedial measures completed; identify any deviations between site work and/or conditions and what was assumed in both the environmental Opinion of Probable Cost (OPC) and Soil & Groundwater Management Plan (SGMP); and assist the City in the review of reimbursement documentation. Day Environmental Inc. currently has a term contract with the City's Department of Environmental Services - Division of Environmental Quality, authorized by City Council on April 25, 2012 by Ordinance No. 2012-147. Day Environmental Inc. was selected in light of their extensive experience with Brooks Landing and having previously performed in a similar role on behalf of the City for the Brooks Landing project.

In March 2012, Ordinance No. 2012-98 authorized several actions related to this project, including an agreement with the Developer for reimbursement of \$385,000 for environmental remediation at the development site. The source of funds for the environmental reimbursement was prior City Cash Capital. At least \$70,000 of the Cash Capital funds will be replaced by the bond proceeds to be authorized herein. In addition, if Day Environmental Inc.'s environmental oversight work is completed for less than \$30,000 maximum compensation, then the remaining balance will be used in addition to the above referenced \$70,000 of bond proceeds to replace previously authorized Cash Capital for the environmental reimbursement to the Developer.

In May 2012, Ordinance No. 2012-200 authorized a loan agreement in an amount not to exceed \$900,000 with the Developer for the Project. The sources of funds for the \$900,000 loan originally included:

- A. \$600,000 in proceeds received from the sale of 125 Lattimore Road to the University of Rochester; and

- B. \$300,000 financed from City Development Funds (\$152,371 and \$147,629 of the 2009-10 and 2011-12 NBD Project Assistance Funds, respectively).

The source of funds for the above referenced \$300,000 portion of the loan funds will be amended and be financed by City Development Funds and prior year Cash Capital (\$209,213 of the 2011-12 NBD Project Assistance Fund, and \$90,787 from prior year Cash Capital, respectively).

The LDA required that the deed to Rochester Riverfront Properties, L.P. contain certain restrictions on land use. These restrictions must be released in order for the proposed Project to move forward. Ordinance No. 2012-98 approved amendment of the LDA. The proposed ordinance will also allow the Mayor to sign an agreement amending the deed and releasing the restrictions.

The legislative history of the Project is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-122

Ordinance No. 2012-295  
(Int. No. 346)

**Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$100,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The Flats At Brooks Landing Development Project In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of environmental investigation, mitigation and remedial services for the Flats at Brooks Landing Development Project 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 \$315,000. The plan of financing includes the issuance of \$100,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$215,000 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 \$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 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 \$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.6-e of the Law, is twenty (20) years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced

within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2012-296  
(Int. No. 347)

**Authorizing Agreements And Amending Ordinances For The Flats At Brooks Landing Development Project**

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Day Environmental Inc. to provide oversight and reporting of construction related environmental work relating to the Flats at Brooks Landing Development Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2012-98, relating to the Flats at Brooks Landing Development Project, is hereby amended by changing the source of funding in Section 2 to the funds remaining in the \$100,000 bond ordinance adopted for this purpose after the agreement in Section 1 is funded, with the remainder funded from the Cash Capital allocation from prior years.

Section 3. Ordinance No. 2012-200, relating to a loan agreement for the Flats at Brooks Landing Development Project, is hereby amended by changing the source of funding in Section 2 whereby \$209,213 shall be funded from the 2011-12 City Development Fund, \$90,787 shall be funded from the Cash Capital allocation from prior years and \$600,000 is hereby appropriated from funds received from the University of Rochester for the release of the restrictive covenant on the property at 125 Lattimore Road.

Section 4. The Mayor is further authorized to execute an agreement amending and releasing certain restrictive covenants contained in the deed from the City to Rochester Riverfront Properties, L.P., recorded December 29, 2006.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 257 was introduced June 19, 2012 and appears in its original form with its transmittal letter on page 288 of the current Council Proceedings.

Ordinance No. 2012-297  
(Int. No. 257, As Amended)

**Amending Chapter 90 Of The Municipal Code, Property Code, With Respect To Certificates Of Occupancy**

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

Section 1. Section 90-16 of the Municipal Code, Certificates of Occupancy, as amended, is hereby further amended as follows:

- 1) Subsection A(2)(e) is amended to read in its entirety as follows:

A change of occupancy whereby a one-family dwelling or a two-family dwelling is no longer occupied by the owner, or a spouse, child, parent or sibling of the owner. For one-family dwellings or two-family dwellings that are not occupied by an owner, or a spouse, child, parent or sibling of the owner, on [July] September 1, 2012, a certificate of occupancy or a conditional certificate of occupancy shall be obtained immediately, but in no event later than 40 days after notice is sent by the City by regular first-class mail to the owner, at the owner's address on file with the City.

- 2) Subsections B (2) and (3) are amended to read in their entirety as follows:

(2) The Commissioner shall waive the requirement for an interior inspection prior to the issuance of a certificate of occupancy for a unit upon submission of a certification by the Rochester Housing Authority (RHA) stating that the dwelling unit in a one or two-family structure is in compliance with the inspection and clearance requirements of the RHA's housing programs as governed by the Department of Housing and Urban Development (HUD):

- (c) if the most recent inspection was conducted by a certified RHA employee within one year of the submission date and it passed; and
- (d) the RHA inspection confirmed that the unit did not have interior deteriorated paint.

- (3) The Commissioner shall issue or deny

the waiver within ten business days of receipt of a written request.

- 3) Subsection B(4) is hereby repealed.

- 4) There is hereby added the following new subsection C, and subsections C through I are hereby relettered as subsections D through J, respectively:

C. Exemption.

- (1) [Single] One-family and two-family owner-occupied [structures] dwellings are exempt from the certificate of occupancy requirement. One-family and [T]two-family [structures] dwellings occupied in whole or in part by the [owner] spouse, child, parent or sibling of the owner are eligible to be exempted from the certificate of occupancy requirement upon completion and submission of an exemption request form. Once approved, the exemption must be renewed every three years through submission of a new exemption request form.

- (2) One-family dwellings and two-family dwellings owned and operated by the Rochester Housing Authority's public housing program and subject to the required inspections, performed by a certified employee of the Rochester Housing Authority, are exempt from the certificate of occupancy requirement.

- 5) Subsection D, as relettered herein, is hereby amended by adding the following new sentence to the end thereof:

Whenever the interior portion of the inspection for the certificate of occupancy process is waived for a particular unit, in accordance with Subsection B(2), it shall be noted on the document.

- 6) Subsection F, as relettered herein, is hereby amended by changing the reference to Subsection D therein to Subsection E, and by changing the reference to Subsection C therein to Subsection D.

- 7) Subsection H(1)(a), as relettered herein, is hereby amended to read in its entirety as follows:

- (a) A certificate of occupancy for either a one-family dwelling or a two-family dwelling not occupied by the owner, or the spouse, child, parent or sibling of the owner, issued on or after July 1, 2006, shall remain valid for a period of six years from the date of issuance, unless sooner terminated by the occur-

rence of any of the events enumerated in Subsection A(2)(a) or (b), or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.

- 8) Subsection H(2), as relettered herein, is hereby amended by changing the reference to Subsection G(1) therein to Subsection H(1). The final sentence of said subsection is hereby amended to read in its entirety as follows:

If the new certificate of occupancy is not so obtained, the Commissioner may cause an inspection to be made of the subject dwelling.

Section 2. This ordinance shall take effect on [July] September 1, 2012.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-298  
Re: Determinations and Findings -  
Acquisition of Railroad Right-of-Way

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of approximately .9 acre of real property from CSX Transportation Inc., which holds title in the name of New York Central Lines LLC. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on June 19, 2012. Based upon the public hearing, the following determinations and findings are proposed:

- 1. Project description - the project includes acquisition of an abandoned railroad spur and trestle bridge. It is located near the east bank of the Genesee River, beginning a short distance north of the Inner Loop and extending northward toward Dowling Place. The land area is approximately .9 acre.
- 2. Project purpose - the acquisition of the abandoned railroad property will permit the expansion of Upper Falls Terrace Park, and consolidate the City's ownership of an assembled parcel along the riverfront. The acquisition will enhance the public's views and enjoyment of the Genesee River. The central portion of the property adjoins the High Falls Brewery, and will be reserved for future economic development purposes.
- 3. Project effect - the project will have no significant adverse environmental effects.

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

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-123

Ordinance No. 2012-298  
(Int. No. 330)

**Determinations And Findings Relating To The Acquisition Of Railroad Right-Of-Way Along The Genesee River**

WHEREAS, the City of Rochester proposes to acquire a parcel of railroad right-of-way along the Genesee River, and

WHEREAS, the Council of the City of Rochester held a public hearing on June 19, 2012 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel.

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

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of railroad right-of-way to expand Upper Falls Terrace Park, enhance the view and enjoyment of the Genesee River, and for future economic development purposes:

- A. Project description - the project includes acquisition of an abandoned railroad spur and trestle bridge at 000 St. Paul Street, SBL# 106.70-1-28.1, reputed owner New York Central Lines LLC. It is located near the east bank of the Genesee River, beginning a short distance north of the Inner Loop and extending northward toward Dowling Place. The land area is approximately .898 acre.
- B. Project purpose - the acquisition of the abandoned railroad property will permit the expansion of Upper Falls Terrace Park, and consolidate the City's ownership of an assembled parcel along the riverfront. The acquisition will enhance the public's views and enjoyment of the Genesee River. The central portion of the property adjoins the High Falls Brewery, and will be reserved for future economic development purposes.
- C. Project effect - the project will have no significant adverse environmental effects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-299  
Re: Acquisition of Railroad Right-of-Way

Transmitted herewith for your approval is legislation repealing Ordinance No. 2012-250, authorizing the acquisition, by negotiation or condemnation, of approximately .9 acre of real property from CSX Transportation Inc., for the Upper Falls Terrace Park and for economic development purposes, and re-authorizing the acquisition.

Ordinance No. 2012-250 was approved on June 18, 2012, but should not have been voted upon at that meeting because the necessary SEQRA requirements had not been completed and because the condemnation is dependent upon the adoption of determinations and findings, as required by Article 2 of the NYS Eminent Domain Procedure Law, which also had not occurred.

In order to correct this matter, consistent with Rule XII of the Rules of Council, this ordinance should be repealed and the acquisition should be reconsidered along with the adoption of the necessary determinations and findings (Introductory No. 330). Reconsideration of this matter was previously indicated in the transmittal for Introductory No. 330.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-299  
(Int. No. 355)

**Repealing Ordinance No. 2012-250 And Authorizing The Acquisition By Negotiation Or Condemnation Of Railroad Right-Of-Way For Upper Falls Terrace Park And Economic Development Purposes**

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

Section 1. The Council hereby approves the acquisition of the following parcel of railroad right-of-way in an amount not to exceed that indicated to expand Upper Falls Terrace Park, enhance the view and enjoyment of the Genesee River, and for future economic development purposes:

Address: 000 St. Paul St.  
Reputed owner: New York Central Lines LLC  
SBL#: 106.70-1-28.1  
Size: .898 acre  
Appraised value: \$15,000

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$15,000, and said amount, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

Section 3. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such

charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 4. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 5. Ordinance No. 2012-250 is hereby repealed.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-300  
Re: Amending the 2010-11 and 2011-12  
Consolidated Community Development  
Plans, Business Programs

Transmitted herewith for your approval is legislation related to economic development programs funded by the Community Development Block Grant. This legislation will:

1. Amend the 2011-12 Consolidated Community Development Plan to reduce the program delivery line by \$500,000 and increase the Economic Development Financial Assistance Loan and Grant Programs line by \$500,000; and appropriating these funds for economic development loans and grants.
2. Amend the 2010-11 Consolidated Community Development Plan to reduce the Neighborhood Right-of-Way Improvements line by \$205,000 and the Residential Street Rehabilitation line by \$195,000, and increase the Economic Development Financial Assistance Loan and Grant Programs by those amounts for a total of \$400,000; and appropriating these funds for economic development loans and grants.
3. Authorize agreements necessary to implement the specific programs.
4. Authorize the Director of Finance to make adjustments to the reprogrammed amounts set forth below which may have changed prior to the date of this ordinance.

Ordinance No. 2012-228, amending the 2011-12 Budget, provided \$500,000 in excess revenue to cover staff expenses originally planned to be funded from the Community Development Block Grant. This allows the same amount to be re-allocated to

the Economic Development Financial Assistance Loan and Grant Programs. This funding swap will enable additional grants and loans to small neighborhood businesses to spur investment, job creation, and commercial corridor revitalization.

The \$400,000 in un-appropriated CDBG street improvement funds will instead be used for business loans and grants to better coordinate previously approved economic development and right-of-way projects. The costs for street improvements will instead be funded from Cash Capital and Bonds.

A public hearing on the Consolidated Plan amendments is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-300  
(Int. No. 331)

**Authorizing Amendatory 2010-11 And 2011-12 Community Development Program Plans And Authorizing Agreements For The Economic Development Financial Assistance Loan & Grant Programs**

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 the sum of \$500,000 will be transferred from the Program Delivery Account of the Improving the Housing Stock and General Property Conditions Objective in the 2011-12 Plan, and \$205,000 from the Neighborhood Right of Way Improvements Account and \$195,000 from the Residential Street Rehabilitation Account of the General Community Needs Objective in the 2010-11 Plan, to the Promoting Economic Stability allocations (Economic Development Financial Assistance Loan & Grant Accounts).

Section 2. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 3. There is hereby appropriated from the Promoting Economic Stability Objective (Economic Development Financial Assistance Loan & Grant Account) of the 2012-13 Community Development Block Grant the sum of \$500,000, and from the Promoting Economic Stability Objective (Economic Development Financial Assistance Loan & Grant Account) of the 2010-11 Community Development Block Grant the sum of \$400,000, or so much thereof as may be necessary, to fund the Economic Development Financial Assistance Loan & Grant Programs.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Economic Development Financial

Assistance Loan & Grant Programs.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-301  
Re: Zoning Map Amendment -  
1134-1144 Joseph Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties at 1134-1144 Joseph Avenue from R-1 Low Density Residential District to C-1 Neighborhood Center District.

The purpose of this rezoning is to enable the business located at 1143 Joseph Avenue to expand. The property is currently in an R-1 zoning district where expansions of nonconforming uses are discouraged. Since the building at 1134 Joseph Avenue is also a commercial use, rezoning this area to C-1 Neighborhood Center District is recommended. This is consistent with the character of the area that includes a manufacturing district across the street.

The City Planning Commission held an informational meeting on this proposed rezoning on June 11, 2012. Two people spoke in support of the rezoning. The applicant also submitted 11 letters of support. By a vote of 4-1-0, the Planning Commission recommended approval.

The rezoning would take effect immediately upon Council approval.

A public hearing is required on the map amendment.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-124

Ordinance No. 2012-301  
(Int. No. 332)

**Changing The Zoning Classification Of 1134-1144 Joseph Avenue From R-1 Low Density Residential To C-1 Neighborhood Center**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 1134-1144 Joseph Avenue, from R-1 Low Density Residential to C-1 Neighborhood Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 44 in the 1000 Acre Tract and being more particularly bounded and described as follows: Beginning at the centerline intersection of Joseph Avenue (66' ROW) and Norton Street (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline of Norton Street, a distance of 115.0 feet, more or less, to the northerly extension of the west line of lands conveyed to Erynn Stevenson by Liber 10501 of Deeds, Page 644; thence
- 2) Southerly, along said extension and the west line of Stevenson, a distance of 108.0 feet, more or less, to the southwest corner thereof; thence
- 3) Easterly, along the south line of said lands of Stevenson, a distance of 37.46 feet to the southeast corner thereof; thence
- 4) Southerly, parallel with said Joseph Avenue and along the east line of lands conveyed to Ahmed Saeed by Liber 10870 of Deeds, Page 246, a distance of 58.07 feet to the southeast corner thereof; thence
- 5) Westerly, along the south line of said lands of Saeed and its extension, a distance of 152.5 feet, more or less, to the said centerline of Joseph Avenue; thence
- 6) Northerly, along said centerline, a distance of 14 feet, more or less, to the easterly extension of the south line of lands conveyed to 1143 Joseph Avenue LLC by Liber 10052 of Deeds, Page 550; thence
- 7) Westerly, parallel with said Norton Street and along the south line of said lands of 1143 Joseph Avenue LLC, a distance of 183.5 feet, more or less, to the southwest corner thereof; thence
- 8) Northerly, along the west line of said lands of 1143 Joseph Avenue LLC and its extension, a distance of 153.3 feet, more or less, to the said centerline of Norton Street; thence
- 9) Easterly, along said centerline of Norton Street, a distance of 183.5 feet, more or less, to the said centerline of Joseph Avenue, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, Miller Palumbo, Scott, Spaul - 6.

Nays - Councilmember Ortiz - 1.

By Councilmember Scott  
July 24, 2012

To the Council:

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

Int. No. 333 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Ice Rink Slab Replacement Project

Int. No. 334 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,200,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Genesee Valley Park Ice Rink Slab Replacement Project In The City

Int. No. 335 - Authorizing An Agreement With The County Of Monroe For The Collection And Disposal Of Solid Waste And Recyclable Materials

Int. No. 336 - Authorizing An Agreement With The Rochester Housing Authority For The Collection And Disposal Of Solid Waste And Recyclable Materials

Int. No. 342 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Port Marina And Mixed Use Development Project

Int. No. 343 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$257,000 Bonds Of Said City To Finance The Additional Cost Of Planning For The Port Marina And Mixed Use Development Project

Int. No. 344 - Appropriation Of Funds For The Susan B. Anthony Pedestrian Access Project

Int. No. 348 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Inner Loop East Reconstruction Project, And Amending Ordinance No. 2012-82 And The 2011-12 Budget

Int. No. 354 - Resolution Endorsing Application By Friends Of The GardenAerial

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

Int. No. 337 - Amending The Official Map By Abandonment Of A Portion Of Hartford Street

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-302 and  
Ordinance No. 2012-303  
Re: Genesee Valley Park Ice Rink  
Slab Replacement

Transmitted herewith for your approval is legisla-  
tion related to the Genesee Valley Park Ice Rink  
Slab Replacement Project. This legislation will:

1. Establish \$65,000 as maximum compensation for a professional services agreement with M/E Engineering, P.C. for engineering services; and
2. Authorize the issuance of bonds totaling \$1,200,000 and the appropriation of the proceeds thereof to finance design and construction of the Project.

M/E Engineering completed a study under a term agreement to recommend the best slab configuration and type, and to determine the probable cost. The Genesee Valley Park Ice Rink Slab Replacement Project includes full ice rink slab replacement to an indirect refrigerated slab with sub-slab heating, dasher board replacement or repairs, sanitary/storm drainage modifications due to high water table, and domestic hot water upgrades due to high utilization and inefficient equipment.

M/E Engineering was selected to perform engineering services based on its familiarity, expertise and strength of staffing assigned to the project and to meet the tight schedule for DRYS' fall league commitments for 2013. The agreement will be funded from the proposed bond issuance.

Design will begin in late summer 2012; it is anticipated that construction will begin in April 2013 with completion in August 2013.

This project will create or retain the equivalent of .7 professional consultant design jobs and 12.3 full-time public works jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-302  
(Int. No. 333)

**Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Ice Rink Slab Replacement Project**

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

Section 1. The sum of \$65,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and M/E Engineering, P.C. for engineering services for the Genesee Valley Park Ice Rink Slab Replacement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be

funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-303  
(Int. No. 334)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,200,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Genesee Valley Park Ice Rink Slab Replacement 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 the design and construction of the Genesee Valley Park Ice Rink Slab Replacement Project in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$1,200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,200,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,200,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 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. 2012-304  
Re: Inter-Municipal Agreement -  
Monroe County, Refuse and  
Recycling Collection Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for the provision by the City of refuse and recycling collection services at County facilities. This agreement generates approximately \$500,000 in annual revenue to the City.

The current agreement was authorized in July 2005 (Ordinance No. 2005-231), and expired on June 30, 2012. The proposed agreement will extend through December 2014, and include the option of two two-year renewals.

Under the terms of the proposed agreement, the County will be charged the current commercial rates through December 2014. Increases in subsequent contract renewals would be limited to 2% per contract period.

In addition, the City will rebate to the County revenue generated from corrugated cardboard recycling at MCC, the airport and Monroe Community Hospital. At current market rates, this is approximately \$19,000 annually.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-304  
(Int. No. 335)

**Authorizing An Agreement With The County Of Monroe For The Collection And Disposal Of Solid Waste And Recyclable Materials**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the City will continue to collect and dispose of solid waste and recyclable materials generated at County facilities through December 31, 2014, with options to renew for two additional two-year extensions.

Section 2. The agreement shall obligate the County of Monroe to pay to the City the current rates through December 31, 2014, except that increases in tipping rates not to exceed 2% per contract period shall be passed along to the County throughout the contract period. The City shall rebate to the County revenue generated from corrugated cardboard recycling at MCC, the airport and Monroe Community Hospital. Increases of 2% over the current rates shall be charged for each renewal term.

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. 2012-305  
Re: Inter-Municipal Agreement - Rochester Housing Authority, Commercial Refuse And Recycling Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester Housing Authority (RHA) for the City's provision of commercial refuse and recycling services.

The City will provide collection services for all of the one-, two-, and three-family homes and commercial properties owned by RHA. The City receives approximately \$350,000 in revenue annually for these services.

RHA shall pay the standard rates for collection that are applicable at the time of service.

The term of the agreement will be for one year, with the option of five one-year renewals. The current agreement, authorized in August 2004 (Ordinance No. 2004-286) expires on July 31, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-305  
(Int. No. 336)

**Authorizing An Agreement With The Rochester Housing Authority For The Collection And Disposal Of Solid Waste And Recyclable Materials**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Authority whereby the City will continue to collect and dispose of solid waste and recyclable materials generated at Rochester Housing Authority facilities for one year, with options to renew for five additional one-year extensions.

Section 2. The agreement shall obligate the Rochester Housing Authority to pay to the City the standard rates applicable at the time of service.

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. 2012-306 and  
Ordinance No. 2012-307  
Re: Amendatory Agreement - Edgewater Group, Port of Rochester, Marina Project Design Services

Transmitted herewith for your approval is legislation that will establish \$300,000 as maximum compensation for an amendatory agreement with The Edgewater Group, St. Joseph, Michigan, for final engineering and design services required to construct the first phases of the Port marina project and authorizing the issuance of bonds totaling \$257,000 to partially finance the cost of the agreement. The balance of the cost of the amendatory agreement, \$43,000, will be financed from State Multimodal Transportation Program grant funds (Ordinance No. 1998-379).

In August, 2010, Council authorized an agreement in the amount of \$1,239,000 with the Edgewater Group for engineering and design service related to the Port marina and mixed-use development project (Ordinance No. 2010-306). Edgewater Group teamed with LaBella Associates and Bergmann Associates to assist the City with completion of federal and state environmental reviews, preparation of design standards for private development, and preparation of minor revisions to the Zoning Code along with the preparation of all project plans, specifications and construction cost estimates for the Port marina project. If this amendatory agreement is approved, the maximum total cost of the engineering and design services agreement will be \$1,539,000.

The Edgewater design team has completed extensive coordination with utilities, supporting design studies and analyses, advanced the project design through 50% completion, assisted the City with project permitting and grant funding applications, provided significant support during the development of the recently adopted marina district zoning code, and supported a complex and lengthy environmental review process. At this point in the design process, several additional design phase services have been added or are now identified as necessary in order to complete plans and specifications for the \$19.8 million marina construction project:

**NYS Consolidated Funding Application grant application**

The design team completed research, analysis, prepared concept plans, and completed an initial feasibility study. These support services were used for the City's 2011 CFA grant application and resulted in two new state grant awards totaling \$943,000 for marina construction.

**SEQRA/Environmental Impact Statement (EIS) Support, Graphics, and Zoning Code**

Additional unplanned services were required for the completion of the Draft, and Final EIS in-

cluded multiple revisions to graphics and new graphics in response to public comments and requirements for additional impact analyses. Additionally, research and response to technical engineering concerns above and beyond the original basic scope of services were required to support the Draft and Final EIS's documents and public comment process.

#### **RG&E Natural Gas Analysis and Planning**

Extensive technical support is being required to determine the natural gas usage projections associated with the future private development associated with the marina project and to meet RG&E's planning requirements for improved natural gas supply to the Charlotte area.

#### **Schedule Extension**

Due to a number of delays and additional time required for the environmental review process, the design schedule has been extended by twelve to fourteen months. Design and project administration services continued to be provided over this period.

#### **River Street Extension Design Alternative**

Due to the difficulties and delays in obtaining the necessary right-of-way for the River Street Extension from US Coast Guard, a design alternate and supporting analysis that connects the roadway, utilities, and Riverway Trail to the Port site is being required for the bid package.

#### **New Rochester Transit Service Bus Layover and Event Bus Staging Location Design**

Once Phase I marina is under construction, RTS will no longer route busses east of Lake Avenue, where the RTS layover is currently located. An expansion of existing RTS layover on Beach Avenue or a new location will be needed to accommodate more than one bus for events.

#### **Boater Services/Link Building Architectural Design Services**

As a construction phase cost savings, the design team has proposed the development of programming and architectural design services necessary to convert portions of the Terminal Link Building into a fully functional boater services building.

#### **Grant Funding Compliance Engineering Support**

Satisfying state and federal contract requirements for several of the marina construction grants will require extensive coordination and interaction between the City of Rochester and State and Federal funding agencies. The design team will provide technical support and drawings as needed to respond to funding agency requirements in support of the City of Rochester staff.

#### **Traffic and Parking Engineering Services**

Traffic and parking engineering services, including observation of traffic flow patterns during phases of construction and providing recommendations for modifications and/or installation of new traffic control devices; planning for event

traffic and parking management; and support in evaluating traffic impacts of private development proposals.

#### **Port Facilities Operation, Management, and Promotion**

Evaluation of facilities management requirements and resources needs and the identification of options for organizational management of the City's Port facilities in order to maximize the value of the significant public investments in the marina and other City facilities at the Port of Rochester.

If this amendatory agreement is approved, the project design is anticipated to be completed by the end of 2012 in coordination with the issuance of State and federal permits. Bid phase and award of the marina construction project will take place after grant contracting requirements are satisfied, marina and Port operations plans are established, and required land acquisitions for the extension of River Street are completed.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-306  
(Int. No. 342)

#### **Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Port Marina and Mixed Use Development Project**

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

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Edgewater Group for final engineering and design services for the Port Marina and Mixed Use Development Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$257,000 shall be funded from a bond ordinance adopted for this purpose and \$43,000 shall be funded from the State Multimodal Transportation Program grant funds appropriated in Ordinance No. 1998-379.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-307  
(Int. No. 343)

#### **Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$257,000 Bonds Of Said City To Finance The Additional Cost Of Planning For The Port Marina And Mixed Use Development Project**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of planning for the Port Marina and Mixed Use Development Project, including but not limited to final engineering and design services for the Phase I Marina, marina public promenade, realignment of North River Street, extension of Corrigan Street, relocation of Pure Waters facilities and other utilities, and infrastructure improvements to support private development of residential and commercial space along Lake Avenue, at the Port of Rochester (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$1,539,000. The plan of financing includes the issuance of \$257,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$837,000 bonds appropriated in Ordinance No. 2010-307, \$297,000 in current funds and \$148,000 in New York State Department of Transportation Funds appropriated in Ordinance No. 1998-379, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$257,000 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 \$257,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.62(a) of the Local Finance Law, is five (5) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall 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. 2012-308  
Re: Susan B. Anthony Pedestrian Access -  
West Main Street to Troup Street Park

Transmitted herewith for your approval is legisla-

tion appropriating \$176,000 from the General Community Needs allocation of the 2009-10 Community Development Block Grant to fund the Susan B. Anthony Pedestrian Access Project.

This project will create a midblock pedestrian connection from West Main Street to Troup Street through Troup Street Park. This will be an eleven-foot wide asphalt trail with an exposed aggregate pavement at the entry at West Main Street. The project will be designed by City staff.

Ordinance No. 2012-248 authorized the required public access easement and appropriated \$15,000 from CDBG Focused Investment Strategy Vacant Lot Fencing and Greening funds for enhancements to the project.

Bids for construction were received on June 26, 2012. The apparent low bid of \$117,612, submitted by Structural Remediation Services, Inc. (Rochester 14609), is 39.6% less than the engineer's estimate. In addition, \$29,488 will be allocated for project contingencies, \$14,900 for enhanced lighting, and \$29,000 for resident project representation (RPR) services for a project total of \$191,000. Approval for establishing the maximum compensation for the RPR professional service agreement will be requested at a future Council meeting.

This agreement will result in the creation/retention of the equivalent of 2 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-125

Ordinance No. 2012-308  
(Int. No. 344)

**Appropriation Of Funds For The Susan B. Anthony Pedestrian Access Project**

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

Section 1. The sum of \$176,000 is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program to fund the Susan B. Anthony Pedestrian Access Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-309  
Re: Inner Loop East Reconstruction Project

Transmitted herewith for your approval is legislation related to the Inner Loop East Reconstruction Project. This legislation will:

1. Authorize an amendatory agreement with Stantec Consulting Services, Inc, 61 Commercial Street, Rochester, NY 14614, in an amount not to exceed \$90,000 for additional economic and market study analyses related to the Inner Loop East Traffic/Scoping Study.
2. Amend the 2011-12 Budget by transferring \$90,000 from Contingency to Cash Capital to finance the amendatory agreement.
3. Amend Ordinance 2012-82, Section 1 by removing the word "amendatory" from the first sentence of Section 1, thus establishing the final design services for Inner Loop East Reconstruction Project as a separate agreement.

The original agreement, authorized in Ord. No. 2007-101, established maximum compensation of \$480,000. This amendment will increase maximum compensation by \$90,000 to a total of \$570,000. The amendatory agreement is recommended to strengthen the Economic Studies portion of the Inner Loop Traffic/Scoping Study and place the City in a better position to be competitive on the next US Department of Transportation TIGER Discretionary Grant Program (TIGER) application. The next round of TIGER funding availability is anticipated in fall 2012. There may also be additional opportunities for TIGER funding in 2013.

The amendatory agreement results in the creation and/or retention of the equivalent of approximately one full-time position.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-126

Ordinance No. 2012-309  
(Int. No. 348)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Inner Loop East Reconstruction Project, And Amending Ordinance No. 2012-82 And The 2011-12 Budget**

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

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for economic and market study analyses related to the design of the Inner Loop East Traffic/Scoping Study through December 13, 2013. Said amount shall be funded from the 2011-12 Cash Capital allocation.

Section 2. Ordinance No. 2012-82, relating to an agreement with Stantec Consulting Services, Inc. for the Inner Loop East Reconstruction Project, is hereby amended by deleting the word "amendatory" in the first sentence of Section 1.

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$90,000 from the Contingency allocation to the Cash Capital allocation to fund the Inner Loop East Reconstruction Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-21  
Re: Endorsement - New York State  
Consolidated Funding Application,  
Friends of GardenAerial

Transmitted herewith for your approval is legislation endorsing the submission of an application by the Friends of the GardenAerial to the New York State Office of Parks, Recreation and Historic Preservation for a park project located in the New York State High Falls Heritage Area and City of Rochester Brown's Race Preservation District.

In June 2012, Council authorized and/or endorsed several applications by the City and external agencies for funding through the CFA process, including the application by GardenAerial for this project (Resolution 2012-19). However, the State Office of Parks, Recreation and Historic Preservation requires specific boilerplate language, to ensure the preservation of park lands, in the Council resolution. Therefore this additional action is requested.

The grant application will pursue funds in support of planning, enabling structural assessments to be completed in order to determine project capacity and viability. The Friends of the GardenAerial's initiative proposes to further enhance High Falls Terrace Park, expand green space in the High Falls Heritage Area and Browns Race Preservation District, add scenic views, and expand recreational use opportunities, by building upon existing park, trail, and cultural heritage resources in the High Falls area, through the expansion of green space and park resources. Components include planning and consideration of acquisition of private land, which will enable structural assessments to be completed. This information will be utilized to determine capacity and viability of the overall project.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-21  
(Int. No. 354)

**Resolution Endorsing Application By Friends Of The GardenAerial**

WHEREAS, the Friends of the GardenAerial is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund

for a park planning project to be located at High Falls, in Rochester's Brown's Race Preservation District and New York State's High Falls Heritage Area, a site located within the territorial jurisdiction of the City Council of Rochester, New York; and

WHEREAS, as a requirement under the rules of these programs, the Friends of the GardenAerial 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 City Council does hereby approve and endorse the application of the Friends of the GardenAerial for a grant under the Environmental Protection Fund for a park project known as GardenAerial located within the City of Rochester Brown's Race Preservation District and the New York State High Falls Heritage Area in this community. The proposed planning project has the approval of the High Falls Business Improvement District Management Association and the High Falls Business Association, who jointly serve as the management entity for the High Falls Heritage Area.

Section 2. Should GardenAerial be unable to do so, the involved municipal property shall be forever maintained by the City of Rochester as a municipal park in this community consistent with the rules promulgated by OPRHP.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-310  
Re: Official Map Amendment - Hartford  
Street Partial Abandonment

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of a portion of Hartford Street. The abandonment was referred to the necessary agencies for comment.

The proposed change was requested by B & L Wholesale to allow for expansion of the existing facility by construction of a proposed new building and other site improvements.

The City Planning Commission, in its June 11, 2012 meeting, recommended approval of this abandonment by a vote of 5-0. Minutes of that meeting, along with the application, 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.

A public hearing is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

By Councilmember Haag  
July 24, 2012

Attachment AL-127

Ordinance No. 2012-310  
(Int. No. 337)

**Amending The Official Map By Abandonment Of A Portion Of Hartford 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 parcel, heretofore dedicated to street purposes and constituting a portion of Hartford Street:

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

Commencing at the intersection of the northerly bounds of Hartford Street with the easterly bounds of North Street; thence S70°30'17"E along the northerly bounds of Hartford Street, a distance of 179.83 feet to an angle point therein; thence N86°44'48"E along the northerly bounds of Hartford Street, a distance of 25.84 feet to the True Point of Beginning of the parcel to be described; thence N86°44'48"E along the northerly bounds of Hartford Street, a distance of 119.50 feet to the northwest corner of a portion of Hartford Street previously abandoned by Rochester City Council Ordinance No. 2003-351 and conveyed to B&L Wholesale Supply, Inc. as recorded in Liber 10420 of Deeds at Page 229; thence S03°15'12"E along the westerly bounds of said previous abandonment parcel, a distance of 50.00 feet to the southwest corner of said parcel, being a point in the southerly bounds of Hartford Street; thence S86°44'48"W along the southerly bounds of Hartford Street, a distance of 119.50 feet to the northwest corner of lands conveyed to B&L Wholesale Supply, Inc. as recorded in Liber 9709 of Deeds at Page 327; thence N03°15'12"W through Hartford Street, a distance of 50.00 feet to the point of beginning.

Containing about 5,975 Square Feet or 0.137 Acre more or less.

Section 2. The abandonment authorized herein shall take effect upon the compliance by the applicant with the conditions established by the City Planning Commission in its recommendations of June 11, 2012.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

To the Council:

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

Int. No. 338 - Amending The 2012-13 Budget By Appropriating Forfeiture Funds For The Operations of GRANET

Int. No. 340 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services

The following entitled legislation is being held in Committee:

Int. No. 339 - Authorizing Agreements With Respect To Project IMPACT IX And Amending The 2012-13 Budget, As Amended

Respectfully submitted,  
Matt Haag  
Loretta C. Scott  
Lovely A. Warren  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-311  
Re: GRANET - Appropriation of Forfeiture Funds

Transmitted herewith for your approval is legislation appropriating \$200,000 from Federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2012-13 Budget of the Police Department to reflect this amount.

These funds will be used to support GRANET operations for the 2012-13 fiscal year. GRANET participates in joint investigations which includes Federal, State, and other local law enforcement agencies. The mission of GRANET is to achieve maximum coordination and cooperation among participating agencies, and bring to bear their combined resources to investigate mid- and upper-level narcotics 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 Departments of Justice and Treasury and the Attorney General.

GRANET will use asset forfeiture funds for operational expenses, including communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (March 1994). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

The City administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in GRANET's forfeiture fund prior to this transfer is estimated at \$397,124. This will be the first appropriation of GRANET's forfeiture funds during 2012-13.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-311  
(Int. No. 338)

**Amending The 2012-13 Budget By Appropriating Forfeiture Funds For The Operations Of GRANET**

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

Section 1. Ordinance No. 2012-229, the 2012-13 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 \$200,000, 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. 2012-312  
Re: Agreement - LaBella Associates,  
Park Projects Resident Project  
Representation Services

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for a two-year agreement with LaBella Associates PC for resident project representation services. The cost of the agreement will be financed from prior years' Cash Capital.

The Department of Recreation and Youth Services uses general or temporary resident project representation services as needed for parks projects.

A request for proposals for these services was posted on the City website on May 15, 2012. Proposals were received from two local firms - LaBel-

la Associates and Passero Associates - and were evaluated by a team of City staff representing DRYS and the Department of Environmental Services. The evaluation sheet used by the team is attached. LaBella was selected based upon their demonstrated skill and expertise, past performance, and availability of personnel.

Projects covered by this agreement include but are not limited to:

- Replacement of apparatus at the Avenue D, Flint Street, J.R. Wilson, and Clinton/Baden Recreation Centers
- Repairs and resurfacing of tennis and basketball courts at Genesee Valley and Cobb's Hill Parks, and the Jefferson Terrace and Adams Street Recreation Centers.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-128

Ordinance No. 2012-312  
(Int. No. 340)

**Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services**

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

Section 1. The sum of \$60,000, 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 resident project representation services for parks and recreation projects for two years. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 339  
Re: New York State Division of Criminal  
Justice Services Grant - Operation  
IMPACT IX

Transmitted herewith for your approval is legislation related to a New York State Division of Criminal Justice Services (DCJS) grant. This legislation will:

1. Authorize an agreement with DCJS for receipt and use of a grant under Operation IMPACT IX;

2. Establish \$40,000 as maximum compensation for an agreement with the Rochester Institute of Technology (RIT) for data analysis services related to IMPACT IX. The term of the agreement will be for one year, beginning July 1, 2012;
3. Authorize an amendatory agreement in an amount not to exceed \$10,000 with Sam Asher Computing Services, Inc. to allow for additional notifications. Sam Asher Computing Services provides access to the "Hyper-Reach" notification system, allowing the City to send pre-recorded voice messages to a pre-determined geographical list of clients for such things as burglary patterns, barricaded gunmen, missing persons, etc. The current agreement, in the amount of \$17,000, was approved by Ordinance # 2012-52 and expires December 31, 2013; and
4. Amend the 2012-13 Budget of the Police Department by a total of up to \$657,800 to reflect the grant award.

The Operation IMPACT grant award of up to \$657,759 will be used to continue initiatives to reduce violent crime in Rochester through improved coordination among federal, state, and local criminal justice agencies using data driven strategies. The law enforcement efforts of IMPACT IX 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. In addition to the agreements with RIT and Sam Asher Computing Services, the funds will be used for overtime details, equipment purchases to support the initiative, and to continue our agreement with LeadsOnline to assist in the tracking of stolen property.

Anticipated use of the grant is summarized below:

RIT agreement	\$ 40,000
Sam Asher agreement	10,000
LeadsOnline agreement	34,000
Supplies (door hangers)	3,000
Travel	9,000
Equipment	75,000
Overtime	<u>486,759</u>
Total	\$657,759

No local match is required. This is the ninth round of IMPACT funding and covers the year beginning July 1, 2012. The previous award of \$504,200 was authorized under City Council Ord. No. 2011-263 in July 2011. The current agreement with LeadsOnline for online reporting of secondhand dealer transactions runs through May, 2013. We anticipate the grant funding will be used to extend the contract at that time.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Introductory No. 339, As Amended

**AUTHORIZING AGREEMENTS WITH RESPECT TO PROJECT IMPACT IX AND AMENDING THE 2012-13 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 IX.

Section 2. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for crime data analysis services for Project IMPACT IX. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 3. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Sam Asher Computing Services, Inc. for telephone notification system services for the Rochester Police Department. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 4. Ordinance No. 2012-229, the 2012-13 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 ~~\$(657,800)~~ 517,500, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Held in Committee.

The meeting was adjourned at 8:03 p.m.

DANIEL B. KARIN  
 City Clerk

\* \* \* \* \*

**REGULAR MEETING  
 AUGUST 21, 2012**

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

Absent - None - 0.

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

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

Recognition Ceremony

Budget Director William J. Ansbrow presented with the Key to the City.

Retirement:

Emergency Communications

John A. Cassin

James A. Felice

\*Cheryl L. Honsberger

Police Department

\*Anne M. Powless

\*Did not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of July 24, 2012 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 - CDBG Participation 4083-12

Public Disclosure - CDBG and Lead Hazard Control Program Participation 4084-12

Quarterly Report - General Liability Claims 4085-12

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spaul presents petition with 5 signatures opposing the point system Petition No. 1669

Councilmember Spaul presents petition with 10 signatures opposing entertainment center licenses laws Petition No. 1670

PUBLIC HEARINGS.

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

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Special Permit And Area Variance Standards Int. No. 389 4 speakers. Howard Decker, Cassandra Petsos, Dawn Noto, Caitlyn Meives.

Changing The Zoning Classification Of 27 Irvington Road From R-1 Low Density Residential To C-2 Community Center Int. No. 390 3 speakers. Richard Rowe, Charles Rowe, Dan Hurley.

Approving Decreases In The Pavement Width

Of Northland Avenue And Lyceum Street Int. No. 370 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2012-313

Re: Firefighters' Insurance Fund

Transmitted herewith for your approval is legislation necessary to effect a settlement of litigation involving the Firefighters' Insurance Fund. The legislation will:

1. Approve the Settlement Agreement and process;
2. Appropriate a total of \$6,297,849.25 in current funds from the Firefighters' Insurance Fund for uses to benefit City firefighters described below;
3. Amend the 2012-13 Budget to include, from the appropriation above, \$60,000 in the Budget of the Fire Department; and \$773,500 in Cash Capital.

The Firefighters' Insurance Fund is the City Fund established to collect and distribute monies received from the State pursuant to Sections 9104 and 9105 of the Insurance Law, and is under the custodianship of the City Treasurer. The current Fund balance is \$6,948,845.65.

As a result of litigation brought by Rochester Firefighters Local 1071 and limitations placed upon the use of such funds by the State, the funds in this account have accumulated for several years. Through the most recent litigation, the New York State Supreme Court has encouraged the City and Local 1071 to agree on uses of the funds that would benefit City firefighters. The parties have now agreed on a settlement which will be presented to Court for approval. Council action to approve the Settlement Agreement and process and to appropriate the funds in accordance with the settlement is requested. The appropriations will be contingent upon approval of the Settlement Agreement by the New York State Supreme Court.

These funds must be used in a manner that is consistent with the Court Order and with the provisions of Insurance Law Sections 9104 and 9105. Fund expenditures must be for the benefit of firefighters as provided in statutory law, case law, administrative rules and regulations, and the New York State Comptroller's Opinions.

The firefighters have formed a not-for-profit corporation named the Rochester Firefighters Two Percent Committee ("TPC") to be the firefighters' representative for purposes of the Fund. All active firefighters can be members. The Fire Chief will be provided meeting minutes of the TPC in order to be kept apprised of TPC actions. The TPC will be

subject to annual audit by the City or its designee. The cost of the audit will be paid from the Fund.

Items to be paid from the Fund may be nominated by the firefighters or by the City in accordance with the Settlement Agreement. Items nominated by the firefighters will be submitted to the City Treasurer. The Treasurer will transmit the items to Council for appropriation of the funds. The standard for appropriation is that the requested use must be legal and consistent with public policy. Items nominated by the City will be transmitted to the TPC by the Fire Chief. The TPC must approve these items and forward them to the City Treasurer as long as the use is not illegal or against public policy. The City Treasurer will then submit the items to Council for appropriation.

In accordance with the Settlement Agreement, the following amounts will be appropriated from the Firefighters' Insurance Fund to benefit City firefighters.

The following amounts will be appropriated for **City Nominated Items**:

<u>Purpose</u>	<u>Amount</u>
• Purchase of approximately 400 sets of turn-out gear	\$ 573,540
• Reimburse the City for the purchase of approximately 160 self-contained breathing apparatuses	1,146,000
• Reimburse the City for linen and laundry services for one year beginning on the date this Agreement is executed	98,150
• Purchase modified uniforms (e.g., casual or semi-casual shirts) for all members of the Fire Department	60,000
• Reimburse the City for portions of the cost of the following:	680,000
◦ Repairs to Chestnut Street Station	
◦ Repair/replacement of ventilation/hood systems in various firehouses	
◦ Purchase of 5 new emergency generators; replacement of 2 emergency generators	
◦ Renovation/repair of the kitchen in Monroe Avenue Station	
◦ Renovation/repair of the kitchen in Dewey Avenue Station	
<b>Total City nominated items</b>	<b>\$2,557,690</b>

**Firefighter Nominated Items**

An Order of the New York State Supreme Court provided for the payment of certain union dues from the Fund to Local 1071, and the payment of a portion of the legal fees from City funds. The Settlement Agreement provides for Local 1071 to

be paid from the Fund for the Union dues, as ordered, as well as the legal fees as follows, which will be appropriated from the Fund:

<u>Purpose</u>	<u>Amount</u>
• Reimbursement of national Union dues previously paid by Local 1071	\$480,827.25
• Reimbursement of a portion of the legal fees, costs, and disbursements incurred in the Fund lawsuits	160,332.00

Outside the scope of the Court Order, the Settlement Agreement provides for payment of items nominated by the firefighters, and such amounts will be appropriated as follows:

<u>Purpose</u>	<u>Amount</u>
• Costs and expenses normally paid by members of the Fire Department as House Dues. House Dues is defined as dues paid by members to purchase certain items at each fire station/division, including but not limited to coffee, food and condiments; newspapers; landline telephone service; internet access; and cable television	\$ 99,000.00
• Purchase, lease, or construction and furnishing and maintenance of a building for the benefit of all active firefighters. The Building will be located within the limits of the City of Rochester; and will include amenities that will provide for the general health and welfare of active firefighters and their families. Such amenities may include a gymnasium/workout center; a kitchen; areas for meeting and gathering; office space for Local 1071.	3,000,000.00
<b>Total Firefighter nominated items</b>	<b>\$3,740,159.25</b>
<b>Total Appropriations requested herein</b>	<b>\$6,297,849.25</b>

There will be \$650,996.40 left in the Fund after these items have been addressed. Nominations for the use of the remaining balance and future Fund income will be split, with the firefighters nominating items for use of 70% of the funds and the City nominating items for use of 30% of the funds, all of which must be for the benefit of firefighters. Council will receive requests for the appropriation of these funds in accordance with the nominations. Pursuant to the decision of New York State Supreme Court interpreting the requirements of Sections 9104 and 9105 of the Insurance Law, the Council shall approve the nominations unless they are illegal and/or against public policy. A copy of the Settlement Agreement is submitted herewith.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-129

Ordinance No. 2012-313  
(Int. No. 398)

**Authorizing A Settlement Agreement, Appropriating Firefighters' Insurance Funds And Amending The 2012-13 Budget**

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

Section 1. The Council hereby approves the Settlement Agreement and process established for use of the Firefighters' Insurance Fund, in settlement of litigation brought by the Rochester Fire Fighters Local 1071.

Section 2. In accordance with the Settlement Agreement and contingent upon approval of the Settlement Agreement by the New York State Supreme Court, the following funds are hereby appropriated from the Firefighters' Insurance Fund for the following purposes to benefit the firefighters of the City:

City Nominated Items:

- \$573,540.00 for the purchase of approximately 400 sets of turn-out gear.
- \$1,146,000 to reimburse the City for the purchase of approximately 160 self-contained breathing apparatuses.
- \$98,150.00 to reimburse the City for linen and laundry services for a one-year period to commence on the date this Agreement is executed.
- \$60,000.00 for the purchase of modified uniforms, such as casual or semi-casual shirts, for all members of the Fire Department.
- \$680,000.00 to reimburse the City for portions of the cost of the following:
  - i. Repairs to Chestnut Street Station;
  - ii. Repair/replacement of ventilation and hood systems in various firehouses;
  - iii. Purchase of 5 new emergency generators and replacement of 2 emergency generators;
  - iv. Renovation/repair of the kitchen in Monroe Avenue Station; and
  - v. Renovation/repair of the kitchen in Dewey Avenue Station.
- City Total: \$2,557,690.00

Firefighter Nominated Items:

An Order of the New York State Supreme Court provided for the payment of certain union dues from the Fund to Local 1071 and the payment by the City of a portion of the legal fees. The Settlement Agreement provides for the Union dues payment and for payment of the legal fees from the Fund:

- \$480,827.25 to Local 1071 for reimbursement of national Union dues previously paid by Local 1071.
- \$160,332.00 to Local 1071 for reimbursement of legal fees, costs and disbursements incurred in lawsuits involving the use of the Fund.

Outside the scope of the Court Order, the Settlement Agreement provides for payment of the following nominated items by firefighters:

- \$99,000.00 for costs and expenses normally paid by members of the Fire Department as House Dues. House Dues is defined as dues paid by members to purchase certain items at each fire station/division, including but not limited to coffee, food and condiments; newspapers; landline telephone service; internet access; and cable television.
- \$3,000,000.00 for the purchase, lease or construction, furnishing and maintenance of a building for the benefit of all active firefighters.
- The Building shall be located within the limits of the City of Rochester.
- The Building shall include amenities that will provide for the general health and welfare of active firefighters and their families. Such amenities may include a gymnasium/workout center; a kitchen; areas for meeting and gathering; office space for Local 1071.
- Firefighter Total: \$3,740,159.25

Section 3. Ordinance No. 2012-229, the 2012-13 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 \$60,000 and to the Cash Capital allocation by the sum of \$773,500, which amounts shall be funded from the appropriations for City nominated items made in Section 2.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
August 21, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 356 - Authorizing An Application And Agreements For The Local Government Performance And Efficiency Program

Int. No. 357 - Establishing Maximum Compensation For Professional Services Agreements For Computer Services

Int. No. 358 - Authorizing A Cooperation

Agreement For A Library Content Management System

Int. No. 359 - Establishing Maximum Compensation For A Professional Services Agreement For City 12

Int. No. 387 - Adopting A Policy And Procedures For Procurement Of Professional Services And Requests For Proposals, As Amended

Int. No. 392 - Amending The 2011-12 Budget And Ordinance No. 2012-13 For Year-End Budget Amendments

Int. No. 393 - Amending The Municipal Code With Respect To Parking Penalties

Int. No. 394 - Authorizing A Cooperation Agreement For The Use Of Space At The Rundel Library Building

The following entitled legislation is being held in Committee:

Int. No. 360 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 397 - Bond Ordinance Of The City Of Rochester, New York, Authorizing Refunding Of Certain Bonds Issued On Behalf Of The City By The Dormitory Authority Of The State Of New York

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Loretta C. Scott  
Dana K. Miller  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-314  
Re: Applications - 2011-12 Local Government Performance and Efficiency Program

Transmitted herewith for your approval is legislation authorizing applications to the New York State 2011-12 Local Government Performance and Efficiency Program (LGPEP) and authorizing necessary agreements with New York State for receipt of any consequent awards.

LGPEP rewards municipalities for actions or projects that are producing recurring savings and using such savings to provide taxpayer relief. To qualify for the program, actions must have been initiated on or after January 1, 2010, and fully implemented by July 25, 2012. Up to \$40 million is available for disbursement state-wide through a competitive application process. Award amounts are calculated based on population and the percentage of fiscal impact on the municipality's total annual expenditures. Awards will not exceed the lesser of \$25 per

resident or \$5 million. No matching funds are required.

Departments submitted qualifying actions which were reviewed by senior management. The following five actions were selected for submission.

Neighborhood & Business Development Consolidation and Efficiencies Program

Three departments were consolidated into one, achieving efficiencies and cost savings while simultaneously enhancing services both internally and to citizens. The use of inter-disciplinary teams, consolidation and coordination of procedures, staff reductions, and assignment relocations, the Department of Neighborhood and Business Development realized immediate and ongoing cost savings.

Purchase of Street Lighting System from RG&E

Prior to 2010 the City owned only a small portion of its street lighting system, and leased the majority of the system from privately-owned Rochester Gas & Electric (RG&E). In 2010 the City purchased the leased portion from RG&E, which enabled consolidation of the entire system. Several efficiencies were achieved, including: significant savings to taxpayers; improved service; and greater flexibility in maintenance and modifications.

Establishment of an Equipment Pool for Large Construction Equipment

The City has adopted a Fleet Utilization Policy that calls for ongoing evaluation of the motorized equipment fleet, its size, and its ability to serve the business needs of the City. This annual review identifies under-utilized vehicles and motor equipment which can be disposed of, saving substantial replacement costs.

Rochester Fire Department Phase III Reorganization

Phase three of the four-year transition to an Engine/Truck service delivery model was implemented in April 2010 by closing two midis and converting two quints to engines. Eight firefighter positions were permanently eliminated.

Office Printer Consolidation

Consolidation of stand-alone/desktop printers, scanners, and fax machines City-wide into centrally managed and networked multi-function devices has significantly reduced equipment and maintenance costs.

Applications are reviewed and awarded points based on several criteria. Applicants may also include an optional statement regarding the use of any LGPEP award received. Bonus points are given to municipalities that dedicate awards toward planned investment in other cost saving measures/actions that have the potential to provide additional property tax savings; planned reduction in the growth rate of property taxes; or planned reduction in property taxes.

Any award given to the City of Rochester will be deposited into the General Fund of the City's 2013-14 Budget to reduce the growth rate of property taxes required to close a projected \$42.7 million

gap. City Council may commit these funds to the Property Tax Relief classification or these funds may be assigned as such by the Director of Finance.

The chart below summarizes the annual savings for each cost saving action. It includes the percentage of total City expenditures, per capita award, and potential award associated with each action.

<u>Activity</u>	<u>Percent of Total City Expenditures</u>	<u>Per Capita Award</u>	<u>Potential Award</u>
NBD Consolidation and Efficiencies			
\$2,169,177	0.441%	\$8.82	\$1,857,183
Street Lighting System Purchase			
1,164,176	0.237%	\$4.74	998,078
Equipment Pool/Fleet Policy			
890,813	0.181%	\$3.62	762,245
Phase III of RFD Restructuring			
580,883	0.118%	\$2.36	496,933
Office Printer Consolidation			
<u>260,000</u>	0.053%	\$1.06	<u>223,199</u>
Total			
\$5,065,049			\$4,337,638

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-130

Ordinance No. 2012-314  
(Int. No. 356)

**Authorizing An Application And Agreements For The Local Government Performance And Efficiency Program**

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

Section 1. Alinda Drury, Senior Staff Assistant, Office of the Mayor, is hereby authorized to submit an application to the Local Government Performance and Efficiency Program and is authorized to execute all agreements, financial and/or administrative processes relating to the implementation of the program. The application shall include the following programs:

1. Neighborhood & Business Development Consolidation and Efficiencies Program. Consolidation and efficiency measures were achieved with no service reductions to residents through interdepartmental teams, consolidation, and coordination. Personnel reductions and assignment reallocations have enhanced support services and customer service to residents.

2. Purchase of Street Lighting System from RG&E.

Prior to 2010 the City of Rochester leased a major portion of its street lighting system from the Rochester Gas & Electric Corporation (RG&E). In 2010, the City purchased the entire street lighting system from RG&E, resulting in several efficiencies, including: significant savings to taxpayers, improved service, and greater flexibility in maintenance and modifications.

3. Establishment of an Equipment Pool for Large Construction Equipment.

The City of Rochester has adopted a Fleet Utilization Policy that addresses whether the City's motorized equipment fleet is appropriately sized to serve the business needs of the City. The City's fleet is annually reviewed to identify and dispose of under-utilized vehicles and motor equipment.

4. Rochester Fire Department Phase III Reorganization.

Phase three of the four year transition to an Engine/Truck service delivery model was implemented in April 2010 by closing two midis and converting two quints to engines. Eight firefighter positions were permanently eliminated.

5. Office Printer Consolidation, Cost Reduction and Managed Services.

Stand-alone/desktop printers, scanners and fax machines were consolidated into centrally managed and networked multi-function devices. Additionally, the City outsourced and centralized managed services for repair, replacement parts and supply items.

Section 2. The applications and other documents shall contain such additional terms and conditions as the Mayor and Senior Staff Assistant deem to be appropriate.

Section 3. Funds received under this Ordinance shall be deposited into the General Fund of the City and be used for the purpose of reducing the growth rate of property taxes in the 2013-14 Budget of the City. In regards to that provision, City Council may commit these funds to the Property Tax Relief classification or these funds may be assigned as such by the Director of Finance.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-315  
Re: Agreements - Technisource and consilium1,  
Information Technology Project Support  
Term Services

Transmitted herewith for your approval is legislation authorizing agreements with two firms to

provide support services for various Information Technology projects. Aggregate compensation for these two-year agreements will not exceed \$120,000; the cost will be covered by funds allocated for the particular project requiring support services.

The firms, Technisource (headquartered in Ft. Lauderdale, FL; local office in Fairport NY) and consilium1 (Brighton NY), were selected through a request for proposal process. The RFP, posted on the City's web site, resulted in proposals from two additional firms: Microworx (Brighton NY) and Bright Computers (Victor NY). Proposals were reviewed by a team of three members of the Information Technology Department, and based on evaluation of criteria (see attached evaluation sheet), Technisource and consilium1 are recommended. They offer identical pricing structure (\$40 per hour), which was lower than the other two firms.

Services provided by Technisource and consilium1 will temporarily augment Information Technology Department staffing as necessary. At present, it is expected that these services will be used for the Windows 7 deployment and the RPD Records Management System project. Windows 7 is slated for deployment before April 2014, when Microsoft will end technical support for Windows XP. The RPD RMS is scheduled to go live in March of 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-131

Ordinance No. 2012-315  
(Int. No. 357)

**Establishing Maximum Compensation For Professional Services Agreements For Computer Services**

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

Section 1. The sum of \$60,000 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements between the City and Technisource and consilium 1 for project support services for information technology activities through August 31, 2014. Said amounts shall be funded from the annual budget or from project appropriations.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-316  
Re: Inter-Municipal Agreement - Monroe

County Library System

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Monroe County Library System (MCLS) for shared use of internet and intranet content management software, hardware, licensing, and maintenance. The term of this three-year agreement will extend to June 30, 2015.

The goals of the collaboration are to reduce costs, to share the intellectual capital of each organization, and to create dynamic web sites for our community. To this end, a Memorandum of Understanding (MOU) has been developed and includes the following obligations:

- The MCLS will fund the cost of annual maintenance for the related software (Ektron CMS400.NET).
- The software will reside on City of Rochester equipment.
- The City will provide hardware, staff support, annual maintenance coverage for related equipment, and the cost of future hardware upgrades and expansions.

This agreement is a renewal of a previous MOU between the City and the MCLS that was adopted in 2008 (Ordinance No. 2008-255). 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,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-316  
(Int. No. 358)

**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 the continued shared use of an internet and intranet content management system. The agreement may extend through June 30, 2015 and may be terminated by either party upon nine months notice before the end of any calendar year.

Section 2. The agreement shall obligate the Monroe County Library System to pay the maintenance costs of the software, which resides on City equipment. The City shall provide hardware, including future upgrades and expansions, staff support and annual maintenance of the equipment. 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.

Ordinance No. 2012-317  
(Int. No. 359)

Passed unanimously.

**Establishing Maximum Compensation For A Professional Services Agreement For City 12**

TO THE COUNCIL  
Ladies and Gentlemen:

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

Ordinance No. 2012-317  
Re: Agreement - WXXI, CITY12 Operations

Transmitted herewith for your approval is legislation establishing \$196,189 as maximum compensation for the first year of an agreement with WXXI Public Broadcasting for the continued operation of CITY12, Rochester's local Government Access Television channel. The agreement will have a term of five years, with an option to renew for an additional five-year period. Annual compensation will be adjusted based on the Consumer Price Index (the amount proposed herein reflects a 5% reduction of the current cost). The cost will be funded from the 2012-13 and future annual Budgets for Undistributed Expense, contingent upon their approval.

Section 1. The sum of \$196,189.02, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and WXXI Public Broadcasting for the continued operation of City 12. The agreement may extend for a term not to exceed 5 years, with an option to renew for an additional 5 years. The compensation may be adjusted annually to reflect increases in the Consumer Price Index, not to exceed 3%. Said amounts shall be funded from the 2012-13 and subsequent Budgets for Undistributed Expense, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

CITY12 serves as the City's Government Access Channel to disseminate appropriate governmental information to the public. WXXI will administer the operation of CITY12, provide up to 14 hours of daily programming, and provide studio time for City-produced programming such as CityWise. WXXI will do its best to provide programming that reflects the ethnic mix and diversity of the city's population and will support the goal of providing programming that has significant informational, educational or entertainment value that is of interest to the general public.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-318  
Re: Policy for Procurement of Professional Services

The agreement allows the City to provide as much programming as it requires, including live broadcasts from City Hall. WXXI also uses various City-produced programs on their main channel, which covers eleven contiguous counties, allowing for distribution of City content to a wider audience.

Transmitted herewith for your approval is legislation adopting a policy for the procurement of professional services.

In 2002, a request for qualifications was issued for the operation of Channel 12. It was determined at that time that WXXI had the best technological capability, greatest access to educational and news oriented programming, strongest personnel experience, and the clearest alignment with the City vision for Channel 12. The same holds true today. Also, WXXI's access to diverse and urban-centered education programming, the installation of a direct, hard-wired fiber connection between City Hall and WXXI, and other technological advantages, are all factors that contribute to the determination that it is not in the City's interest to re-issue a request for qualifications/proposals at this time.

The City has over the years developed and practiced procedures for the solicitation and selection of vendors and consultants for professional services that fall outside the regulated bid process used for the procurement of goods and labor. However, there was no standardized documentation for application across the organization.

Under two separate agreements, WXXI also provides live broadcasting of City Council meetings, and video production support for the Bureau of Communications.

Following a comprehensive review of existing processes, research of best practices, and discussion with members of City Council, the attached policy is recommended for adoption. The goal of the policy is to ensure that a fair, equitable, and consistent process is used by all City departments when selecting consultants. Key features of the policy include:

- Description of what constitutes a professional service
- Thresholds for when a request for proposal (RFP) is required
- Methods of soliciting services, including the development and distribution of RFPs
- Methods for reviewing and evaluating RFPs
- Applicability of Living Wage and Minority/Women-owned Business Enterprise requirements.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Respectfully submitted,

Thomas S. Richards  
Mayor

Attachment No. AL-132

Ordinance No. 2012-318  
(Int. No. 387, As Amended)

**Adopting A Policy And Procedures For Procurement Of Professional Services And Requests For Proposals**

WHEREAS, by Ordinance No. 1991-529 the City adopted a Municipal Procurement Policy governing the procurement of goods and services not required to be procured by competitive bidding; and

WHEREAS, the City wishes to add to that policy by adopting an additional policy and procedures to govern the procurement of professional services and requests for proposals.

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

Section 1. The Council does hereby adopt the Policy and Procedures for Procurement of Professional Services and Requests for Proposals, which shall be in addition to the Municipal Procurement Policy adopted in Ordinance No. 1991-529:

**Policy and Procedures for Procurement of Professional Services and Requests for Proposals**

**Purpose:**

This document is intended to provide City employees with an understanding of the basis for securing professional services and a process for securing those services, and includes guidelines for drafting Requests for Proposals and procedures for evaluating and selecting proposals.

**Definitions:**

**Professional Services** - services provided by a consultant, vendor or service provider which require special skills, scientific or technical knowledge, training or expertise, the use of professional judgment or discretion or a high degree of creativity. These are services that cannot be competitively bid and awarded based on price, because the cost of services, although a factor, will not ensure that the City obtains the best services for the best value.

**Request for Qualifications** - a document used to solicit information about the expertise, knowledge and experience needed for a particular project or multiple projects and used to evaluate and pre-qualify consultants who will subsequently be requested to submit proposals for a specific project.

**Request for Proposal** - a document used to describe the professional services required by the City for a project, the requirements for submitting a proposal and the evaluation process for selecting a

consultant.

**Procedures:**

**Step 1. Determine whether services are professional services.**

When services required by a City Department (Department) involve specialized skills, scientific or technical knowledge, training and expertise, use of professional judgment or discretion, or a high degree of creativity, the services sought are professional services and the City will enter into a Professional Services Agreement (PSA). PSAs are an exception to the requirement of NYS General Municipal Law §103 that public works contracts must be competitively bid in a formal bid process mandated by law. The City may obtain professional services through a less formal process, either through negotiation or through a Request for Proposal (RFP) process.

Examples of PSAs which have been upheld by the courts include contracts with physicians, attorneys, surveyors, engineers, architects, insurance brokers, computer programmers and contracts for ambulance services, environmental contamination clean up, writing, editing, and pharmaceutical services.

Whenever there is a question about whether services are "professional" services, or if a contract involves a combination of professional services and commodity purchases (e.g., the purchase of computer hardware as part of a contract for customized software and training) or if a contract is a combination of professional and non-professional services, (e.g., specialized environmental clean-up services combined with site restoration and landscaping services), the Law Department should be consulted for a determination as to whether a PSA is appropriate or whether a bid contract or a combination of both must be used.

**Step 2. Determine whether Request for Proposal is required**

Once it has been determined that a PSA will be used to obtain the services, the process for obtaining a consultant will depend on several factors, including the monetary value of the contract, the nature of the work, the term of the contract and the City's previous experience with this or similar contracts. Unlike a public works contract, which by law is subject to a formal competitive bidding process, professional services may be secured "through negotiation or through solicitation of proposals" (section 2.1 of the City's Procurement Procedures).

The benefit of the Request for Proposal ("RFP") process is that it allows the City to explore the market of potential providers for creative approaches, specialized experience, quality of service, and cost differentials.

Generally, an RFP should be prepared when any of the following criteria occur:

- The service will be for more than one year

- The compensation amount will be greater than \$35,000,
- 3-5 years have transpired since the last RFP for the service was issued,
- A new service is being sought, and/or
- The service involves technology or another field where frequent changes in standards and technologies are expected.
- Where the number of qualified and available specialized professionals is limited, making an RFP impractical, a description of the Department's need for such consultants and the Department's knowledge of the market.
- Where a project has multi-year State or Federal funding, explanation of why it is in the best interest of the project and the City to continue with the same consultant (e.g., where the design consultant on a project is retained for resident project representation services).

Even when any or all of these thresholds have been met, there may be unique situations when it is not in the City's best interest to secure consultant services through an RFP process. The Department seeking professional services must weigh the cost and time of preparing an RFP and undertaking the review process against the benefit in quality, productivity and cost savings to the City. When the contract amount is small, where we have a satisfactory work history with a particular consultant or where we are already knowledgeable about the market and can effectively negotiate a contract directly with the limited number of consultants that have the skills we need, an RFP may not be necessary.

Whenever it is determined that an RFP will not be used, a written justification for this decision must be prepared. In the case of PSAs which exceed \$10,000 and require approval by City Council, the Department must prepare and maintain on file, justification for opting not to prepare an RFP and to engage a consultant through direct negotiation. The requirement for providing this information to City Council is discussed in Step 6, below. For PSAs of less than \$10,000, justification for not using an RFP should be prepared and maintained on file in the Department. For recurring small value PSAs (e.g. \$600 dance classes conducted at recreation center) it is adequate to prepare and maintain on file a general description of the services and justification for using particular consultants on a recurring basis. A form for providing the required justification is attached.

Written justification for not using an RFP must be signed by the Department's Commissioner, Chief or Director and should include the following:

- Description of the nature of the services being sought.
- Amount of the proposed compensation for the PSA with an explanation of how pricing was determined to be reasonable and the best value to the City.
- Description of any prior history with the chosen consultant and explanation of why the Department believes it is in the City's best interest to continue to use that consultant.
- Description of any emergency or unique circumstances which the Department has determined would jeopardize a project or otherwise be detrimental to the City if a full RFP process were followed.

NOTE: Even when a full RFP is not required because none of the RFP criteria have been met, less formal letters seeking price quotes and service descriptions should be sent to multiple potential consultants, whenever there is a reasonable opportunity to obtain lower prices or to secure new consultants with the necessary skills. All justifications for not preparing an RFP, and any other documents related to the RFP process, must be maintained by the Department, for a period of six (6) years after expiration or termination or final payment under the agreement, whichever is later.

### Step 3. Preparing the RFP

When it has been determined that an RFP must be prepared, each Department is responsible for preparing the document and undertaking the proposal review process. There is no standard RFP form - the service needed dictates how the RFP will be structured. However, there is information that should be included in every RFP, including:

#### *Living Wage Requirement*

For any PSA that will equal or exceed \$50,000, the consultant will be required to comply with the City's Living Wage requirements. The RFP shall require the consultant to include with their proposal a written commitment to pay all "covered employees" a "living wage", as those terms are defined in the *Rochester Living Wage Ordinance* that can be found in Section 8A-18 of the Municipal Code of the City of Rochester. In addition, the consultant must provide a list of job titles and wage levels of all "covered employees" in each of the years for which a PSA is sought.

#### *Minority/Women Business Enterprise Goals*

The City intends to encourage Minority and Women Owned (M/WBE) businesses to actively participate in opportunities to obtain PSAs with the City. Therefore, each Department is responsible for reviewing the list of New York State certified M/WBE businesses maintained by the Bureau of Purchasing (available on the Employee Portal), and sending the RFP to every M/WBE on the list for the relevant services covered by the RFP.

In addition to this general requirement, Departments should be aware that Ordinance No. 94-213 establishes specific M/WBE goals for the following professional services: architectural/engineering services, personnel training and testing, and adver-

tising and media professional service contracts. When a City funded PSA is requested for any of these professions, Departments must take the steps outlined below to meet these M/WBE goals. For this purpose, the Purchasing Office maintains a City approved M/WBE list to meet the City's goals. In addition to actively recruiting potential M/WBE firms for the contract, preference shall be given to otherwise qualified M/WBE firms through additional weighting. The City intends to achieve the M/WBE participation goals set by Ordinance No. 94-213, for these professional services. The Ordinance specifies the percentage of dollars spent during a fiscal year that will be performed by M/WBE firms, in the following categories:

**Ordinance No. 94-213 M/WBE Goals - % of Total Expenditures per FY**

<u>Contract Type</u>		
<u>African-American Goal</u>	<u>Hispanic Goal</u>	<u>Woman Business Enterprise Goal</u>
Architectural/Engineering Services		
2.1%	0.6%	3.5%
Personnel Training and Testing		
6.6%	0.0%	21.7%
Advertising and Media		
6.6%	0.0%	16.7%

Therefore, when a PSA for these listed professional services is being sought, that uses City funding, and there are no overriding state or federal requirements or restrictions, Departments must demonstrate the steps they have taken to ensure that the City meets these goals. The first step to meet the goals is to ensure that M/WBE firms are notified about the RFP, by ensuring that all the vendors for the requested service(s) on the City approved M/WBE list maintained by Purchasing are notified about the RFP. If a Department knows of one or more M/WBE firms that are not on the list provided by Purchasing, it should send the additional firm(s) the notification about the RFP and copy Purchasing so that Purchasing records can be updated. If one or more M/WBE firms responds to the RFP, the Department must give additional weighting of 10% to the City approved M/WBE firms as part of the evaluation process. This gives otherwise qualified M/WBE firms preference, which will assist the City in meeting the M/WBE goals for these professions. The specific goals for each of these professions can also be found on the Employee Portal.

*Additional Requirements*

The RFP shall further include the following information:

- Clear and detailed description of the scope of professional services being sought
- Timeline - including deadlines for questions, completed proposals, and anticipated notification of the selected consultant. Deadlines or timeframes for the City should include a statement that the City may alter its timeframes as necessary

- Statement that there *will* or *will not* be a pre-proposal conference or meeting of interested consultants
- Statement that questions must be submitted in writing, preferably by e-mail, and confirmation that all questions and our responses will be shared with all who have indicated an intent to submit a proposal and have provided an e-mail address
- City contact information, with caution that only the named person(s) should be contacted
- Statement that the City may amend the RFP upon notification to all potential vendors
- Statement that the City may request additional information from potential vendors as necessary to assist the City in evaluating a proposal
- Statement requesting references and/or description of experience with similar projects
- Statement that the RFP may be withdrawn by the City for any reason and that the City shall have no liability for any costs incurred in preparing a proposal
- Statement that the proposal and all materials submitted with the proposal shall become the property of the City and will be subject to the NYS Freedom of Information Law (FOIL) and that if any proprietary information is submitted with the proposal it must be clearly identified and a request to keep such information confidential must be submitted
- Statement that the selection of a consultant is within the City's sole discretion, that no reasons for rejection or acceptance of proposals are required to be given and that the decision will be based on qualifications and not solely on cost.
- Statement that the successful consultant will be required to enter into a City PSA (the PSA form must be attached to the RFP)
- Statement that for all PSAs that exceed \$10,000, including multiple agreements with the same consultant for the same or similar services, that may result in an aggregate in one fiscal year that exceeds \$10,000, City Council approval will be required
- When a PSA is City funded, statement that preference will be given to consultants located in the City of Rochester, through an additional weighting of 10%.
- Description of the criteria that will be used to evaluate proposals, indicating priorities, although it is not recommended that the actual weighting system to be used be included in the RFP

Examples of recent RFPs are posted on the Employee Portal for your review.

**Step 4. Issuing the RFP**

It is strongly recommended that at least three proposals should be solicited by direct contact with potential consultants. In order to reach the largest possible audience of potential consultants, the RFP must be posted on the City Website. If the cost is justified, RFPs should be published in local newspapers. If the cost and scope of the contract will require the services of national providers, the RFP should be published in the appropriate trade publications. When a project will be City funded, Departments must conduct research of city businesses and solicit any qualified city consultants.

*Request for Qualifications*

NOTE: For certain PSAs, a Department may prequalify a number of potential consultants with particular skills, where the Department wants to maintain a pool of qualified consultants who will be used on a recurring basis over a period of years, (e.g., specialized services of an engineering firm). In such case, the Department may issue a Request for Qualifications, describing the nature of the services that will be required and requesting that potential consultants submit a Statement of Qualifications (SOQ). Based on the SOQs, the Department will select a number of consultants that are qualified to perform the services needed, and seek City Council approval of multi-year Term Agreements with those chosen consultants. As each project arises, the Department will submit RFPs only to the pre-selected consultants already under contract and will not be required to post the RFP on the City's website or to distribute the RFP more widely.

**Step 5. Reviewing proposals**

Departments must develop a rating system for evaluating and rating the proposals, using an objective qualitative process that is targeted to the Department's specific needs. Because of the wide range of City projects, no "one size fits all" rating system has been developed. The Department should determine the weight given to each criterion, based on the importance of that criterion to the Department. Some suggested evaluation criteria for review include:

- professional qualifications
- experience with the same or similar projects
- ability to complete project based on staffing and other resources
- quality of the proposal
- costs
- compliance with technical requirements of the project.
- location of consultant's offices in the City (with a 10% weighting for fully City funded projects)
- compliance with City approved M/WBE goals (with a 10% weighting for fully City funded projects)

Rating systems should be established before proposals are received. Examples of rating systems appear in the RFPs posted on the Employee Portal.

Proposals should be reviewed by a review team of a minimum of three people. Reviewers can be non-City staff when appropriate, although non-City staff should be used only when necessary to obtain technical or other unique knowledge or experience not available among City employees. It can also be helpful to have members of the review team from outside the Department to provide objectivity and outside perspective. It is expected that in most cases after evaluation of the proposals, at least two consultants will be chosen for interviews and/or presentations, although interviews are not required and may not be necessary if the proposal provides sufficient basis for final choice of a consultant. The final selection should be transmitted to the Bureau or Department head, as required by the Department's procedures.

The review team must document the basis for their recommendation. The review team's written recommendation should identify the team members and the team leader, by City Department or by other entity with which the team member is associated. The recommendation should describe the reasons for choosing the consultant based on the criteria, including the use of any weighted criteria. It should also include the reasons for choosing a consultant prior to obtaining detailed cost quotations or when the chosen consultant does not have the lowest cost proposal. The Department must prepare and maintain on file, the final decision on the RFP.

It is essential that every precaution be taken to avoid even the appearance of a conflict of interest, favoritism, or preference based on friendships or factors other than merit.

NOTE: All proposals submitted in response to an RFP and the City's proposal rating system will be subject to FOIL. The names of the reviewers are also subject to FOIL, although identification of which reviewer made which numerical rating and any written comments or explanations of the reviewer's ratings will not be. All proposals, rating forms and all other RFP documents must be maintained for a period of six (6) years after expiration or termination or final payment under the agreement, whichever is later.

**Step 6. City Council Action**

Any PSA with compensation greater than \$10,000 or that extends for a term of more than one year, must be authorized by City Council. The Department must prepare and submit a transmittal letter following the process set forth in the document, *Guidelines for Writing & Submitting Items to City Council*, which is available on the Employee Portal.

When an RFP process has been used to select the vendor, a description of the process must be included in the transmittal letter or in a chart or similar attachment submitted to City Council with the transmittal, [and] which shall include:

- The date the RFP was issued
- The methods used to solicit proposals, including, as appropriate:

- Posted on the City website
- Direct solicitation to known providers
- Publication in trade journals, etc. (where and when)
- A list of consultants that submitted proposals and their location (city, state)
- The method of reviewing proposals
  - Composition of review team
  - Evaluation criteria, indicating the use of any weighted criteria
  - The ratings for the winning proposal
  - The reasons for choosing the selected consultant

When an RFP has not been issued for a PSA, the transmittal letter or attachment must include a justification, as described above, for opting to retain the selected consultant through direct negotiation.

The transmittal or attachment must include, where applicable, a statement regarding compliance to the Living Wage Ordinance and *M/WBE goals*.

**JUSTIFICATION STATEMENT: DECISION TO AWARD PROFESSIONAL SERVICES AGREEMENT THROUGH NEGOTIATION, WITHOUT AN RFP\***

As described in Step 2 of the Policy and Procedures for Procurement of Professional Services and Requests for Proposals, an RFP should be prepared whenever any of the RFP criteria are met. In unique situations where an RFP will not be beneficial to the City, a decision may be made to award a contract for professional services through negotiation, without an RFP. In such cases and whenever an RFP is not required by the Policy, justification for not using an RFP must be prepared and maintained on file, either electronically or by hard copy. Written justification must be submitted to City Council for all PSAs that exceed \$10,000. Justification for a negotiated agreement must be signed by the Department Commissioner, Chief or Director and should address the following factors:

1. Description of the professional services being sought.
2. Description of the amount of the proposed compensation for the PSA with an explanation of how negotiated pricing was determined to be reasonable and best value to the City.
3. Description of the City's prior history with the consultant and explanation of why the Department believes it is in the City's best interest to continue to use that consultant and why it would not be beneficial to solicit other potential consultants.
4. Description of any emergency or unique circumstances that are the basis of the Department's determination that the project would be jeopardized or how it would otherwise be detrimental to the City if a full RFP process were followed.

5. Confirmation that the number of qualified and available specialized professionals is limited, making an RFP impractical. Include a description of the Department's need for such specialized consultants and the Department's knowledge of the market.
6. Where a project has multi-year State or Federal funding, explanation of why it is in the best interest of the project and the City to continue with the same consultant (e.g. where the design consultant on a project is retained for resident project representation services).

\* Electronic form for this Justification Statement to be made available.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-319 and  
Ordinance No. 2012-320

Re: 2011-12 Budget Amendment

Transmitted herewith for your approval is legislation amending the 2011-12 Budget. This legislation will:

1. Transfer \$1,300,000 from Contingency to Cash Capital to fund one-time capital expenditures.
2. Amend Ordinance No. 2012-53 by reducing the 2011-12 Cash Capital budget by \$2,000,000 and reducing anticipated grant revenue from New York for the construction of winter shed at the public market. Instead, the \$2,000,000 grant will be appropriated directly for this purpose.
3. Amend section 111-85 of the City Code to cap any parking violation late payment penalty to \$95 to avoid significant system reprogramming by the City Information Technology Department.

The City Council has previously authorized 41 other amendments to the 2011-12 Budget, and included seven appropriation transfers, 33 appropriation increases based upon the receipt of additional revenues, and one technical amendment.

Actual receipts and expenditures for 2011-12 will be audited by the City's external auditors Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

Increased Cash Capital

The proposed increase to the Cash Capital allocation is to fund capital projects as follows:

1. \$1,000,000 for build-out costs for office space for a downtown police detail. Use of this funding is contingent upon a "rent free" lease agreement with the developer of the former Sibley building, which will require City Council approval. The appropriation is requested at this time since this expense was anticipated to be funded from the 2011-12 Contingency allocation, and was not budgeted for 2012-13.
2. \$300,000 for tree trimming. The annual Cash Capital allocation for tree trimming was eliminated in 2011-12 and reduced in 2012-13. This allocation would provide adequate resources to complete deferred tree trimming.

The City Senior Management Team effectively managed their 2011-12 operating budgets, with actual spending less than 2011-12 Budget allocations. These efforts provide the flexibility to appropriate these additional capital funds at this time.

Re-appropriation of Public Market Grant

Ordinance 2012-53 authorized an agreement with the New York State Department of Agriculture and Markets for receipt and use of a \$2,000,000 grant for the Public Market Renovation and Expansion project and amended the 2011-12 Budget to reflect the grant. Subsequently, the Department of Recreation and Youth Services learned the funds for the grant will be on a reimbursement basis, necessitating this amendment.

Limiting Parking Fine Penalties

The 2012-13 Budget included increases in parking violation fines. The existing penalty structure would have resulted in some penalties exceeding two digits or over \$99. The amount of reprogramming effort required to accommodate the three digits exceeded the revenue that would have resulted from the three-digit penalty.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-319  
(Int. No. 392)

**Amending The 2011-12 Budget And Ordinance No. 2012-53 For Year-End Budget Amendments**

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,300,000 from the Contingency allocation to the Cash Capital allocation.

Section 2. Ordinance No. 2012-53, relating to the rehabilitation and expansion of the indoor sell-

ing space at the Public Market Wintershed and Public Market access and parking improvements, is hereby amended by repealing the Budget amendment contained in Section 3 thereof. The sum of \$2,000,000 is hereby appropriated from the funds to be received under the grant agreement authorized in said ordinance to fund the Public Market Improvements.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-320  
(Int. No. 393)

**Amending The Municipal Code With Respect To Parking Penalties**

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

Section 1. Section 111-85 of the Municipal Code, Fines and penalties for offenses and fees, as amended, is hereby further amended by amending subsection A(2) thereof, Additional penalties, by amending the first two full sentences thereof to read in their entirety as follows:

If the person charged fails to respond to a notice of violation for a parking violation within 30 days after the violation, said person shall be liable for an additional penalty equal to the amount of the fine for the original charge plus \$10, except that the additional penalty for violations of subsections A(1)(d) and (e) above shall be \$85. If the person charged fails to respond to a notice of violation for a parking violation within 75 days after the violation, said person shall be liable for another additional penalty in an amount of \$20, except that the total additional penalty for violations of subsections A(1)(d) and (e) above shall be \$95.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-321  
Re: Inter-Municipal Agreement - Monroe County and the Rochester Public Library, Use of Space at the Central Library

Transmitted herewith for your approval is legislation authorizing an agreement with the County of Monroe and the Rochester Public Library for use of underutilized space at the Central Library. The term of this agreement will be five years, with the option of one five-year renewal.

Two bureaus of the Department of Recreation and Youth Services, currently located at the former Sibley Building, will move to the Central Library before April 1, 2013. The Bureau of Youth Ser-

vices and the Office of Employment Opportunities will occupy space that has been vacated through Central Library staff reorganizations and the departure of the SUNY College Resource Center. City Council previously authorized an appropriation for the costs associated with renovation and moving (Ord. No. 2012-228).

A one-time retirement incentive was offered to City employees as part of the 2011-12 Budget to reduce ongoing departmental operating costs. Eight employees at Central Library took advantage of the incentive at a cost of \$120,000. Under the 1968 agreement for operation of the Central Library, the County reimburses the City for the salary and benefit costs of certain RPL Central employees. However, Monroe County funding for the incentive was not available, and was covered by the City from its Retirement Reserve.

In return for this investment into the Central Library Budget, Monroe County and the Library verbally agreed to provide a credit to the City for the use of space at the Central Library. Since the City owns and maintains the buildings, the cost to the City for space will be limited to a prorated share of certain facility and common space costs, based on the square footage used by the City. This agreement will formalize the verbal agreement and provide a template for other investments and use of space.

The space to be used by the City accounts for approximately 1.4% of the square footage in the Central Library. The estimated prorated value for April - June 2013 is \$5,925, which is one quarter of the annualized cost of \$23,700. The exact amount required from the retirement reserve will be determined at the year-end close, but shall not exceed \$120,000.

Similar legislation will be presented to the Monroe County Legislature by October 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-133

Ordinance No. 2012-321  
(Int. No. 394)

**Authorizing A Cooperation Agreement For The Use Of Space At The Rundel Library Building**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe and the Rochester Public Library for the use of space in the Rundel Library Building by the City's Bureau of Youth Services and Office of Employment Opportunities. The term of the agreement shall be for 5 years, commencing with the move of the offices by April 1, 2013, and the agreement may contain one five-year renewal option.

Section 2. The agreement shall obligate the City to pay a prorated amount of the building costs, such as utilities, cleaning, security and common area costs, based on the amount of space occupied by the City. The City shall receive a credit against these payments in an amount equal to the amount funded by the City for the retirement incentive for Central Library employees, not to exceed \$120,000.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklyn moved to discharge Int. No. 360 from Committee.

The motion was seconded by Councilmember Miller.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-322  
Re: Agreement - Monroe Community College,  
AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$66,000 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 2012-13 Budget.

The AmeriCorps program is a Federal community service initiative for individuals aged 17 or older. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$12,100 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$5,550. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth. The City has participated since the program's inception in 1994.

The local program is administered by Monroe Community College. Local cost-sharing budgeted at \$275,654 in non-federal cash and over \$304,000 of in-kind contributions leverages \$580,214 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program is funded to enroll 45 individuals this year; City funding supports 11 placements: three with the Police Department's Victim Assistance Unit, two in Neighborhood Service Centers and six in City recreation programs.

Rochester Police Department. AmeriCorps members 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 Business and Neighborhood Development. Two members will be assigned to Neighborhood Service Centers (SE and SW) to engage youth in civic engagement, job readiness, career exploration, and college preparation through the Citizen Explorers program. Youth participants will also effect change in their neighborhoods through community improvement projects.

Department of Recreation and Youth Services. Members provide support city-wide to youth councils and youth advisors, and conduct activities related to job readiness, youth entrepreneurship, civic engagement, youth fitness, gender equity in sports programming, healthy lifestyle choices, service learning, etc.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-134

Ordinance No. 2012-322  
(Int. No. 360)

**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 \$66,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe Community College for the continued support of the AmeriCorps Program. Said amount shall be funded from the 2012-13 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 397 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-323  
Re: Authorization to Re-fund Outstanding Bonds Issued by DASNY on Behalf Of the Rochester City School District

Transmitted herewith for your approval is legislation authorizing the re-funding (refinancing) of outstanding bonds of the Rochester City School District (RCSD) either by the Dormitory Authority of the State of New York (DASNY) or by the City

for RCSD.

The current outstanding bonds, DASNY's School Districts Revenue Bond Financing Program Revenue Bonds, were issued during calendar year 2002. New York State provided special legislation authorizing this program because the New York State Legislature changed its method of calculating State Building Aid for school districts. The authorization of this program gave school districts within the State one chance to re-fund outstanding school district bonds to better align the new State Building Aid with their debt service payments on those bonds. The DASNY bonds were issued with a 10-year call provision effective 2012.

Due to the low interest rates currently available, it has become financially beneficial for DASNY to call the bonds and re-fund the outstanding balance, which is currently \$15,751,000 for RCSD. Re-funding through DASNY would result in a \$100,000 bond issuance fee to New York State as well as bond counsel fees. While never exercised by DASNY, the NYS Education Law does provide for the Commissioner of Education to reset the rates every 10 years. At the present time, DASNY is working through what those rates would be.

However, given the City's bond rating, it is likely that re-funding these bonds on our own might be more beneficial. If that option is exercised, the proceeds of the re-funding must be sent to DASNY no later than September 24, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-135

Ordinance No. 2012-323  
(Int. No. 397)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing Refunding Of Certain Bonds Issued On Behalf Of The City By The Dormitory Authority Of The State Of New York**

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") participated in the Dormitory Authority of the State of New York ("DASNY") 2002 School District Revenue Bond Financing Program (the "2002 Bonds") to finance certain improvements to Rochester City School District facilities assisted through the State of New York school building aid program. The 2002 Bonds included a provision whereby the 2002 Bonds could be redeemed at 100% of the principal amount thereof after ten (10) years if interest rates had fallen and debt service savings could be achieved.

Section 2. DASNY is in the process of redeeming the approximately \$600,000,000 principal amount of the 2002 Bonds outstanding and has instructed the City to refund its portion of the 2002

Bonds either through issuance of its own general obligation bonds or by participation in DASNY's current refunding of its 2002 Bonds.

Section 3. The City hereby determines that refunding the City portion of the 2002 Bonds will result in substantial debt service savings to the City and City Council hereby authorizes issuance and sale of its current refunding bonds to redeem the City portion of the 2002 Bonds, currently estimated to be in a principal amount not to exceed \$17,300,000.

Section 4. The Director of Finance of the City, the City's Chief Financial Officer, with the advice and consent of Corporation Counsel, is hereby instructed to provide for redemption of the City portion of the 2002 Bonds by issuance and sale of the City's general obligation refunding bonds, including the terms, form and content thereof, in a principal amount not to exceed \$17,300,000 (the "Bonds").

Section 5. The Bonds authorized hereby 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 shall be irrevocably pledged to the punctual payment of the principal of and interest on said Bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. This Ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo  
August 21, 2012

To the Council:

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

Int. No. 361 - Authorizing The Sale Of Real Estate

Int. No. 362 - Amending Chapter 50 Of The Municipal Code, Conveyance Code

Int. No. 363 - Amending Chapter 21 Of The Municipal Code, Real Estate, With Respect To Eligibility Of Purchasers

Int. No. 364 - Appropriating Funds And Authorizing Agreements For The Citizen Explorers Youth Engagement Program, As Amended

Int. No. 391 - Amending Ordinance No. 2012-247 Authorizing A Loan Agreement For The Harris Park Apartments Project

Int. No. 396 - Approving An Extension Of Re-

versionary Interest In The Tryon Park Apartments  
The following entitled legislation is being held in Committee:

Int. No. 389 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Special Permit And Area Variance Standards

Int. No. 390 - Changing The Zoning Classification Of 27 Irvington Road From R-1 Low Density Residential To C-2 Community Center

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-324  
Re: Sale of Real Estate

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

The first two properties are vacant lots and are being sold to their adjacent owners. Both parcels being sold will be combined with the buyers' current parcels.

The next three parcels are unbuildable vacant lots; all are being sold to their adjacent owners to be combined with their existing properties.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$948.

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,  
Thomas S. Richards  
Mayor

Attachment No. AL-136

Ordinance No. 2012-324  
(Int. No. 361)

**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>Sq. Ft.</u>	<u>Price</u>
945 Joseph Ave 091.71-4-26	39x100	3,900	\$400
		Maggie D. Harris	
122 Scrantom St 106.38-1-40	41x135	5,569	\$450
		Miriam Rodriquez	

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>Sq. Ft.</u>
32 Jefferson Ter 120.52-3-56	35x56	1,960
		Ashley Y. Williams
N. Half of 72 Reynolds St Pt. of 120.52-2-4.3	14x72	1,190
		Donna Danner
S. Half of 72 Reynolds St Pt. of 120.52-2-4.3	30x93	2,790
		Henry Hicks

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. The ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-325  
Re: Amending the City Code - Certification  
Of Elevator Inspection Companies

Transmitted herewith for your approval is legislation amending Chapter 50 of the City Code, Elevators, Escalators and Other Conveyances, to provide for the certification of elevator inspection companies.

All elevators and similar conveyances are required to be inspected periodically. Inspections of privately-owned conveyances in the city are conducted by National Elevator Inspection Services (NEIS) through an agreement with the City, which gives them exclusive rights to this service. Inspections of City-owned conveyances have traditionally been conducted by a full-time staff member. However, that position has been reduced to part-time, requiring the City to use NEIS for some inspections. NEIS has been under contract with the City for these purposes since 1987.

The most recent agreement with NEIS expired on July 1, 2012, which provides an opportunity for the City to engage additional vendors of this service. However, due to the terms of the previous contracts, the Code has not included regulations for certifying such companies.

This amendment will enable the City to certify qualified firms so that more flexibility in selection of service providers will be possible. The resulting additional elevator inspection resources will enhance the efficiency of the elevator certification program and provide City customers with a choice of service providers.

Upon adoption of the Code changes, an RFP will be issued to secure elevator inspection services for City sites that cannot be handled by current City staff.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-325  
(Int. No. 362)

**Amending Chapter 50 Of The Municipal Code, Conveyance Code**

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

Section 1. Chapter 50 of the Municipal Code, Conveyance Code, as amended, is hereby further amended as follows:

- a. Section 50-3, Definitions, is amended by amending the definition of Certificate of Registration to read in its entirety, and by adding a new definition of Inspection Company where it should appear in alphabetical order, as follows:

**CERTIFICATE OF REGISTRATION** - The document issued by the Board which allows an installer or inspection company to do business in the City of Rochester.

**INSPECTION COMPANY** - A person or firm certified to conduct inspections of conveyances in the City of Rochester.

- b. Subsection E of Section 50-5, Duties of Commissioner of Neighborhood and Business Development, is amended to read in its entirety as follows:

E. Make all inspections which are necessary or proper for the carrying out of these duties, except that the Commissioner may accept written reports of inspections from other qualified employees of the Department or may, in the Commissioner's discretion, accept and rely on written reports by a licensed inspector, working for a certified inspection company.

c. Subsection B of Section 50-7, Application for licenses: fees, is amended to read in its entirety as follows:

B. Every applicant for an inspector's license shall make application for a license on forms as prescribed by the Board. The applicant shall state his or her name, address, the certified inspection company he or she works for and current qualified elevator inspector (QEI) certification.

d. Subsection A(2) of Section 50-8, Qualification for license, is amended to read in its entirety as follows:

(2) Applicants must satisfy the Board as to their experience by submitting proof of their current qualified elevator inspector (QEI) certification.

e. Subsection C of Section 50-9, Issuance of licenses, is amended to read in its entirety as follows:

C. It shall be unlawful for any person or firm to possess both an installers certificate of registration or an elevator mechanics license and an inspectors license or an inspection company certificate of registration at the same time, regardless of whether the person, firm or company qualifies for both licenses and/or certificates of registration.

f. The title of Article IV is amended to read "Registration of Installers and Inspection Companies."

g. Subsection A of Section 50-11, Application for registration, is amended to read in its entirety as follows:

A. Other than qualified city employees, no person, corporation, partnership or firm shall install or inspect conveyances in the City without procuring a certificate of registration under this article. The applicant shall state his or her name and address and provide a list of company principals.

h. Subsection D of Section 50-11 is amended by changing the fee for a certificate of registration from \$200 to \$500.

i. Subsection A of Section 50-13, Expiration and renewal of certificate of registration, is amended by changing the renewal fee for a certificate of registration from \$200 to \$500.

j. Subsection G of Section 50-13 is amended to read in its entirety as follows:

G. Fee schedule.

Period

	<u>Renewal</u>	<u>Late Filing</u>	<u>Penalty Fee</u>	<u>Total</u>
Filed between December 1 and December 31	\$500.00	--	--	--
Filed between January 1 and January 31	--	\$500.00	\$50.00	\$550.00
Filed between February 1 and March 1	--	\$500.00	\$100.00	\$600.00

k. Subsection E of Section 50-2, Periodic inspections and tests, is amended to read in its entirety as follows:

E. Inspection reports. All inspection reports resulting from inspections required by this section shall be submitted electronically or otherwise made available to the City within 7 days of the inspection being performed.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-326  
Re: Amending the City Code - Chapter 21, Eligibility of Purchasers of City-owned Property

Transmitted herewith for your approval is legislation amending Chapter 21 of the City Code as it relates to the eligibility of purchasers of City-owned property. This amendment will prevent unnecessary elimination of potential responsible purchasers.

Current eligibility requirements are based on the goal of ensuring purchasers will be responsible property owners. One of the criteria for eligibility is a requirement that the purchaser cannot own other property within the city that is in violation of City Codes. That statement prohibits the City from distinguishing between property owners whose real estate holdings are in serious disrepair, and those who are engaged in multiple rehabilitation projects. The latter group, often real estate developers, may indeed be "responsible property owners," in spite of owning properties with code violations. These violations may, in fact, be attributable to the fact that the properties are being rehabilitated.

Rather than outright disqualification, the amendment states that purchasers who own property within the City of Rochester that is in violation of City codes shall be deemed ineligible to purchase property from the City unless the violation(s) are on property that is part of construction, rehabilitation or development projects, or is undergoing periodic Certificate of Occupancy renewal, and it is established by the Department of Neighborhood and Business Development that the purchaser is making satisfactory progress toward the abatement of those violations.

This amendment will allow a more in-depth review of purchaser eligibility by allowing the Department of Neighborhood and Business Development to review any unresolved code violation cases prior to determining eligibility for purchasing City-owned property. For each incidence in which a sale is recommended to a purchaser who has an open case against another property, Council will be provided with the basis for that recommendation.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-137

Ordinance No. 2012-326  
(Int. No. 363)

**Amending Chapter 21 Of The Municipal Code, Real Estate, With Respect To Eligibility Of Purchasers**

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

Section 1. Section 21-16 of the Municipal Code, Eligibility of purchasers, as amended, is hereby further amended by amending subsection B thereof to read in its entirety as follows:

- B. Purchasers who have engaged in fraudulent activity in connection with the sale of a City-owned property, who have lost real property through tax foreclosure proceedings within the previous five years, who own property within the City of Rochester for which taxes are not current, who have had a sale cancelled by the City of Rochester within the previous three years, who have been held in contempt of a court order for failure to abate code violations within the previous five years, or who have unsatisfied judgments in the Municipal Code Violations Bureau within the previous five years, shall be ineligible to purchase property from the City. Purchasers who own property within the City of Rochester that is in violation of City codes shall be deemed ineligible to purchase property from the City unless the violation(s) are on property that is part of construction, rehabilitation or development projects, or is undergoing periodic Certificate of Occupancy renewal, and it is established by the Department of Neighborhood and Business Development that the purchaser is making satisfactory progress toward the abatement of said violations. Where the purchaser is not an individual, these provisions shall also apply to officers, principals and related businesses or associations. Such provisions shall not apply to purchasers of unbuildable vacant land.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-327  
Re: Citizen Explorers Youth Engagement  
Project - Focused Investment Strategy  
Areas

Transmitted herewith for your approval is legislation appropriating a total of \$112,000 from the 2011-12 (\$84,838) and 2012-12 (\$27,162) Neighborhood and Asset-Based Planning Fund allocations of Community Development Block Grant to support the Citizen Explorers in Focused Investment Strategy Areas of the Southeast and Southwest Quadrants. This legislation will also authorize any agreements necessary for implementation of the project.

The Citizen Explorers program was designed through a collaboration of NBD staff and community partners, including Cornell Cooperative Extension of Monroe County, Cornell University, Rochester AmeriCorps, Rochester Youth Year, and the Safety Net Organizations.

The project supports youth in achieving four goals: civic engagement, job readiness, career exploration, and college preparation for youth who live, attend school or are connected with an agency in the FIS areas of the Southwest and Southeast.

A total of 30 youth ages 14-16 will be recruited from the two FIS areas to work on projects proposed in the respective FIS Implementation Plans. The program will operate twice a week from 4:00 to 6:00 p.m. and some Saturdays. Activities will be determined primarily by the youth and coordinated by staff (a coordinator, two AmeriCorps members, and a Vista volunteer). Participants will each receive a \$500 stipend, and those who successfully complete the program during the school year will be offered work experience at different sites for summer employment.

The total cost of the project is \$128,560. The additional \$16,560 is funded by Cornell Cooperative extension to support the wages of a program coordinator.

Project description and budget are attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-138

Ordinance No. 2012-327  
(Int. No. 364, As Amended)

**Appropriating Funds And Authorizing Agreements For The Citizen Explorers Youth Engagement Program**

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

Section 1. There is hereby appropriated from the

Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2011-12 Community Development Block Grant the sum of \$84,838, and there is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2012-13 Community Development Block Grant the sum of \$27,162, or so much thereof as may be necessary, to fund the Citizen Explorers Youth Engagement Program in the Southeast and Southwest Focused Investment Strategy Areas. In addition, \$782 shall be funded from the 2008-09 City Development Fund and \$6,538 shall be funded from the 2009-10 City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Program.

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

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-328  
Re: Amending Ordinance No. 2012-247

Transmitted herewith for your approval is legislation Amending Ordinance No. 2012-247 which authorized a loan agreement for the Harris Park Apartments Project. This amendment will correct the recipient of the loan from Conifer Realty to Harris Park/Winton Associates, LLC or an entity to be formed by Conifer Realty.

Conifer Realty reached an agreement in principle to purchase Harris Park on May 1, 2012 but did not finalize their financing model until recently.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-328  
(Int. No. 391)

**Amending Ordinance No. 2012-247 Authorizing A Loan Agreement For The Harris Park Apartments Project**

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

Section 1. Ordinance No. 2012-247, authorizing a loan agreement for the Harris Park Apartments Project, is hereby amended by authorizing the loan

to be with Harris Park/Winton Associates, LLC or an entity to be formed by Conifer Realty.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-329  
Re: Reversion Agreement - Tryon Park Apartments

Transmitted herewith for your approval is legislation authorizing an extension of a reversion agreement with Tryon Park Apartments, Inc. for 30 years, to 2042. Tryon Park Apartments, Inc., a subsidiary of Rochester Management, is a redevelopment company organized under Article 5 of the Private Housing Finance Law with offices at 249 Norton Village Lane, Rochester. The current reversion date is June 1, 2020.

Tryon Park Apartments (located at 100 Coleridge Road and 87 Marsden Road) is a 106 unit housing complex built in 1973. The initial reversion provision was included in the deed recorded October 24, 1973. It was authorized for a term of 40 years ending in June 2013. Ordinance No. 99-427 authorized the extension of the agreement to June 2020.

The agreement states that any extension or refinancing of indebtedness that extends beyond the 40 years or the term of the original mortgage, whichever period is less, requires the consent of the City of Rochester. Staff have reviewed the project and recommend the extension of the reversion.

Historically, reversion extensions result in a cash payment. However, in this case, extensive renovations are planned that include: kitchen and bath upgrades, new HVAC, doors, closets, interior painting, carpeting, roof and gutters, and landscaping. In addition, a new community space will be constructed. It should also be noted that Tryon Park Apartments is fully taxed and will continue to pay full taxes.

Work is anticipated to begin this fall and be completed in the fall of 2013. The total development cost will be \$3,715,900. The renovations are being financed by M & T Bank (\$3,600,000) and a portion of Tryon Park Apartments, Inc. reserves (\$115,900). The term of the bank loan is 5% interest for 30 years.

The project is mixed income serving income levels from below 30% MFI to market rate. It is anticipated that the income mix will remain as follows:

Under 30% AMI	14
30-60% AMI	32
60-80% AMI	29
80-100% AMI	12
Over 100% AMI	16
Not currently rented	<u>3</u>

Total 106

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-139

Ordinance No. 2012-329  
(Int. No. 396)

**Approving An Extension Of Reversionary Interest In The Tryon Park Apartments**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Tryon Park Apartments, Inc. to extend the City's reversionary right, title and interest in and to the Tryon Park Apartments at 100 Coleridge Road, SBL No. 107.67-1-13, and 87 Marsden Road, SBL No. 107.67-1-23, through not later than December 31, 2042.

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.

Councilmember Palumbo moved to discharge Int. No. 390 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-330  
Re: Zoning Map Amendment -  
27 Irvington Road

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 27 Irvington Road from R-1 Low Density Residential to C-2 Community Center District.

The property at 27 Irvington Road is a vacant parcel. The rezoning will enable this property to be combined with the adjacent property at 1575 Mt. Hope Avenue. The Mt. Hope parcel, currently a vacant vehicle repair facility, is proposed to be redeveloped as a retail optical center and a single lane drive-thru bank ATM operation. Combining the properties will provide a site large enough to accommodate the redevelopment. Both properties are owned by the applicant.

The City Planning Commission held an informational meeting on this proposed rezoning on August 6, 2012. Two people spoke in support of the rezon-

ing, and three people spoke in opposition. By a vote of 4-0, the Planning Commission recommended approval. The minutes and decision from that meeting are attached.

A public hearing on the re-zoning is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-140

Ordinance No. 2012-330  
(Int. No. 390)

**Changing The Zoning Classification Of 27 Irvington Road From R-1 Low Density Residential To C-2 Community Center**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 27 Irvington Road, from R-1 Low Density Residential to C-2 Community Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 68, Second Division, and being more particularly bounded and described as follows: Beginning at a point in the centerline of Irvington Road (60' ROW) at the intersection of the northerly extension of the east line of Lot 64 of the University Estates Subdivision, as filed in the Monroe County Clerk's Office in Liber 63 of Maps, Page 16, said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said extension and the east line of Lot 64, a distance of 122.0 feet to the southeast corner thereof; thence
- 2) Southwesterly, along the rear line of said Lot 64, a distance of 50.54 feet to the southwest corner thereof; thence
- 3) Northerly, along the west line of said Lot 64 and its extension, a distance of 145.0 feet to said centerline of Irvington Road; thence
- 4) Easterly, along said centerline, a distance of 45.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 389  
Re: Zoning Text Amendment - Special Permit  
And Area Variance Standards

Transmitted herewith for your approval is legislation amending Sections 120-192 and 120-195 of the Zoning Code of the City of Rochester related to the standards for approving Special Permits and Area Variances, respectively. These changes will clarify the standards, enabling simpler application by the City Planning Commission and the Zoning Board of Appeals.

Currently, five standards are listed for granting a Special Permit. The first, "the proposed use being in harmony with the City's Comprehensive Plan," will be eliminated. Since special permit uses are technically permitted uses, they are, by definition, in harmony with the goals of the Comprehensive Plan. Specially permitted uses, however, may not be appropriate in all locations, and will continue to require a public review. The remaining changes to the Special Permit standards will simplify the language regarding the potential impacts of proposed uses.

The changes to the Area Variance standards will align the Code more closely with language currently in the New York State Code. These changes will clarify the relative weight given to consideration of the benefit to the applicant against the detriment to the health, safety and welfare of the neighborhood or community.

The City Planning Commission held an informational meeting on the proposed text amendments on August 6, 2012. Three people spoke in support of the amendment. There were no other speakers. By a vote of 4-0 the Commission recommended approval. The minutes and decision of that meeting are attached.

A public hearing is required for the zoning text amendments.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 389

**AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, ZONING CODE, WITH RESPECT TO SPECIAL PERMIT AND AREA VARIANCE STANDARDS**

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

Section 1. Section 120-192 of the Municipal Code, Procedures approved by the Planning Commission, as amended, is hereby further amended by amending subsection B(3)(a)[1] thereof to read in its entirety as follows:

- [1] A special permit shall be approved only if evidence is presented which establishes that:
- [a] The location, size, nature and intensity of the proposed use will not have a substantial or undue adverse effect on the surrounding neighborhood because of such factors as traffic conditions, park-

ing, change to neighborhood character or other matters affecting the public health, safety and general welfare of the neighborhood.

- [b] The location, size, nature and intensity of the proposed use will not interfere with the development or use of neighboring properties because of such factors as noise, glare, fumes, odor, dust, appearance or other detrimental or obnoxious impacts.
- [c] The proposed application will be served adequately by essential public facilities and services such as police and fire protection, drainage structures, refuse disposal, and water and sewers, or the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- [d] The proposed application will not result in the destruction, loss or damage of any natural, scenic, cultural or historic feature of significant importance.

Section 2. Section 120-195 of the Municipal Code, Procedures approved by the Zoning Board of Appeals, as amended, is hereby further amended by amending subsection B(4)(b) thereof to read in its entirety as follows:

- (b) In making its decision on an area variance application, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider:
- [1] Essential character of the area. No undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- [2] No other remedy. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than the area variance.
- [3] Significance. The requested area variance is not substantial.
- [4] Physical and environmental conditions. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- [5] Not self-created. The alleged difficulty was not self-created, the consideration of which shall be relevant to the decision of the Board of Appeals, but if self-created, shall not necessarily preclude the granting of the area variance.

Section 3. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Scott  
August 21, 2012

To the Council:

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

Int. No. 365 - Authorizing Participation In The Driving Park Bridge Preventive Maintenance Project

Int. No. 366 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$755,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Benton Street Group II Curb Replacement Project In The City

Int. No. 367 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services

Int. No. 368 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$750,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2012 Water Main Extension And Improvements Program In The City

Int. No. 369 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue And ARTWalk Extension Improvement Project

Int. No. 388 - Authorizing Participation In The Elmwood Avenue Bridge Preventive Maintenance Project

Int. No. 395 - Authorizing An Amendatory Agreement With The County Of Monroe For Green Fueling Stations

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

Int. No. 370 - Approving Decreases In The Pavement Width Of Northland Avenue And Lyceum Street

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-331  
Re: Driving Park Bridge Preventive Maintenance Project

Transmitted herewith for your approval is legislation related to the Driving Park Bridge over the Genesee River Preventive Maintenance Project. This legislation will:

1. Authorize agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in, administer, and fund the local share of the project; and
2. Authorize the receipt and use of \$208,800 in anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of the design services and project administration.
3. Commit a total of \$261,000 in City resources for related design services to be funded from the FHWA reimbursements (\$208,800); 2012-13 Cash Capital (\$50,000); and the 2012-13 Budget of the Department of Environmental Services (\$2,200).

Recent bridge inspections indicate specific bridge-elements have reached a point of deterioration requiring preventative maintenance activities to prolong the life of the structure. Included in the project are the following work activities: full removal and replacement of the concrete deck for the main span (span 3), partial and localized deck repairs, removal and resetting of bridge railing, removal and replacement of curbs and sidewalks, structural steel repairs (span3), expansion joint replacements, bridge washing, scupper cleaning, and localized paint repairs. The estimated project cost is \$3,000,000.

Proposals for design services are currently being solicited, however due to the Federal Fiscal Year ending in September 2012, local authorization to participate, administer, and fund the local shares for the project must be made at this time in order to be eligible for the 80% federal match for design services (\$208,800).

A request for authorization of consultant services for the design work will be submitted to Council in September. The project will result in the creation/retention of the equivalent of 32.6 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-141

Ordinance No. 2012-331  
(Int. No. 365)

**Authorizing Participation In The Driving Park Bridge Preventive Maintenance Project**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Council hereby approves participation in and administration by the City of the Driving Park Bridge over the Genesee River Preventive Maintenance 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 and fund the local share of 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 Project improvements. The agreements shall commit the City to fund \$261,000 for the design phase of the Project, which amount shall be funded from the funds appropriated in Section 3, the 2012-13 Cash Capital allocation, and the 2012-13 Budget of the Department of Environmental Services.

Section 3. The sum of \$208,800 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-332  
Re: Benton St. Group II, Curb Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$755,000 and the appropriation of the proceeds thereof to partially finance street improvements related to the Benton St. Group II, Curb Replacement Project. Included in this project are the following streets:

- Benton Street  
Mt. Vernon Ave. to S. Clinton Ave.
- Raymond Street  
Howard St. to S. Clinton Ave.
- Mulberry Street  
S. Goodman St. to Rockingham St.
- Weider Street  
Nicholson St. to Cayuga St.

The Project, designed by the Department of Environmental Services, Bureau of Architecture and Engineering, includes installation of new curbs, driveway aprons, and catch basins; replacement of sidewalk as needed; and topsoil and seed.

Bids for construction were received on July 24, 2012. The apparent low bid of \$754,017 was sub-

mitted by Gordon J. Phillips, Inc., which is 13.8% less than the engineer's estimate. An additional \$79,253 will be allocated for project contingencies and tree plantings.

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

	<u>Construction</u>	<u>Contingency</u>	<u>Totals</u>
Street bonds	\$749,327	\$5,673	\$755,000
Street cash		73,100	73,100
Water cash	4,390	450	4,840
Traffic	300	30	330
Total	\$754,017	\$79,253	\$833,270

A public meeting was held on June 5, 2012. A copy of the meeting minutes are on file in the City Clerk's Office.

Construction is scheduled to start in the fall of 2012 and be completed in the spring of 2013. The project will result in the creation/retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-142

Ordinance No. 2012-332  
(Int. No. 366)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$755,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Benton Street Group II Curb Replacement 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 the construction and reconstruction of certain streets as a part of the Benton Street Group II Curb Replacement Project, including improvements to Benton Street (Mount Vernon Avenue to South Clinton Avenue), Raymond Street (Howard Street to South Clinton Avenue) Mulberry Street (South Goodman Street to Rockingham Street) and Weider Street (Nicholson Street to Cayuga Street) in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$833,270. The plan of financing includes the issuance of \$755,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$78,270 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$755,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-333  
Re: Agreement - Term Resident Project  
Representation Services

Transmitted herewith for your approval is legislation establishing \$380,000 as maximum compensation for a three year agreement with Vanguard Engineering P.C. (Rochester) for term resident project representation (RPR) services.

The cost of the agreement will be financed from the Department of Environmental Services prior years' Cash Capital (\$309,000), 2011-12 Cash Capital allocation (\$42,000) and the General Community Needs allocation of the 2009-10 Community Development Block Grant (\$29,000).

Typically, RPR (inspection) services for City-designed construction projects are provided by either City personnel or private consultants on a project-by-project basis. During peak periods of the summer construction season, sufficient City personnel are not available. Having this term contract in place allows the Department of Environmental Services to use private service as needed.

A request for proposals was advertised on the City's web site. In addition to Vanguard, proposals were received from Passero Associates (14604) and Ravi Engineering & Land Surveying, P.C. (Brighton NY). Evaluation of proposals by members of the Architecture and Engineering Bureau was based on the firm's experience with similar City projects, location, and expertise and availability of staff.

Vanguard Engineering, P.C. will provide RPR services for the City's annual Hazardous Sidewalk Replacement Projects and the Susan B. Anthony

Trail Project.

Consultant services will begin in summer 2012 for the annual Hazardous Sidewalk Replacement Projects, currently underway. It is anticipated that construction of the Susan B. Anthony Trail Connection Project will begin in summer 2012 with scheduled completion in fall 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-143

Ordinance No. 2012-333  
(Int. No. 367)

**Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services**

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

Section 1. The sum of \$380,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Vanguard Engineering P.C. for resident project representation services for three years. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$309,000 shall be funded from the Cash Capital allocation from prior years, \$42,000 shall be funded from the 2011-12 Cash Capital allocation and \$29,000 is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-334  
Re: Bond Authorization - Water Main  
Extensions and Improvements Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$750,000 as identified in the 2012-13 Capital Improvement Program (Water Fund), and appropriating the proceeds thereof for the 2012 Water Main Extensions and Improvements Program. The Program provides for the scheduled replacement of deteriorated and inadequate water mains.

The proposed bonds will finance water main improvements on Crittenden Boulevard, from Kendrick Road to 500' west of Mt. Hope Avenue. Approximately 0.4 miles of new water main will be installed to increase flow for regular consumption and fire protection.

The improvements are scheduled to begin in the fall of 2012 and be completed by spring 2013. Project inspection will be performed by Water Bureau personnel.

This project will be responsible for the creation and or retention of the equivalent of eight full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-144

Ordinance No. 2012-334  
(Int. No. 368)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$750,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2012 Water Main Extension And Improvements Program In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of water mains along Crittenden Boulevard as part of the 2012 Water Main Extension and Improvements Program in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$750,000 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 \$750,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$750,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of

11.00 a. 1. of the Law, is forty (40) years.

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

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

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

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

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

the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-335  
Re: Amendatory Agreement - Young  
Audiences-Arts for Learning-Rochester,  
University Avenue Improvement and  
Art Walk Extension Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Young Audiences-Arts for Learning-Rochester (YA of R), Rochester 14607, for additional services for art installations for the University Avenue Improvement and Art Walk Extension Project. Ordinance No. 2011-363 established maximum compensation of \$30,000 for the administration of the Mosaic Light Pole installations for the project. This amendment will increase compensation by \$4,700 (for a maximum of \$34,700) for administration of the Painted Utility Box Call for Art, another component of the project. The additional cost will be financed from American Recovery and Reinvestment Act funds appropriated through Ordinance No. 2009-156.

YA of R will manage this Call and involve youth who are currently engaged in their various workshop programs. The total budget to artistically paint two traffic control boxes is \$4,700.

The Painted Utility Box art project will begin in summer 2012 with scheduled completion in fall 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-335  
(Int. No. 369)

**Establishing Maximum Compensation For  
An Amendatory Professional Services Agreement For The University Avenue And  
ARTWalk Extension Improvement Project**

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

Section 1. The sum of \$4,700, 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 Young Audiences-Arts for Learning-Rochester for the administration of the Painted Utility Box Call for Art as a component of the University Avenue and ARTWalk Extension Improvement Project. Said amount shall be funded from anticipated reimbursements from the Federal Government under the American Recovery and Reinvestment Act appropriated in Section 2 of Ordinance No. 2009-156.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-336  
Re: Elmwood Avenue Bridge Preventive  
Maintenance Project

Transmitted herewith for your approval is legisla-  
tion related to the Elmwood Avenue Bridge over  
the Genesee River Preventive Maintenance Project.  
This legislation will:

1. Authorize agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project.
2. Authorize the receipt and use of \$70,934 in anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of the design services and project administration.
3. Commit a total of \$88,667 in City resources for the design phase of the project to be funded from the anticipated federal appropriation (\$70,934) requested herein, 2012-13 Cash Capital (\$16,000), and the 2012-13 Budget of the Department of Environmental Services (\$1,733).
4. Establish \$80,000 as maximum compensation for an agreement with C&S Engineers, Inc. (Rochester) for design services related to the Project. The cost will be funded from anticipated reimbursements from the FHWA (\$64,000), and 2012-13 Cash Capital (\$16,000).

The Project includes the following work: full deck slab scarification, deck overlay systems, localized full depth deck repairs, localized curb replacement, expansion joint replacements, relocation of street lighting system, bridge washing and scupper cleaning. Recent bridge inspections indicate specific bridge elements have reached a point of deterioration where preventive maintenance activities are warranted to prolong the life of the structure. The estimated project cost is \$1,120,000.

Qualifications were solicited from the fourteen firms on the NYSDOT list of pre-approved regional engineering firms. Nine firms submitted proposals: Barton & Loguidice, P.C.; Bergmann Associates, P.C.; Clark, Patterson and Lee; Ravi Engineering; Fisher Associates; Stantec; LaBella Associates, P.C.; C&S Engineers, Inc.; and T.Y. Lin International. A team of four engineering professionals from DES, and an observer from the NYSDOT for Federal audit and procedural purposes, recommended C&S Engineers, Inc. based on a review of the qualifications, staff assigned to the work, and approach to the project.

Administration services provided by the Depart-

ment of Environmental Services will be funded in part (\$6,934) from the anticipated reimbursements from FHWA.

Design services will begin in fall 2012. Construction is planned to begin in spring 2014 with scheduled completion in late fall 2014. The project will result in the creation/retention of the equivalent of 12.3 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-145

Ordinance No. 2012-336  
(Int. No. 388)

**Authorizing Participation In The Elmwood Avenue Bridge Preventive Maintenance Project**

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

Section 1. The Council hereby approves participation in and administration by the City of the Elmwood Avenue Bridge over the Genesee River Preventive Maintenance 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 and fund the local share of 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 Project improvements. The agreements shall commit the City to fund \$88,667 for the design phase of the Project, which amount shall be funded from the funds appropriated in Section 3, the 2012-13 Cash Capital allocation, and the 2012-13 Budget of the Department of Environmental Services.

Section 3. The sum of \$70,934 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Project.

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

Section 5. 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 C&S Engineers, Inc. for design services for the Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$64,000 shall be funded from the appropriation made in Section 3 and \$16,000 shall be funded from the 2012-13 Cash Capital allocation.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-337  
Re: Amendatory Agreement - Monroe  
County, Green Fueling Stations

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe County related to the Green Fueling Stations, a joint project with Monroe County. The original agreement was authorized via Ordinance No. 2012-265. This amendment will increase the City share by \$115,000, which will be funded from prior years' Cash Capital.

This amendment is required as a result of Monroe County's disqualification of the initial low bidder, and the award of the contract to the second low bidder, which increased the City's share of the total project cost by \$115,000.

The total project estimate for both facilities is \$7,065,000, based on bids opened on June 6, 2012. This amount will be partially funded from the Federal Transportation Improvement Program Congestion Mitigation and Air Quality Grant (CMAQ) (\$4,980,000) that is being administered by Monroe County.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-337  
(Int. No. 395)

**Authorizing An Amendatory Agreement  
With The County Of Monroe For Green Fueling  
Stations**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe for design and construction services for green alternative fueling stations to service municipal fleet vehicles. The additional City share of the Project shall not exceed \$115,000. Said amount shall be funded from the Cash Capital allocation from prior years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-338  
Re: Pavement Width Changes - Northland

Avenue and Lyceum Street

Transmitted herewith for your approval is legislation authorizing the following pavement width changes to Northland Avenue and Lyceum Street as part of the 2012 Preventive Maintenance Project.

1. Pavement width changes on Northland Avenue at the intersection with Lyceum Street:
  - a) A decrease from an existing width of 40 feet to the proposed width of 32 feet (a narrowing of 8 feet) from 55 feet west of Lyceum Street to Lyceum Street;
  - b) A decrease from an existing width of 40 feet to the proposed width of 32 feet (a narrowing of 8 feet) from 55 feet east of Lyceum Street to Lyceum Street;
2. Pavement width changes on Lyceum Street at the intersection with Northland Avenue:
  - a) A decrease from an existing width of 40 feet to the proposed width of 30 feet (a narrowing of 10 feet) from 55 feet south of Northland Avenue to Northland Avenue.

The overall project includes: milling and resurfacing of the pavement; isolated pavement repairs at deteriorated pavement sections; installation of pavement markings; spot hazardous sidewalk repairs; spot curb replacement; and modification of existing handicap ramps for compliance with current ADA guidelines.

The pavement width changes will allow for safer pedestrian crossings at the intersection of Northland Avenue and Lyceum Street, and eliminate the need for the flashing red signal at this intersection.

The project is supported by Federal funds.

Construction is anticipated to start in spring 2013 and be completed by fall 2013. The Traffic Control Board endorsed the geometric changes on July 17, 2012. A public informational meeting will be held on August 7, 2012.

A public hearing on the width changes is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-146

Ordinance No. 2012-338  
(Int. No. 370)

**Approving Decreases In The Pavement Width  
Of Northland Avenue And Lyceum Street**

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

Section 1. The Council hereby approves a decrease of 8 feet, from 40 feet to 32 feet, in the pavement width of Northland Avenue, from 55 feet

west of Lyceum Street to Lyceum Street, as a part of the 2012 Preventive Maintenance Project.

Section 2. The Council hereby further approves a decrease of 8 feet, from 40 feet to 32 feet, in the pavement width of Northland Avenue, from 55 feet east of Lyceum Street to Lyceum Street, as a part of the 2012 Preventive Maintenance Project.

Section 3. The Council hereby approves a decrease of 10 feet, from 40 feet to 30 feet, in the pavement width of Lyceum Street, from 55 feet south of Northland Avenue to Northland Avenue, as a part of the 2012 Preventive Maintenance Project.

Section 4. 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 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden  
August 21, 2012

To the Council:

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

Int. No. 371 - Authorizing An Agreement For Reimbursement For Fire Investigator Overtime

Int. No. 372 - Appropriation Of Funds For Smoke And Carbon Monoxide Detectors

Int. No. 373 - Establishing Maximum Compensation For A Professional Services Agreement For Advanced Burn Life Support Training

Int. No. 374 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 375 - Authorizing An Agreement For An Explosive Detection Canine Team Grant

Int. No. 378 - Authorizing Agreements With Respect To A Smart Policing Grant And Amending The 2012-13 Budget

Int. No. 379 - Establishing Maximum Compensation For A Professional Services Agreement For Spirit Of Service Training

Int. No. 380 - Establishing Maximum Compensation For A Professional Services Agreement For Veterinary Services

Int. No. 381 - Authorizing An Agreement For Youth Voice, One Vision

Int. No. 382 - Authorizing An Amendatory

Agreement For The Rochester After School Academy Program And Amending Ordinance No. 2012-219 And The 2012-13 Budget

Int. No. 383 - Approving Applications, Agreements And The 2012 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

The following entitled legislation is being held in Committee:

Int. No. 376 - Amending The 2012-13 Budget By Appropriating Forfeiture Funds And Authorizing Agreements

Int. No. 377 - Standardization Of The Glock Pistol For Use By The Rochester Police Department

Int. No. 384 - Authorizing Agreements For The Teenage Pregnancy Prevention Program

Respectfully submitted,  
Matt Haag (*Abstained on Int. No. 373*)  
Loretta C. Scott (*Abstained on Int. No. 383*)  
Dana K. Miller (*Abstained on Int. No. 381*)  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-339  
Re: Agreement - Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives: Reimbursement of Firefighter Overtime Expenses

Transmitted herewith for your approval is legislation authorizing an agreement with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for the reimbursement of overtime salary and other costs, with prior ATF approval, incurred by the Rochester Fire Department during joint law enforcement operations.

The most recent agreement for this reimbursement program was authorized in 2008 (Ordinance No. 2008-67). The new agreement will have a term of four years and allows for reimbursements of up to \$10,000.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-339  
(Int. No. 371)

**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 for an additional term of four years.

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. 2012-340  
Re: Smoke Detector Installation Program

Transmitted herewith for your approval is legislation appropriating \$75,000 from the General Community Needs allocation of the 2012-13 Consolidated Community Development Plan-Annual Action Plan, for the purchase of smoke and carbon monoxide detectors and replacement batteries during 2012-13.

The Rochester Fire Department provides and installs free smoke and carbon monoxide detectors to low- and moderate-income families in residential properties. The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations. During fiscal year 2011-12, RFD installed 1,267 smoke detectors, 1,292 carbon monoxide detectors, and 830 batteries in residential properties throughout the city.

As an additional effort to educate residents, firefighters performed 278 home safety surveys and provided assistance in developing home escape plans for residents as a voluntary component of the program.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-340  
(Int. No. 372)

**Appropriation Of Funds For Smoke And Carbon Monoxide Detectors**

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

Section 1. The sum of \$75,000 is hereby appropriated from the Fire Department Small Equipment Account of the General Community Needs Objective of the 2012-13 Community Development Block Grant, or so much thereof as may be necessary, to fund the purchase and installation of smoke and carbon monoxide detectors and replacement batteries.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-341  
Re: Agreement - Kessler Burn and Trauma Center, Advanced Burn Life Support Training

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with the Kessler Burn and Trauma Center at the University of Rochester Medical Center to provide for advanced burn life support (ABLS) training. The cost of this agreement will be funded from the 2012-13 Budget of the Fire Department.

The Kessler Center will provide ABLs training for members of the Rochester Fire Department and for regional first responders and medical service providers. The training will include techniques and strategies for immediate care of burn patients as part of the region's emergency preparedness and management of mass casualty incidents resulting from an explosive or incendiary event. The training will focus on proper recognition of burn injury, field management, and triage of burn victims including prioritization of patient treatment and transport to patient management.

The Kessler Burn and Trauma Center is the regional tertiary referral center serving the metropolitan Rochester area and surrounding region. As such, they are considered a sole source provider of this training. Their expertise in advanced burn life support is critical to providing training of local first responders for the care and management of a mass incident involving a medical surge of burn patients.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-341  
(Int. No. 373)

**Establishing Maximum Compensation For A Professional Services Agreement For Advanced Burn Life Support Training**

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Kessler Burn and Trauma Center of the University of Rochester Medical Center for advanced burn life support training for members of the Rochester Fire Department, first responders and medical service providers. Said amount shall be funded from the 2012-13 Budget of the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-342  
Re: Agreement - Center for Dispute Settlement,  
Complaint Management Services

Transmitted herewith for your approval is legislation establishing maximum compensation of \$48,800 for a six-month agreement with the Center for Dispute Settlement, Inc. (CDS), to provide services relating to complaints involving members of the Rochester Police Department. The cost of the agreement will be funded from the 2012-13 Budget of the Police Department.

The most recent agreement for this purpose was authorized by City Council Ord. No. 2011-288 in August, 2011. This police complaint process is currently under review by Councilmember Adam McFadden and the Chief of Police. To allow time for the review to be completed, it was agreed that the term of this new agreement will be for six months, July 1, 2012 through December 31, 2012, with the option to renew for an additional six months.

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 also will provide conciliation services for less serious complaints against RPD personnel, and will supply civilian panelists for internal hearings upon request.

During calendar 2011, CDS administered 49 Citizen Review Board hearings and three conciliation sessions.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-147

Ordinance No. 2012-342  
(Int. No. 374)

**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 \$48,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of the Rochester Police Department from July 1, 2012 through December 31, 2012. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-343  
Re: New York State Grant - Canine  
Detection of Explosives

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of a \$49,927 award under the 2011 Explosive Detection Canine Team Grant Program.

This is the first grant the City has received under this program. The funds will support the purchase of radiation detectors, explosive detection training kits, an explosive storage magazine, and training in the use of the equipment. This grant broadens the capabilities of the Police Department Bomb Squad by including the K-9 unit in responding to radiation-related incidents.

The term of this agreement is July 6, 2012 through August 31, 2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-343  
(Int. No. 375)

**Authorizing An Agreement For An Explosive Detection Canine Team Grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for funding for the Rochester Police Department under the 2011 Explosive Detection Canine Team Grant Program.

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

Section 3. The sum of \$49,927 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund equipment, travel and training related to the Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-344  
Re: United States Department of Justice  
Smart Policing Grant

Transmitted herewith for your approval is legislation related to a grant from the United States Department of Justice/Bureau of Justice Assistance (USDOJ/BJA) for Smart Policing. This legislation will:

1. Authorize an agreement with USDOJ/BJA for the receipt and use of up to \$300,000 in funds for a Smart Policing Grant.
2. Amend the 2012-13 Budget of the Police Department by \$144,500 to reflect a portion of these funds. The balance will be included in future proposed budgets.
3. Establish \$140,000 as maximum compensation for an agreement with the Rochester Institute of Technology (RIT) for a grant mandated principal investigator and co-investigator who will assist in the research of violence and dispute resolution. The term of the agreement will be for two years. The cost of the agreement will be funded from the 2012-13 Budget of the Police Department.

The Smart Policing project, a collaboration of the Rochester Police Department and the Rochester Institute of Technology, is aimed at reducing crime in the city. Project goals and activities include: improving understanding of the scope and nature of violent retaliatory disputes; establishing a dispute risk assessment method for police to identify and prioritize those at high-risk for retaliation; and creating, testing, evaluating and documenting a violent dispute intervention strategy that can be extended to other departments.

RIT will be responsible for preparing the results and reports of grant activities for review by the Bureau of Justice Assistance for possible national implementation. In addition to covering the cost of the agreement with RIT, the grant will be used for police overtime and mandatory travel costs.

This is the first time the Rochester Police Department has received this grant. The award will be for a two-year period with a mutually agreed upon effective date in the near future.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-344  
(Int. No. 378)

**Authorizing Agreements With Respect To A Smart Policing Grant And Amending The 2012-13 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States

Department of Justice/Bureau of Justice Assistance for funding under the Smart Policing Grant Program.

Section 2. The sum of \$140,000, 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 a principal investigator and co-investigator to assist in the research of violence and dispute resolution. The agreement shall extend for a term of two years, commencing upon commencement of the grant. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2012-229, the 2012-13 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 \$144,500, 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. 2012-345  
Re: Agreement - FoxWise USA, Police  
Department Training

Transmitted herewith for your approval is legislation establishing \$61,600 as maximum compensation for a one-year agreement with FoxWise USA (Rochester) to provide training related to the Spirit of Service initiative for the Rochester Police Department (RPD). The cost of the agreement will be funded from the 2012-13 Budget of the Police Department.

FoxWise USA will provide training for RPD command staff and 15 officers who will become trainers. FoxWise will also develop the training curriculum and materials for continued use by RPD. The program will cover Policing in the Spirit of Service, adult learning principles, and effective communication.

A request for proposals for these services was issued in April 2012, posted on the City's website, and sent directly to 13 companies. Proposals were received from four firms: FoxWise USA, Dale Carnegie (Rochester), Excelled Performance (Pittsford), and Bryant and Stratton College (Rochester). A committee of three RPD staff evaluated the proposals. Based on rating criteria, including the company's ability to provide a train-the-trainer program, the ability to provide an outside law enforcement perspective, and the company's understanding of Policing in the Spirit of Service, FoxWise USA is recommended.

Of the four vendors that submitted proposals, one

vendor did not provide a train-the-trainer program and one used retired or active law enforcement officers as opposed to someone outside law enforcement for a different perspective. Interview sessions were conducted with the remaining two vendors and FoxWise USA demonstrated a greater ability to communicate and a better understanding of the needs of the Police Department for Policing in the Spirit of Service.

FoxWise USA is certified as a Minority Business Enterprise by the State of New York and is also a verified veteran-owned small business.

The term of this agreement will be for one year.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-148

Ordinance No. 2012-345  
(Int. No. 379)

**Establishing Maximum Compensation For A Professional Services Agreement For Spirit Of Service Training**

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

Section 1. The sum of \$61,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FoxWise USA for Spirit of Service training for members of the Rochester Police Department. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-346  
Re: Agreement - Stone Ridge Veterinary Hospital

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Stone Ridge Veterinary Hospital for veterinary services to the dogs assigned to the K-9 unit of the Rochester Police Department. The cost of the agreement will be funded from the 2012-13 Budget of the Police Department.

A request for proposals was issued in July 2012, posted on the City's website, and sent directly to 25

local veterinarians. Stone Ridge Veterinary Hospital was the only vendor to respond. They have satisfactorily provided veterinary services to the K-9 unit for over fourteen years.

Stone Ridge Veterinary Hospital will continue to provide immunizations and tests, medical care as needed, and examination of new police dogs before they are accepted by the Police Department for duty.

The term of this contract will be September 1, 2012 through August 31, 2013, with the option to renew for up to two additional one-year periods.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-346  
(Int. No. 380)

**Establishing Maximum Compensation For A Professional Services Agreement For Veterinary Services**

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stone Ridge Veterinary Hospital for veterinary services for the K-9 Unit of the Police Department. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-347  
Re: Agreement - Community Foundation,  
Youth Voice, One Vision

Transmitted herewith for your approval is legislation authorizing an agreement with The Community Foundation for the receipt and use of a \$22,154 grant to support the Youth Voice, One Vision youth leadership program. The grant was anticipated and included in the 2012-13 Budget of the Department of Recreation and Youth Services.

The grant will be used to support Youth Voice, One Vision activities, including:

- Professional development for recreation staff
- Food, DJ services, supplies, transportation, and event space permit fees for program projects and special events
- Technical assistance and training for youth members and adult advisors regarding best

practices for youth leadership and service-learning programs and activities facilitated by the Nazareth College Center for Service Learning and Community Youth Development.

Youth Voice, One Vision is a youth leadership and youth development program administered by the City of Rochester Bureau of Recreation since 1996. The program currently has 12 youth officers representing six recreation complexes, an average of 50 active youth members participating at each council meeting, and an average of 100-150 youth attending each city-wide special event and service learning project. The participants range in age from 8 to 18, with the majority between 10 and 15.

YVOV participants develop their own goals and strategies, conduct meetings, nominate officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, workshops, conferences and special events. YVOV members act as presenters and "youth experts" on local, regional, and national panels, forums and events.

The Community Foundation has offered grant funds to support a variety of Youth Voice, One Vision projects since 2007, with receipt and use of grant funds most recently authorized by Ord. No. 2011-335.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-149

Ordinance No. 2012-347  
(Int. No. 381)

**Authorizing An Agreement 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 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. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-348  
Re: Amendatory Agreement - CCSI, Rochester  
After School Academy Program

Transmitted herewith for your approval is legislation related to the current round of funding for the Rochester After School Academy Program (RASA). This legislation will:

1. Amend Ordinance No. 2012-219 to rescind the authorization of \$126,376 as compensation for an agreement with Ibero American Action League for operation of RASA programs at Edison Technical High School, and re-appropriate those funds for other providers of those services.
2. Authorize an amendatory agreement with Coordinated Care Services, Inc. (CCSI). Ordinance No. 2012-219 authorized \$234,966 as compensation for CCSI for professional development, parent education, and program evaluation services. This amendment will increase that amount by \$30,000 to provide program-related training and support services at the Edison site. The additional cost will be funded from the RASA grant funds re-appropriated herein.
3. Amend the 2012-13 Budget of the Department of Recreation and Youth Services by \$96,400 to include the remaining re-appropriated funds.

Ibero notified the City in late June that they did not have the capacity to provide the required in-kind contributions, and would therefore not be able to act as lead for the Edison site for this final year of the grant. Following discussions with the City School District, it was decided that in order to provide a successful transition and continuation of the program during the school year, the City would function as the lead for the Edison site. The New York State Education Department has approved this plan.

City coordination of activities necessary to complete the final year of the grant include: staffing (part-time), arranging for school space, transportation, managing the advisory board, implementing the academic resources, marketing the program within the school, and program reporting. Funds will be used as follows:

<u>Budget Line</u>	<u>Amount</u>
Personnel/Fringe	\$67,000
Professional Services/Consultants	15,000
Program Supplies	6,000
Office Supplies	458
Mileage	476
Field Trips (Transportation, Fees, etc.)	5,000
Indirect	<u>2,442</u>
Total	\$96,376

A program information sheet is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-150

Ordinance No. 2012-348  
(Int. No. 382)

**Authorizing An Amendatory Agreement For The Rochester After School Academy Program And Amending Ordinance No. 2012-219 And The 2012-13 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Coordinated Care Services, Inc. for training and supportive services for the Rochester After School Academy (RASA) Program at the Edison Technical High School site for the 2012-13 school year.

Section 2. The amendatory 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, is hereby reappropriated from the New York 21st Century Community Learning Centers Program Funds repealed in Section 4.

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

Section 4. Ordinance No. 2012-219, relating to the RASA Program, is hereby amended by repealing authorization for the agreement with the IBERO-American Action League and the appropriation therefor in the amount of \$126,376, which amount is reappropriated herein.

Section 5. Ordinance No. 2012-229, the 2012-13 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 \$96,400, which amount is hereby reappropriated from the New York 21st Century Community Learning Centers Program Funds repealed in Section 4.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 376 from Committee.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Palumbo, Ortiz, Scott - 7.

Nays - None - 0.

Councilmember Conklin abstained because of a professional relationship.

Councilmember Spaul abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-349  
Re: Appropriation of Federal Forfeiture Funds for Community Programs

Transmitted herewith for your approval is legislation related to Federal forfeited property revenues attributable to the Rochester Police Department. This legislation will:

1. Appropriate \$64,900 in Federal forfeiture funds. This will result in a remaining balance of \$205,950.
2. Amend the 2012-13 Budget of the Police Department to reflect this amount.
3. Establish maximum compensation for agreements, as listed below, with organizations to support services and programs as allowed by the Federal program. The total cost of the agreements, \$44,440, will be funded from the 2012-13 Budget of the Police Department.

Crime Stoppers \$10,000 An all-volunteer, not for profit that allows anonymous crime tips and provides rewards for tips that result in arrests. Publishes the *Fugitive Flyer* to assist local law enforcement in arresting known career criminals.

Youth Football \$10,000 Drug education and other activities consistent with law enforcement initiatives, are offered to football program participants to reinforce positive behaviors.

Police Athletic League \$7,500 A youth crime prevention program using educational, athletic, and recreational activities to create trust and understanding between police officers and youth.

Teen Court \$7,500 Educates youth about the judicial process, promotes accountability for actions, and reinforces responsibility to society through community service and educational sentencing.

Changing the Community \$5,000 Combines football camp with life skills training.

A Horse's Friend \$3,000 An outreach program for at-risk youth to promote positive values, increase social competencies, and teach respect and leadership skills through the use of horses and horseback riding.

National Night Out - South West \$1,440 An event to heighten crime and drug prevention awareness; generate support for, and participation in, anticrime programs; strengthen neighborhood spirit and police-community partnerships; let criminals know that neighborhoods are organized and fighting back.

The Police Department will use \$1,700 of these funds for Interpreters for the Citizens Police Academy. The remaining \$18,760 will be distributed throughout the year to other organizations at the discretion of the Police Chief in accordance with the Federal requirements.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-349  
(Int. No. 376)

**Amending The 2012-13 Budget By Appropriating Forfeiture Funds And Authorizing Agreements**

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

Section 1. Ordinance No. 2012-229, the 2012-13 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 \$64,900, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets.

Section 2. The Mayor is hereby authorized to enter into agreements with community based organizations for use of these funds for eligible activities in accordance with Federal forfeiture guidelines.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Palumbo, Ortiz, Scott - 7.

Nays - None - 0.

Councilmember Conklin abstained because of a professional relationship.

Councilmember Spaul abtained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-350  
Re: Rochester-Monroe County Youth Bureau 2012 Budgets

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

1. Authorize agreements with the County of Monroe for the administration and partial financing of the Rochester-Monroe County Youth Bureau;
2. Approve the City's shares of \$37,248 and \$72,960 to the annual administrative and program budgets of the Youth Bureau, respec-

tively. Half of the administrative amount, \$18,624, and all of the program budget amount will be reimbursed to the City directly from the New York State Office of Children and Family Services;

3. Establish maximum compensation for agreements to implement the programs as summarized below; the costs will be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

<u>Program</u>	<u>Authorized 2011</u>	<u>Actual 2011</u>	<u>Proposed 2012</u>	<u>Change</u>
SPCC - Family Trauma Intervention	\$ 17,883	\$13,816	\$13,000	\$ -816
Baden - Project B.A.S.E.	11,940	8,966	8,440	-526
Baden - Project Odyssey	5,027	3,775	3,555	-220
Direct allocation to DRYS	68,381	50,957	47,965	-2,992
	\$103,231	\$77,514	\$72,960	\$ -4,554

4. Authorize subsequent amendments to these agreements that may be required by the New York State Office of Children and Family Services.

The authorized 2011 amounts above were originally announced by the State and approved by Council, but the State later reduced the available funding by approximately 25% to the actual amounts listed. Notification of the amounts for the calendar 2012 program was received from the County on June 29, 2012, and reflects a 5.88% decrease to programs from the revised 2011 amounts. The agreements referenced above will be effective January 1, 2012 through December 31, 2012.

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

Program descriptions are attached. In 2011, these programs served 1,101 youth (57% Black, 18% White, 12% Hispanic, 13% all other; 47% Male, 53% Female). The most recent Council action for this program was in March 2011(Ordinance No. 2011-75).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-151

Ordinance No. 2012-350  
(Int. No. 383)

**Approving Applications, Agreements And**

**The 2012 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau**

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

Section 1. The Council hereby approves the 2012 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2012 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2012 Comprehensive Youth Services Plan. The City's required contribution to the 2012 Youth Bureau Budget shall be financed from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 2. The Mayor is further authorized to enter into an agreement with the Society for the Protection and Care of Children for the operation of the Family Trauma Intervention Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$13,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project B.A.S.E. Said agreement shall obligate the City to pay an amount not to exceed \$8,440, and said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 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 \$3,555, and said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 5. The Mayor is further authorized to enter into such amendatory agreements for these Programs as may be required by the New York State Office of Children and Family Services. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 377 from Committee.

The motion was seconded by Councilmember Miller

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-351  
Re: Standardization of Firearms for the Rochester Police Department

Transmitted herewith for your approval is legislation authorizing the standardization of the Glock 21-4 and Glock 30SF pistols as the firearms for use by the Rochester Police Department. Currently the standardized weapon for RPD is the Beretta 92 F-C nine-millimeter semi-automatic pistol, established via Resolution No. 89-13.

Based on concerns regarding the performance of the Beretta raised by members of RPD Patrol and the Emergency Task Force, an evaluation of other firearms was conducted. The concerns included slippery grips, a high occurrence of malfunctions, difficulty in proper cleaning and lubrication, and parts breakage and loss. Some officers have also struggled with the initial double action trigger pull followed by a single action trigger pull. The Berettas are beyond their warranty period and acquiring replacement parts is difficult and not cost effective.

More than 100 RPD officers tested several weapons, including the following six models:

<u>Manufacturer</u>	<u>Models Tested</u>
Glock	21-4 and 30 SF
Smith & Wesson Military & Police	4.5, 4, and 4S (with manual safety)
Beretta	PX4

The Glock 21-4 was the preferred firearm. The Beretta and all three Smith & Wesson Military & Police guns malfunctioned numerous times throughout the test while both of the Glock models functioned flawlessly throughout.

The testing included accuracy, speed drills, multiple target drills, induced malfunctions, cold weather tests, gloved hand test, and a drop test. After the evaluation, the Glock 21-4 was awarded 441 points, the Smith & Wesson Military & Police 4 and 4.5 scored 298 points, the Beretta PX4 scored 170 points, the Glock 30 SF scored 138 points and the Smith & Wesson Military & Police 4S scored 61 points.

As a result of this evaluation, the Rochester Police Department requests standardization of the full-size Glock 21-4 for patrol officers and either the full-size Glock 21-4 or the compact Glock 30 SF for plain clothes officers and administrative staff for the following reasons:

- Reliability - The Glocks did not malfunction during testing while the other firearms did. They are reliable in all types of weather, including the cold and rain.
- Trigger System - The Glock has a Double

Action Only trigger system making it easier for officers to get accustomed to. The Beretta has a Double Action/Single Action trigger system causing some issues in training.

- Ease of Cleaning - The Glock is quick and easy to disassemble, clean, lubricate and reassemble.
- Magazine - The magazine of the Glock holds more rounds than the comparable Beretta.
- Parts/Accessory availability - Due to the popularity of the Glock, replacement parts and accessories are easily obtained.
- Training - Training accessories, such as simunition conversion kits and training rounds, exist for the Glock that are not available for the Beretta, offering a more thorough and cost effective training option.
- Proven Dependability - 70% of agencies nationwide use the Glock

AmChar Wholesale Co., a local company, has offered to exchange the used Berettas, holsters, and magazine holders the Police Department currently owns for new Glocks, holsters, and magazine holders at no cost to the City. AmChar will include a starter kit of replacement parts and free Glock armorer's training to certify up to 12 people as armorers, which will provide RPD with internal experts who can work on the guns as necessary.

Due to the concerns for officer safety, the Rochester Police Department is requesting standardization of the Glock 21-4 and Glock 30SF in place of the Berettas, and the even exchange of the Berettas for the Glocks through AmChar as soon as possible.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-351  
(Int. No. 377)

**Standardization Of The Glock Pistol For Use By The Rochester Police Department**

WHEREAS, the City currently standardizes the Beretta 92 F-C nine-millimeter semi-automatic pistol as the firearm for use by the Rochester Police Department through Resolution No. 89-13; and

WHEREAS, due to concerns about reliability of the Beretta and because the Berettas are out of warranty and receiving replacement parts is difficult and not cost effective, the Rochester Police Department has conducted an evaluation of various firearms available for police officers; and

WHEREAS, as a result of said evaluation, the City wishes to standardize the Glock 21-4 and 30SF as the firearms for use by the Rochester Police Department.

NOW, THEREFORE, BE IT ORDAINED, by

the Council of the City of Rochester as follows:

Section 1. Based on information submitted by the Mayor and Rochester Police Department, the Council standardizes the Glock 21-4 and 30SF as the firearms for use by the Rochester Police Department for the following reasons:

- Reliability - The Glocks did not malfunction during testing while the other firearms did. The Glocks are reliable in all types of weather, including the cold and rain.
- Trigger System - The Glocks have a Double Action Only trigger system making it easier for officers to get accustomed to them. The Beretta has a Double Action/Single Action trigger system causing some issues in training.
- Ease of Cleaning - The Glocks are quick and easy to disassemble, clean, lubricate and reassemble.
- Magazine - The magazines of the Glocks hold more rounds than the comparable Berettas.
- Parts/Accessory availability - Due to the popularity of the Glocks, replacement parts and accessories are easily obtained.
- Training - Training accessories, such as simunition conversion kits and training rounds, exist for the Glocks that are not available for the Beretta, offering a more thorough and cost effective training option.
- Proven Dependability - Seventy percent (70%) of agencies throughout the Country use the Glocks.

Section 2. For reasons of safety, efficiency, economy and performance, the Council hereby standardizes upon and directs the purchase of the Glock 21-4 and 30SF as the firearms for use by the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden made a motion to discharge Int. No. 339 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Introductory No. 339 was introduced July 24, 2012 and appears in its amended form with its transmittal letter on page 351 of the current Council Proceedings.

Attachment No. AL-152

Ordinance No. 2012-352  
(Int. No. 339, As Amended)

**Authorizing Agreements With Respect To Project IMPACT IX And Amending The 2012-13 Budget**

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 384 from Committee.

The motion was seconded by Councilmember Palumbo

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-353  
Re: Agreements - Federal Teenage Pregnancy Prevention (TPP) Grant

Transmitted herewith for your approval is legislation related to the Teenage Pregnancy Prevention, Replication of Evidence-Based Programs Grant. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services, Office of Adolescent Health for the receipt and use of a \$1,499,705 grant for the program;
2. Establish maximum compensation, to be funded from the grant trust fund, for agreements with the following organizations to provide related services:

Charles Settlement House	\$176,878
Baden Street Settlement/Metro Council for Teen Potential	234,534
The Community Place of Greater Rochester	78,837
YWCA of Rochester and Monroe County	131,592
University of Rochester Medical Center (evaluation partner)	<u>359,990</u>
Total	\$981,831

The remaining funds, \$517,874, are included in the 2012-13 Budget of the Department of Recreation and Youth Services. These funds will cover administrative costs associated with the City's role as lead agency, including the continued costs for a Project Director, Project Assistant, Recreation Center Liaison, Recreation Leader, part-time Parent Liaison and a part-time Clerk III.

The program was approved by the U.S. Department of Health and Human Services for a five-year term, September 1, 2010 - August 31, 2015. This will be year three of the five-year grant. The grant was last authorized by Ord. No. 2011-286.

The goal of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to: (1) successfully plan, develop, and implement the Teen Outreach Program (TOP) curriculum with fidelity; (2) reduce adolescent pregnancy rates in the city of Rochester; and (3) improve high school graduation

rates in the city of Rochester. The program will serve a total of 570 youth this year, in areas of the city with the highest teen birth rates (ZIP codes 14605, 14608, 14611, 14613 and 14621).

The progress report and budget are attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-153

Ordinance No. 2012-353  
(Int. No. 384)

**Authorizing Agreements For The Teenage Pregnancy Prevention Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services, Office of Adolescent Health, for the receipt and use of funding for the operation of the Federal Teenage Pregnancy Prevention Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the Federal Teenage Pregnancy Prevention Program:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House	\$176,878
Baden Street Settlement/Metro Council for Teen Potential	234,534
The Community Place of Greater Rochester	78,837
YWCA of Rochester and Monroe County	131,592
University of Rochester Medical Center (evaluation Partner)	359,990

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$981,831, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the United States Department of Health and Human Services under the 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 by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

By President Warren  
August 21, 2012

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 385 - Resolution Confirming The Appointment Of The Chief Information Officer

Int. No. 386 - Resolution Confirming The Appointment Of The Director Of Human Resource Management

Respectfully submitted,  
Carolee A. Conklin  
Matt Haag  
Dana K. Miller  
Jacklyn Ortiz  
Carla M. Palumbo  
Loretta C. Scott  
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-22 and  
Resolution No. 2012-23  
Re: Confirmation of Department Heads -  
Human Resource Management and  
Information Technology

Transmitted herewith for your approval is legislation confirming, as required by the Charter of the City of Rochester the following appointments:

Lisa Bobo  
Chief Information Officer  
Information Technology Department

Tassie Demps  
Director  
Department of Human Resource Management

Resumes for these individuals are on file in the City Clerk's Office.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-22  
(Int. No. 385)

**Resolution Confirming The Appointment Of The Chief Information Officer**

WHEREAS, the Mayor has appointed Lisa Bobo 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 she 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 Lisa Bobo as Chief Information Officer.

This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2012-23  
(Int. No. 386)

**Resolution Confirming The Appointment Of The Director Of Human Resource Management**

WHEREAS, the Mayor has appointed Tassie Demps to the position of Director of Human Resource Management, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that she 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 Tassie Demps as Director of Human Resource Management.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:42 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

**REGULAR MEETING  
SEPTEMBER 19, 2012**

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

Absent - None - 0.

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

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

**Recognition Ceremony**

Retirement:  
Neighborhood & Business Development  
Michael J. McBride  
\*Angelo Muratore  
Fire Department  
John P. Appleby  
*\*Did not attend meeting.*

**APPROVAL OF THE MINUTES**  
By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of August 21, 2012 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 4086-12
Quarterly Report - Workers Compensation Claims 4087-12

Councilmembers Haag, Spaul and Ortiz submit General Municipal Law §803 Disclosure Forms.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spaul presented petition with 68 signatures opposing entertainment center licenses. Petition No. 1671

PUBLIC HEARINGS.

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

Amending Chapter 120 Of The Municipal Code, The Zoning Code, Relating To Retail Sales And Service, As Amended Int. No. 422 30 speakers: Lisa Jacques, Susan Morehouse, Bill Gerling, John Demott, Juanita Ball, Mary Coffey, Tomara Brewer, Justin Noth, Fred Heines, Brice Miller, Barbara Abrams, Alex Camardo, Joan Roby Davison, Jose Perez, Pat Parker, Madaline Peroza, Ali Rashad, Alex White, Cherly Robinson, Mitch Luger, George Moses, Kyle Crandall 8 speakers did not give name.

Authorizing An Amendatory 2008-09 Community Development Program Plan And Agreements For The Use Of Funds Under The American Recovery And Reinvestment Act Of 2009 And Amending Ordinance No. 2009-169 Int. No. 425 No speakers.

Approving Geometric Changes To The Intersection Of South Goodman Street And Linden Street Int. No. 411 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
September 19, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 399 - Cancellation of Taxes And Charges

Int. No. 400 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer Services

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Loretta C. Scott
Dana K. Miller
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2012-354
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 \$110,517.26.

The property located at 999 Ridgeway Avenue was previously owned by COMIDA-Advent Tool & Mold, and carried a COMIDA tax abatement. In May 2011, a PILOT agreement was issued for Mt. Ridge Realty Associates, LLC to reflect the COMIDA status and JobsPlus Exemption. In December 2011, the property transferred from COMIDA-Advent Tool & Mold to Mt. Ridge Realty Associates, LLC. At that time the PILOT status was removed in error. On July 30, 2012 a PILOT was issued to reflect the PILOT program and JobsPlus exemption.

The property located at 339 Tremont Street was issued a code violation ticket on April 7, 2010, which was paid on April 19, 2010. It was erroneously added to the 2011-12 tax bill and was paid again on July 7, 2011.

If these cancellations are approved, total cancellations thus far for 2012-13 will be as follows:

Table with 3 columns: Account, Amount, Total. Rows: City Council (2, \$110,517.26), Administrative (0, -), Total (2, \$110,517.26)

These cancellations represent 0.046% of the taxes receivable as of July 1, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AL-154

Ordinance No. 2012-354
(Int. No. 399)

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 located at 999 Ridgeway Avenue was put back on the tax roll after a deed was filed transferring the property from COMIDA to Mt. Ridge Realty Associates, LLC, thus eliminating the COMIDA status. The property had been in the ownership of COMIDA-Advent Tool & Mold. However, a PILOT agreement had been issued in May of 2011 for Mt. Ridge Realty Associates. A PILOT bill was issued in July of 2012 to reflect the COMIDA status and JobsPlus exemption.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
<u>Address</u>			
090.46-1-11.1	N	2013	\$109,462.26
999 Ridgeway Avenue			

(B) The property located at 339 Tremont Street was issued a code violation ticket on April 7, 2010 and was paid on April 9, 2010. It was erroneously added to the 2011-12 tax bill and was paid again on July 7, 2011.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
<u>Address</u>			
120.52-2-62	N	2012	\$1,055.00
339 Tremont Street			

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. 2012-355  
Re: Amendatory Agreement - PSR  
Incorporated, IBM Mainframe  
Disaster Recovery and Maintenance

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with PSR, Inc. of Canton, MA for mainframe computer services. The original agreement (Ord. No 2009-59) established maximum compensation of \$228,000 for a term of five years. This amendment will increase compensation by \$150,000 for a total of \$378,000. The additional cost will be funded from the 2012-13 (\$75,000) Budget of the Information Technology Department, and the 2013-14 Budget (\$75,000), contingent upon its approval. No change in the term of the agreement is request-

ed; it will expire in April 2014.

Under the terms of the original agreement, PSR, Inc. provides the City with mainframe resources, testing, and support and disaster recovery services. The majority of the City's business operations run on an IBM mainframe computer, and such support is critical to daily work functions.

Some of the work related to support of the mainframe continues to be done in-house. The additional funding will allow for the transfer of this work in anticipation of the loss of qualified City staff.

PSR, as an authorized reseller of IBM hardware, was initially selected for these services because of their familiarity with our existing mainframe system. PSR supported the purchase of our current mainframe in 2005 and also provided consulting services when IT functions moved from City Hall to the Public Safety Building in 2002.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-155

Ordinance No. 2012-355  
(Int. No. 400)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer 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 an amendatory professional services agreement between the City and PSR Incorporated for disaster recovery and professional support services for the IBM mainframe through April 30, 2014. Said amount shall be funded equally from the 2012-13 and 2013-14 Budgets of the Information Technology Department, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo  
September 19, 2012

To the Council:

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

Int. No. 401 - Authorizing The Sale Of Real Estate

Int. No. 402 - Appropriating Funds And Authorizing Agreements For The Home Rochester Program And Amending Ordinance No. 2005-213

Int. No. 403 - Authorizing An Agreement For The Corn Hill Townhomes Project

Int. No. 404 - Authorizing The Lease Of Space At 232 Mill Street

Int. No. 405 - Establishing Maximum Compensation For A Professional Services Agreement With The Center For Dispute Settlement To Provide Services Related To Arbitration And Dispute Resolution

Int. No. 420 - Authorizing Agreements To Further The Sibley Building Revitalization Project

Int. No. 421 - Amending Article II, Business Permits, Of Chapter 90 Of The Municipal Code, Property Code

Int. No. 423 - Authorizing Agreements For The Asset Control Area/Home Rochester Program

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

Int. No. 422 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, Relating To Retail Sales And Service, As Amended

Int. No. 425 - Authorizing An Amendatory 2008-09 Community Development Program Plan And Agreements For The Use Of Funds Under The American Recovery And Reinvestment Act Of 2009 And Amending Ordinance No. 2009-169

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Jacklyn Ortiz (Abstained on Int. No. 402)
Dana K. Miller
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2012-356
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 Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are vacant lots being sold to the adjacent owner for combination with their current parcels and will be maintained as green space.

The next four parcels are unbuildable vacant lots.

All are being sold to their adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,816.

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,
Thomas S. Richards
Mayor

Attachment No. AL-156

Ordinance No. 2012-356
(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:

Table with 4 columns: Address, Lot Size, Sq. Ft., Price. It lists two parcels: 146-148 Troup St and 152 Troup St, both with their respective lot sizes, square footages, and prices, and the purchaser: Irondequoit Chapter, National Society of the Daughters of the American Revolution (NSDAR)\*.

\* Board of Directors: Roberta Dresson, Regent; Patricia Andraszek, 1st Vice-Regent; Beverly Henning, 2nd Vice-Regent and Manager House & Grounds; Jeanette Gardner, Chaplain; Gloria Montgomery, Recording Secretary; Carole Levering, Corresponding Secretary; BarbaraAnn Van Sice, Chapter Treasurer; Susan Leighton, Registrar; Carol Brown, Historian; Eva Haelen, Librarian; Janet Spaccasi, Treasurer House & Grounds

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Table with 4 columns: Address, Lot Size, Sq. Ft., Purchaser. It lists one parcel: W/H of 11 Helena St Pt. of 106.49-3-3, with lot size 10x101, square footage 1,380, and purchaser Susie Bell Martin.

E/H of 11 Helena St Pt. of 106.49-3-3	10x101	1,380	Phyllis White
86 Maria St 106.24-2-74	34x158	5,370	David Rube
413 Orange St 105.82-3-41	29x129	3,815	Flower City Habitat for Humanity**

\*\*Board of Directors: Russ Bullock, Chair; Lisa Critchley, Vice Chair; Michael Doody, Treasurer; Tim Scahill, Secretary; Arthur Woodward, President

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-357  
Re: Agreements and Appropriations -  
Home Rochester

Transmitted herewith for your approval is legislation related to the Home Rochester Program. This legislation will:

1. Appropriate \$463,703 from the Community Housing Development Organization Program allocation of Housing Development Fund (HOME funds) of the 2011-12 Consolidated Community Development Plan.
2. Amend Ordinance No. 2005-213 to reduce the amount authorized therein for the Home Rochester Program by \$4,063.41, which is the amount remaining following the expiration of agreements also authorized therein. That amount will be re-appropriated for the current program.
3. Authorize agreements with the following Community Housing Development Organizations (CHDOs) as approved developers to participate in the implementation of the program:

Group 14621 Community Association  
Ibero-American Development Corporation  
Isla Housing and Development Corporation  
Marketview Heights Association  
NCS Community Development Corporation  
North East Area Development  
South Wedge Planning Committee

The City is required to reserve at least 15% of its annual HOME award to fund the development of affordable housing by non-profit CHDOs. Each CHDO has demonstrated to the City that they continue to meet HUD requirements pertaining to legal

status, organizational structure, capacity, and experience. The City also reviews each organization's production, most recent annual audit, roster of current board members, and budget/plan.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. The properties are marketed to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre and post purchase homebuyer training classes and reside in the properties for a minimum of 10 years. With an average subsidy of \$20,000, it is anticipated that up to 23 buyers will receive assistance from the current funding.

The most recent appropriation of funds for development subsidies for CHDOs was approved in February 2011 via Ordinance #2011-27.

The Housing Development Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A CHDO participation status report is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-157

Ordinance No. 2012-357  
(Int. No. 402)

**Appropriating Funds And Authorizing Agreements For The Home Rochester Program And Amending Ordinance No. 2005-213**

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Community Housing Development Organization (CHDO) Program Account) of the 2011-12 HOME Program the sum of \$463,703, or so much thereof as may be necessary, to fund housing development subsidies through the Home Rochester Program by designated Community Housing Development Organizations (CHDOs) and non-profit developers.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDOs and non-profit developers for use of these funds.

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

Section 4. Ordinance No. 2005-213, relating to the Home Rochester Program, is hereby amended by reducing the amount authorized and appropriated therein from the 2005 HOME Program by the sum of \$4,063.41, which amount is hereby reap-

propriated to fund the agreements authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Ortiz abstained because of a professional relationship.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-358  
Re: Agreement - The Urban League of Rochester Economic Development Corporation, Corn Hill Townhomes

Transmitted herewith for your approval is legislation establishing \$48,000 as maximum compensation for an agreement with the Urban League of Rochester Economic Development Corporation to provide subsidies to purchasers of their program Corn Hill Townhomes. The cost of the agreement will be funded from the 2011-12 Cash Capital allocation.

The Urban League of Rochester Economic Development Corporation will build eight townhomes on Santiago and Clarissa Streets at an estimated total development cost of \$1,012,948. The list sale price for the units will be between \$150,000 and \$180,000. A \$250,000 grant from the New York State Affordable Housing Corporation will be used to write down the purchase price by \$20,000, \$27,500, or \$35,000 depending on the buyer's median family income. The City funds will be used to provide down payment and closing costs to eight income eligible first-time home buyers.

The Urban League will screen potential buyers, determine income eligibility for the program, and conduct pre- and post-purchase counseling for each buyer. The Urban League will forward all documentation to the City for review and City Law Department will attend the closing and ensure fees associated with the buyer's closing costs are in accordance with the City's program guidelines.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-158

Ordinance No. 2012-358  
(Int. No. 403)

**Authorizing An Agreement For The Corn Hill Townhomes 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 Urban League of Rochester Economic Development Corporation for housing development subsidies for the Corn Hill Townhomes Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$48,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2011-12 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. 2012-359  
Re: Lease Agreement - Asset One LLC  
And Asset Two LLC, 232 Mill Street

Transmitted herewith for your approval is legislation authorizing a lease agreement with Asset One LLC and Asset Two LLC for the continued use of a portion of the premises at 232 Mill Street. Asset One and Asset Two have leased this area from the City since 2001.

The portion of the site to be leased consists of four parking spaces and is used for storage of waste dumpsters. Asset One and Asset Two are responsible for maintenance of the area. When the space was originally leased to them, they improved the property with paving and striping and enclosed the property with access gates.

The original agreement (Ord. No. 2001-22) expired February 6, 2011; a month-to-month lease has been executed since then. The term of the new lease agreement will be for five years, commencing on October 1, 2012 and expiring on September 30, 2017, and provides an option for one five-year renewal period.

The monthly rental amount will be \$120, which was established through an independent appraisal prepared by Bruckner, Tillet, Rossi, Cahill & Associates on June 12, 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-359  
(Int. No. 404)

**Authorizing The Lease Of Space At 232 Mill Street**

WHEREAS, the City of Rochester has received

a proposal for the lease of space at 232 Mill Street to Asset One LLC and Asset Two LLC for storage of trash receptacles for a term of five years, with one five-year option to renew; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Asset One LLC and Asset Two LLC for the lease of approximately 750 square feet of space at 232 Mill Street for storage of trash receptacles. The agreement shall extend for a term of five years, with one five-year option to renew.

Section 2. The lease agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$120.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-360  
Re: Agreement - Center for Dispute Settlement

Transmitted herewith for your approval is legislation establishing \$8,000 as maximum compensation for an agreement with The Center for Dispute Settlement (CDS) to provide arbitration and dispute resolution services related to certain housing programs. The cost of this agreement will be funded from the 2012-13 Budget of the Neighborhood and Business Development Department.

CDS will provide arbitration and dispute resolution services for conflicts between property owners and contractors that may stem from City administered housing rehabilitation and construction programs, including: Emergency Assistance Repair; Lead Hazard Control; Focused Investment Strategy; and other rehabilitation and new construction programs.

The City utilizes a third-party agreement for its housing programs that binds a contractual relationship between the property owner and contractor, and to which the City is not a party. A dispute arising between these two parties would need to be resolved privately or through an arbitrator. The

City does not have authority to preside over such cases.

A request for proposal process was not used to solicit other agencies for these services. The City has worked with CDS for the last ten years and has been satisfied with their services. The agency is knowledgeable about City housing programs and maintains competent staff to adequately and fairly resolve disputes that occur between property owners and contractors. Also, as this agreement is under \$10,000, it seems more efficient to continue using a proven service provider rather than undertake an RFP and train a new agency.

Council authorization for this agreement is necessary since the City has separate agreements through other departments with CDS for similar services.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-360  
(Int. No. 405)

**Establishing Maximum Compensation For A Professional Services Agreement With The Center For Dispute Settlement To Provide Services Related To Arbitration And Dispute Resolution**

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

Section 1. The sum of \$8,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement for services related to arbitration and dispute resolution. Said amount shall be funded from the 2012-13 Budget of the Neighborhood & Business Development Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-361  
Re: Sibley Building Revitalization Project

Transmitted herewith for your approval is legislation related to the sale and revitalization of the Sibley Building located at 228-280 E. Main Street. This legislation will:

1. Authorize Sibley Redevelopment Limited Partnership, or an entity to be formed by Winn Development LLC, to assume \$3.1 million of the existing City loan to Rochwil Associates L.P., and authorize accordingly the modification of the mortgage securing that loan. The loan was originally financed through the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan given to Rochwil. The City's obligation to

HUD has been satisfied (as per Ordinance No. 2012-244).

2. Authorize the revision of the terms and conditions of the \$3.1 million loan to be assumed by Sibley Redevelopment Limited Partnership, or an entity to be formed by Winn Development LLC. The terms of the loan shall be ten years with the option for two ten-year extensions at 1% interest.
3. Authorize the Mayor to adjust the interest rate or other terms and conditions of the \$3.1 million loan.
4. Authorize the subordination of the \$3.1 million loan assumed by Sibley Redevelopment Limited Partnership to a loan in an amount not to exceed \$6.85 million from a primary lender for funds to be used for rehabilitation of the building.
5. Authorize the release of the City's lien on the property securing the City's \$1.5 million float loan (financed from the Community Development Block Grant).

In September 2009, Winn Development LLC (a subsidiary of WinnCompanies) entered into a site control agreement with Rochwil Associates, L.P. to purchase the historic Sibley Building in downtown Rochester. Winn has formed a new company, Sibley Redevelopment Limited Partnership to undertake the project. The project includes a ten-year plan to renovate the building for a mix of uses including educational, commercial, retail, and market rate and affordable residential units. Winn will undertake approximately \$3.75 million in building repairs and tenant improvement costs over the short term. This will include repairs required to bring the property into compliance with the existing five-year lease with Monroe Community College. The cost to undertake the complete renovation of the building over the ten-year period is estimated at \$100-\$150 million.

The developer will purchase the property for \$5 million. The purchase price will be reduced by the \$3.1 million loan owed to the City by Rochwil, which the developer has agreed to pay as noted below. The following items will also be deducted from the purchase price: the outstanding balance of the first mortgage loan held by the National Electrical Benefit Fund; local charges and assessments and related liens and closing costs. The remaining balance will be credited to the developer as reimbursement for pre-closing repairs and improvements to the Sibley Building and for outstanding property repairs.

The terms of the \$3.1 million revised note to Sibley Redevelopment Limited Partnership will be for ten years with the option of two ten-year extensions. The interest rate shall be 1% with interest only payments due in the first five years of the loan. The principal payments shall be limited to 25% of the distributable cash flow from operation of the Sibley Building (net operating income to be defined and agreed to by the City).

The loan extensions are subject to the developer paying a minimum of 10% of the principal balance during the initial term of the loan, and subsequently the first extension. The developer anticipates being able to sufficiently increase occupancy of the building and generate surplus cash flow to retire the note sooner than the defined term and extensions. The City loan will be subordinate to the mortgage securing the primary loan.

In order to transfer the property to the developer, the property must be free of all liens. Currently, the City has subordinated mortgage liens against the property for the HUD Section 108 Program loan and the City Float Loan. As noted above, the developer will assume and agree to pay the 108 Program Loan as provided above and the City will release the Float Loan mortgage lien against the property to facilitate this transaction. While Rochwil will not be released from the Float Loan obligation or delinquent PILOT obligations, it is not anticipated that Rochwil will have assets to satisfy these obligations.

The anticipated sources and uses of funds of the initial phase of the project are as follows:

<u>Uses</u>	
Acquisition	\$ 5,000,000
Renovations	3,750,000
Soft costs/contingency	<u>2,100,000</u>
Total	\$10,850,000
 <u>Sources</u>	
First mortgage lender	\$ 6,850,000
City loan	3,100,000
Developer equity	<u>900,000</u>
Total	\$10,850,000

The developer will also request a new 20 year PILOT Agreement for the project. Subject to COMIDA approval, the proposed PILOT schedule is as follows:

2012	Existing PILOT
2013	\$75,000
2014	\$100,000
2015	\$125,000
2016	\$150,000

Commencing in 2017 and each year thereafter, the annual PILOT obligation will be determined according to a formula that will provide the City with the opportunity to receive increased revenue based on leased space and net operating income. Under this agreement, the PILOT obligation shall not be less than \$0.75 per leased square foot and may increase to as much as \$3.50 per leased square foot. Based on the current leased space and anticipated net operating income, it is projected that the payment in 2017 will be \$200,000.

The City has also proposed locating a Downtown Section of the Rochester Police Department at the Sibley Building. The costs, terms and conditions for the proposed facility have yet to be finalized. The proposed lease and associated costs to locate a facility in the Sibley Building will be subject to City Council consideration and approval at a sub-

sequent Council meeting.

Win in Companies was established in 1971 and is based in Boston MA. Winn has a satellite corporate office in Rochester and regional offices nationwide. To date, Winn has developed over 50 projects and currently manages over 300 properties including 70,000 residential units. The Winn portfolio includes a specialization in historic redevelopment, affordable housing, military base management, mixed-use properties, and hotels.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-361  
(Int. No. 420)

**Authorizing Agreements To Further The Sibley Building 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 all necessary agreements to further the Sibley Building Revitalization Project in accordance with the following general terms:

1. Authorize the assumption by Sibley Redevelopment Limited Partnership, or entity to be formed by Winn Development LLC, of the former \$3.1 million balance of the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan given to Rochwil Associates L.P.
2. Authorize the recasting of the terms and conditions of the \$3.1 million Note to Sibley Redevelopment Limited Partnership, or entity to be formed by Winn Development LLC. The terms of the loan shall be ten (10) years with two ten (10) year options for extension at 1% interest.
3. Authorize the subordination of the assumed loan in the amount of \$3.1 million to a first mortgage lien in the amount of \$6.85 million.
4. Authorize the release of the lien on 228-280 East Main Street of the City mortgage securing the Float Loan in the amount of \$1.5 million.
5. Authorize the Mayor to adjust the interest rate or other terms and conditions of the \$3.1 million Loan.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 421.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2012-362 and  
Ordinance No. 2012-363

Re: Amending the City Code - Chapter 120  
Zoning Code and Chapter 90 Property  
Code

Transmitted herewith for your approval is legislation amending various sections of the Zoning Code and the Property Code to accommodate revisions in the regulation of retail sales and services and related business permits. The proposed amendments are described below.

In March 2012, City Council requested that the Administration evaluate how to address the increase in neighborhood concerns about nuisance businesses. In response, a task force comprised of representatives of the Neighborhood and Business Development, Police, and Law Departments, the Mayor's Office, and City Council were charged with recommending a response.

As reflected in the incidence of criminal activity, and other indicators, certain retail uses have a high impact on adjoining neighborhoods due to the nature, volume or intensity of the sales, and the services provided. These high impact uses are more likely than other retail operations to negatively affect adjacent properties and the surrounding neighborhood as a result of increased noise, traffic, and loitering, parking problems, and increased need for police services.

The task force focused on modifications to the City Code as a strategy to address quality of life concerns associated specifically with high impact retail uses. The recommended changes will better define the variety of retail operations and will allow for more efficient allocation of limited enforcement resources. These amendments to the Zoning and Property Codes, taken together, will enable the City to more appropriately address the issues posed by high impact retail uses. Amendments are summarized below.

Chapter 120 Zoning Code

Sections 8, 9, 17, 18, 26, 27, 34, 35, 37, 42, 43, 45, 50, 63, 64, 76, 77, 81, 83, 120, 146, 191, 195, 199 and 208; and PDD # 9 and #12 are all affected by the proposed revisions regarding the regulation of retail sales and service, and will be amended accordingly. The overall intent of these changes is to appropriately locate high impact retail sales and service uses, to restrict the over concentration of such businesses, and to incentivize the establishment of retail uses which will provide desirable merchandise and services with the least impact on adjoining neighborhoods. These amendments will:

- Create five new categories of Retail Sales and Service to better reflect impacts on neighborhoods: High Impact, Low Impact, Specialty, Full-line, and Pawnbrokers
- Establish Specified Use Requirements for the new retail use categories that address concentration of uses, design, and hours of operation
- Modify nonconforming use regulations for the new retail categories accordingly
- Prohibit high impact uses in Residential (R-1, R-2, and R-3) and Neighborhood Center Commercial Districts (C-1)
- Limit the number of zoning districts in which high impact uses can be located
- Increase the number of zoning districts in which specialty retail uses can be established
- Create Incentives for the establishment of Specialty Retail

The City Planning Commission will be holding an informational meeting on the Zoning Code amendments on Monday, September 10, 2012.

Chapter 90 Building Code

Amendments to Article II of Chapter 90 will:

- Eliminate the need for a Business Permit for drug stores, laundromats, and retail stores that do not sell tobacco, alcohol, or lottery tickets
- Exempt businesses that hold a Business License issued by the Chief of Police
- Require proof of proper filing of sales taxes as a condition for issuing a business permit
- Authorize the Commissioner of Neighborhood and Business Development to summarily suspend a business permit when it is determined that emergency action is required to address issues of public health, safety, or welfare

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 on the Code amendment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-159

Ordinance No. 2012-262  
(Int. No. 421, As Amended)

**Amending Article II, Business Permits, Of**

**Chapter 90 Of The Municipal Code, Property Code**

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

Section 1. Article II, Business Permits, of Chapter 90 of the Municipal Code, Property Code, as amended, is hereby further amended as follows:

- (a) Section 90-32, Definitions, is amended to read in its entirety as follows:

Section 90-32. Definitions.

**AUTOMOBILE SERVICE FACILITY** - A premises where motor vehicles are sold, leased, repaired or serviced. This definition shall include gasoline stations and car wash facilities.

**BAR** - A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there.

**BUSINESS** - An automobile service facility, bar, restaurant, retail store or salon as defined herein.

**RESTAURANT** - A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a nonalcoholic beverage or snack is available but is incidental to the conduct of the business at the premises.

**RETAIL STORE** - Any business not otherwise covered by this section which is accessible to the public, where food, goods, merchandise or equipment are sold at retail and where tobacco, tobacco paraphernalia, smoking paraphernalia, beer, wine coolers, and/or lottery tickets are sold, in a premises with a total floor space of less than 20,000 square feet.

**SALON** - An establishment where a hairdresser, barber or beautician conducts their trade, or a body piercing studio or a tattoo studio, other than a home occupation.

- (b) Section 90-33 is amended to read in its entirety as follows:

Section 90-33. Business permit required.

No person shall operate or maintain a business within the City without first obtaining a business permit authorizing the operation of said business by said operator at the specific business location. The authority for business permits issued pursuant to this chapter shall be the Commissioner. Businesses that have been issued a license(s) by the Chief of Police are exempt from the business permit requirement.

(c) Section 90-34, Application, is amended by amending subsection F and by adding a new subsection G to read in their entirety as follows:

- F. The Commissioner shall cause an application to be administratively canceled if the applicant fails, with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations, or to pay any outstanding judgments rendered by the Municipal Code Violation Bureau, or to complete a building permit or zoning application, or to provide proof of payment of sales tax.
- G. The applicant shall provide proof of payment of sales tax where the business has been ongoing.

(d) There is hereby added a new Section 90-43 to read in its entirety as follows:

Section 90-43. Summary suspensions: general provisions.

- A. When the Commissioner finds the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in such order, a summary suspension of the business permit may be ordered, effective on the date specified in such order or upon service of the order by one of the means set forth in subsection C, whichever shall be later.
- B. An order of summary suspension may be served prior to, simultaneously with, or after the commencement of a proceeding seeking the suspension or revocation of a license.
- C. An order of summary suspension shall be served upon the holder(s) of a business permit by personally serving the business permit holder(s), or by personally serving the business permit holder's manager if one is listed on the business permit application, or by mailing the order by first class mail via confirmation to both the business address and the home address listed on the business permit application of the business permit holder(s).
- D. The order of summary suspension shall contain:
  - a. A detailed description of the charges against the business permit holder(s);
  - b. An explanation of the finding that the continued operation of the business endangers the public health, safety, or welfare necessitating immediate closure;
  - c. Identification of the evidence supporting those charges;

d. Notice that the business permit holder(s) may:

- i. Answer the charges in writing and supplement the record; and
  - ii. Demand an expedited suspension or revocation hearing in writing; and
- e. Notice that a summary suspension shall be deemed to be final if a request for a hearing is not received within twenty (20) days of the issuance of the order of summary suspension.

E. Any summary suspension imposed under this section shall remain in effect, unless reversed by the Commissioner, until a final decision is rendered after a timely requested hearing.

F. Any person who continues to operate the business while under an order of summary suspension shall be deemed to be guilty of operating a business without the required business permit in violation of §90-33 and subject to the enforcement provisions set forth in §90-36-E and §90-70 of this Chapter. The disobedience shall also be an additional charge added to the suspension or revocation hearing notice and shall be a basis for suspension or revocation of the business permit.

G. If a written Answer and demand for an expedited revocation hearing are served by the permit holder(s) on the Commissioner in a timely manner, the Commissioner shall schedule a hearing before a Hearing Officer within fifteen (15) days of receipt of the demand, unless the business permit holder(s) requests a later date.

H. The Commissioner shall render a final decision within ten (10) days of receipt of the Hearing Officer's finding of facts and recommendations, along with the record of the proceeding.

Section 2. This ordinance shall take effect on November 1, 2012.

Underlined material added.

Passed unanimously.

Ordinance No. 2012-363  
(Int. No. 422, As Amended)

**Amending Chapter 120 Of The Municipal Code, The Zoning Code, Relating To Retail Sales And Service**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- a. Add or amend the following definitions in §120-208 to read as follows:

BAR - An establishment used primarily for the dispensing or sale of alcoholic beverages by the drink for on-site consumption.

PAWNBROKER - Any business or location in which a collateral loan broker, as defined in Article 5 of the New York State General Business Law, is operating.

RETAIL SALES AND SERVICE - The sale, provision of service or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption. This shall include carry-out restaurants and the like with six or fewer seats

RETAIL SALES AND SERVICE, FULL-LINE FOOD STORE - Retail sales and service offering for sale a full selection of food products including at least a variety of fresh produce and not offering for sale products from more than one of the following categories:

1. Tobacco
2. Beer/Wine coolers
3. Lottery

RETAIL SALES AND SERVICE, HIGH-IMPACT - Retail sales and service offering for sale any product or service which requires an owner, operator or employee to obtain a City of Rochester secondhand dealer's license (excluding vehicle-related dealers); any County or State license or registration for tobacco, beer, wine coolers, or lottery (excluding FULL-LINE FOOD STORE); and/or a Federal Firearms Dealer's license; or, offering for sale tobacco, tobacco paraphernalia, or smoking paraphernalia, except not a FULL-LINE FOOD STORE.

RETAIL SALES AND SERVICE, LOW-IMPACT - Retail sales and service not meeting the definitions of High-Impact Retail Sales and Service, Specialty Retail, or a Full-line Food Store.

RETAIL SALES AND SERVICE, SPECIALTY - Low-impact retail sales and service, occupying less than 1,000 square feet, offering for sale only specialized types of foods, products, or services, including, but not limited to: baked goods, candy, health-food, antiques, fashion accessories, sporting goods, art objects, art and craft supplies, books, clothing, decorative accessories, flowers and plants, handicrafts, jewelry, toys, specialty foods, meats, seafood, shoe repair, and frame shops, and excluding tattoo parlors. No tobacco, beer/wine coolers, or lottery may be included in the inventory of Specialty Retail Sales and Service.

- b. Amend §120-8, relating to permitted uses in the R-1 District, by adding the following new subsections:

H. Retail Sales and Service, Specialty, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in §120-146.1.

I. Office, when in an existing structure built for a nonresidential use, [operating between the hours of 6 a.m. and 9 p.m.] subject to the additional requirements for specified uses in §120-146.1.

- c. Amend §120-9, relating to special permit uses in the R-1 District, by adding the following new subsections:

G. Retail Sales and Service, Full-line Food Store, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in §120-146.1.

H. Retail Sales and Service, Low-Impact, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in § 120-146.1.

- d. Amend §120-17, relating to permitted uses in the R-2 District, by adding the following new subsections:

I. Retail Sales and Service, Specialty, when in an existing structure built for a nonresidential use, operating between the hours of 6 a.m. and 9 p.m.

J. Office, when in an existing structure built for a nonresidential use, operating between the hours of 6 a.m. and 9 p.m.

- e. Amend §120-18, relating to special permit uses in the R-2 District, by adding the following new subsections:

M. Retail Sales and Service, Full-line Food Store, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in §120-146.1.

N. Retail Sales and Service, Low-Impact, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in §120-146.1.

- f. Amend §120-26, relating to permitted uses in the R-3 District, by adding the following new subsections:

M. Retail Sales and Service, Specialty, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in §120-146.1.

N. Office, when in an existing structure built for a nonresidential use, operating between

the hours of 6 a.m. and 9 p.m.

- g. Amend §120-27, relating to special permit uses in the R-3 District, by adding the following new subsections:
  - L. Retail Sales and Service, Full-line Food Store, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in §120-146.1.
  - M. Retail Sales and Service, Low-Impact, when in an existing structure built for a nonresidential use, subject to the additional requirements for specified uses in §120-146.1.
- h. Amend §120-34, relating to permitted uses and structures in the C-1 District, by amending or adding the following new subsections:
  - K. Retail sales and service, Full-line Food Store, when in an existing building, subject to the additional requirements for specified uses in §120-146.1.
  - L. Retail sales and service, Low-Impact, subject to the additional requirements for specified uses in §120-146.1.
  - M. Retail sales and service, Specialty, subject to the additional requirements for specified uses in §120-146.1.
  - N. Offices between the hours of 6:00 a.m. and 11:00 p.m.
  - O. Bars and restaurants, operating between the hours of 6:00 a.m. and 11:00 p.m., including accessory outdoor seating/assembly areas but excluding drive-through facilities.
  - P. Mixed uses, as listed in this section, not including industrial uses.
- i. Amend §120-35, relating to special permit uses in the C-1 District by repealing subsections H and I, and by relettering subsections J and K as subsections H and I.
- j. Amend subsection B of §120-37, relating to bulk requirements in the C-1 District to read as follows:
  - B. Square footage.
    - (1) Residential uses.
      - (a) Maximum square footage, any or each use: NA.
      - (b) Maximum square footage, detached accessory use or structure: NA.
    - (2) Nonresidential uses.
      - (a) Maximum square footage, principal use or structure: 3,000 square feet.
      - (b) Maximum square footage, detached accessory use or structure: 1,000 square feet.
- k. Amend §120-42, relating to permitted uses or structures in the C-2 District, by amending the following subsections:
  - M. Retail sales and service, Full-line Food Store, when in an existing building, subject to the additional requirements for specified uses in § 120-146.1.
  - N. Retail sales and service, Low-Impact, subject to the additional requirements for specified uses in §120-146.1.
  - O. Retail sales and service, Specialty, subject to the additional requirements for specified uses in §120-146.1.
  - P. Limited adult retail store when conducted entirely within an enclosed building.
  - Q. Health clubs and similar facilities.
  - R. Theaters.
  - S. Office.
  - T. Bars, restaurants and banquet facilities, including accessory outdoor seating/assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., excluding drive-through facilities.
- l. Amend §120-43, relating to special permit uses in the C-2 District, by adding the following new subsection:
  - T. Retail sales and service, High-Impact, subject to the additional requirements for specified uses in §120-146.1.
- m. Add a new subsection B(3) to §120-45, relating to bulk requirements in the C-2 District:
  - (3) Mixed-Uses
    - (a) Maximum square footage, each non-residential use: 6,000 square feet
    - (b) Maximum square footage, detached accessory use or structure: NA.

- n. Amend §120-50, relating to permitted uses or structures in the C-3 District, by amending or adding the following new subsections:
- K. Retail sales and service, Full-line Food Store, subject to the additional requirements for specified uses in §120-146.1.
  - L. Retail sales and service, High-Impact, subject to the additional requirements for specified uses in §120-146.1.
  - M. Retail sales and service, Low-Impact, subject to the additional requirements for specified uses in §120-146.1.
  - N. Retail sales and service, Specialty, subject to the additional requirements for specified uses in §120-146.1.
  - O. Health clubs and similar facilities.
  - P. Theaters.
  - Q. Amusement center.
  - R. Outdoor entertainment.
  - S. Office.
  - T. Motels and hotels.
  - U. Bars, restaurants and banquet facilities, including outdoor seating/assembly and drive-throughs, subject to the additional requirements for specified uses in §120-136.
  - V. Drive-throughs, subject to the additional requirements for specified uses in §120-136.
  - W. Warehouse and wholesale distribution facilities under 15,000 square feet.
  - X. Light industrial services when conducted entirely within a completely enclosed building.
  - Y. Research laboratories including testing facilities.
  - Z. Automotive-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 the additional requirements for specified uses in Article XVIII.
  - AA. Parking lots as a principal use, including ancillary community garages and parking lots, subject to the additional requirements for specified uses in §120-131.
  - BB. Sexually oriented businesses, subject to the additional requirements for specified uses in §120-148, including only limited adult retail store, adult retail store and escort agency.
- CC. Pawnbrokers.
- o. Amend §120-63, relating to limited uses in the CCD District, by adding the following new subsection:
- F. Retail Sales and Service, High Impact.
- p. Amend §120-64, relating to prohibited uses in the CCD District, by adding the following new subsection:
- E. Pawnbrokers.
- q. Amend subsection A of §120-76, relating to permitted uses in the PMV District, by amending or adding the following new subsections:
- (10) Retail sales and service, Low-Impact, subject to the additional requirements for specified uses in §120-146.1.
  - (11) Retail sales and service, Specialty, subject to the additional requirements for specified uses in §120-146.1.
  - (12) Retail sales and service, Full-line Food Store, subject to the additional requirements for specified uses in §120-146.1.
  - (13) Bars, restaurants and the like including outdoor seating/assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., but excluding drive-through facilities.
  - (14) Manufacturing uses when the products are sold as retail for an individual consumer.
  - (15) Parks and recreation uses.
- r. Amend subsections (c) through (g) of subsection A(7) of §120-77, relating to permitted uses in the H-V District to read as follows:
- (c) Bars and restaurants, not exceeding 2,500 square feet and excluding drive-through facilities.
  - (d) Private clubs not exceeding 2,500 square feet.
  - (e) Office space not exceeding 2,500 square feet.
  - (f) Retail sales and services, Specialty.
  - (g) Retail sales and services, Low-Impact, not exceeding 2,500 square feet.
- s. Amend subsection B(1) and add B(13) of §120-77, relating to special permit uses in the H-V District to read as follows:
- (1) The following uses when located within

- 30 feet of the edge of the Genesee River:
- (a) Museums and aquariums.
  - (b) Private clubs.
  - (c) Bars and restaurants, excluding drive-through facilities.
  - (d) Tourist information centers.
  - (e) Other establishments relating to and supporting water-dependent activities.
- (13) Retail sales and service, Full-line Food Store, subject to the additional requirements for specified uses in §120-146.1.
- t. Add a new subsection (n) to subsection A(1) of §120-81, relating to permitted uses and structures in the M-1 District:
- (n) Retail sales and service, Full-line Food Store, when in an existing building, subject to the additional requirements for specified uses in § 120-146.1.
- u. Amend the following subsections of subsection B of §120-81, relating to permitted uses and structures in the M-1 District to read as follows:
- (3) Retail sales and service, Low-Impact, subject to the additional requirements for specified uses in §120-146.1.
  - (4) Retail sales and service, Specialty, subject to the additional requirements for specified uses in §120-146.1.
  - (5) Offices and clinics.
  - (6) Bars, restaurants and banquet facilities.
- v. Amend the following subsections of subsection A of §120-83, relating to special permit uses in the M-1 District to read as follows:
- (1) Retail sales and service, High-Impact, Low-Impact and Specialty, subject to the additional requirements for specified uses in §120-146.1.
  - (2) Offices or clinics.
  - (3) Bars and restaurants.
  - (4) Motels and hotels.
  - (5) Amusement centers.
  - (6) Public and semipublic uses.
  - (7) Health clubs.
  - (8) Mixed uses.
  - (9) Entertainment, subject to the additional requirements for specified uses in §120-137.
- (10) Places of worship.
- (11) Pawnbrokers.
- w. Add the following new subsection to subsection D(3)(a) of §120-120, relating to prohibited uses in the Mt. Read - Emerson Urban Renewal District:
- [8] Pawnbrokers.
- x. Add the following new subsection to subsection F(1)(a) of §120-120, relating to prohibited uses in the Ridgeway Urban Renewal District:
- [10] Pawnbrokers.
- y. Add the following new subsection to subsection I(1)(b) of §120-120, relating to prohibited uses in the Third Ward Urban Renewal District:
- [11] Pawnbrokers.
- z. Amend subsection L(1)(b)[1][c] of §120-120, relating to permitted uses in the Neighborhood Commercial Land Use Area of the Brooks Landing Urban Renewal District to read as follows:
- [c] Retail sales and services, Full-Line Food Stores, Low-Impact and Specialty, subject to the additional requirements for specified uses in §120-146.1.
- aa. Amend subsection L(1)(c)[1][c] of §120-120, relating to permitted uses in the Riverfront Commercial Land Use Area of the Brooks Landing Urban Renewal District to read as follows:
- [c] Retail sales and service, Full-Line Food Stores, Low-Impact and Specialty, subject to the additional requirements for specified uses in §120-146.1, when conducted in an entirely closed building.
- bb. Amend subsection M(1)(d) of §120-120, relating to permitted uses in the Erie Canal Urban Renewal District to read as follows:
- (d) Retail sales and service, Full-Line Food Stores, Low-Impact and Specialty, subject to the additional requirements for specified uses in §120-146.1.
- cc. Amend subsection N(1)(b) of §120-120, relating to permitted uses in the La Marketa North Clinton Avenue Urban Renewal District to read as follows:
- (b) Retail sales and service, Full-Line Food Stores, Low-Impact and Specialty, subject to the additional requirements for specified uses in §120-146.1.

dd. Add a new subsection N(2)(c) of §120-120, relating to special permit uses in the La Marketa North Clinton Avenue Urban Renewal District:

(c) Retail sales and service, High-Impact, subject to the additional requirements for specified uses in §120-146.1.

ee. Amend subsection B(1) of PDD #9, Canalside Business Center, relating to permitted uses and structures, by amending or adding subsections (t) through (y) to read as follows:

(t) Retail sales and service, Full-line Foodstore, High-Impact, Low-Impact and Specialty, subject to the additional requirements for specified uses in §120-146.1.

[(u) Retail sales and service, High-Impact, subject to the additional requirements for specified uses in §120-146.1.

(v) Retail sales and service, Low-Impact, subject to the additional requirements for specified uses in §120-146.1.

(w) Retail sales and service, Specialty, subject to the additional requirements for specified uses in §120-146.1.]

[(x)] (u) Technical and vocational schools.

[(y)] (v) Warehouse and distribution facilities.

ff. Add the following new subsection to subsection D, relating to prohibited uses in PDD#12, Eastman Business Park:

(12) Pawnbrokers.

gg. Add the following new section:

§120-146.1. Retail sales and service.

The purpose of this section is to regulate retail sales and service to promote the health, safety, and general welfare of the citizens and protect the quality of the neighborhoods of the City. High-impact retail sales and service, due to the nature, volume or intensity of the sales and services provided, has a history of or a likelihood of creating negative impacts to adjacent properties or the surrounding neighborhood by virtue operational impacts such as noise, traffic, parking, loitering, and increased need for police services. Other retail operations, low-impact, specialty, and full-line food stores, have so few negative impacts that they may be located in close proximity to residential uses as they will offer products and services to residents.

A. Distance separation requirements.

(1) Measurement. The following separation requirements shall be measured from any lot line on the same or an

adjoining frontage of a High-Impact Retail Sales and Service business to the lot line of another High-Impact Retail Sales and Service business or a protected use listed below. Where a multi-tenant facility such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the property line.

(2) Protected uses. For the purpose of measuring separation from High-Impact Retail Sales and Service, "protected uses" shall include the following:

(a) Public and semipublic uses, except police and fire stations;

(b) Private Schools

(3) Distance requirements.

(a) High-Impact Retail Sales and Service.

[1] Distance from any protected use: 500 ft

[2] Distance from any other High-Impact Retail Sales and Service: 500 ft.

B. Design standards.

In addition to the standards listed in Article XIX of this Chapter, the following apply:

(1) In new construction, as well as reoccupancy of an existing building, areas of transparency shall be provided along the primary street frontage and shall be equal to 70% of the wall area between the height of two and eight feet from the ground.

(2) In all Retail Sales and Service uses, blocking the windows with interior shelving, or the like, thereby reducing the transparency, is strictly prohibited.

C. Hours of operation.

Use	C-1	C-2	C-3	CCD	M-1	R	V-C
High-Impact	NA	TBD by CPC	24 hours	6am to 2am	24 hours	NA	NA
Low-Impact	6am to 11pm	6am to 2am	24 hours	24 hours	24 hours	6am to 9pm	Refer to District Regs.
Specialty	6am to 11pm	6am to 2am	<u>24</u> hours [6am to 11pm]	24 hours	<u>24</u> hours [6am to 11pm]	6am to 9pm	<u>Refer to District Regs.</u> [6am to 11pm]
Full-line Food Store	6am to 11pm	6am to 2am	24 hours	24 hours	24 hours	6am to 9pm	Refer to District Regs.

- hh. Amend §120-191, Procedures approved by the Director of Zoning, by repealing subsection B(4)(b)[2].
- ii. Amend subsection B(5)(a) of §120-195, Procedures approved by the Zoning Board of Appeals to read as follows:
  - (a) Permit any use or development in a residential district which is not permitted as of right by the use regulations applicable in such district or in any other residential district established by this chapter.
- jj. Amend the first sentence of subsection G(1) of §120-199, Nonconforming use, to read as follows:

When the active operation of all or a portion of a nonconforming use is discontinued or abandoned for a period of nine consecutive months, except for nonconforming High-Impact Retail Sales and Service, for which the period shall be three consecutive months, regardless of any intent to resume or not to abandon the use, the use or portion thereof shall not be reestablished or resumed.

kk. Amend the first sentence of subsection G(3) of §120-199, Nonconforming use, to read as follows:

Prior to the expiration of a period of abandonment or discontinuance, the owner of any nonconformity may apply to the Director of Planning and Zoning for a certificate of nonconformity to document the intent to discontinue a nonconforming use for a period in excess of the period of abandonment or discontinuance.

ll. Amend the first sentence of subsection G(4) of §120-199, Nonconforming use, to read as follows:

Upon the expiration of a period of abandonment or discontinuance, the owner of any nonconformity may apply for a certificate of nonconformity, which, upon denial by the Director of Planning and Zoning, may be appealed to the Zoning Board of Appeals.

Section 2. This ordinance shall take effect on November 1, 2012.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012- 364  
Re: Asset Control Area/Home Rochester Program

Transmitted herewith for your approval is legislation authorizing agreements with the Rochester Housing Development Fund Corporation (RHDFC) for implementation of the Asset Control Area/Home Rochester Program. This legislation will establish construction financing for the program and includes the following actions:

1. Authorize City participation in the RHDFC Loan VI financing pool. The City’s contribution of \$1,919,256 will be funded by Loan V revenues that will not be paid back to the City at this time, but will be used to establish a trust account accessible to RHDFC for Loan VI properties. RHDFC will administer the trust account, and the agreement will describe the process by which RHDFC may draw the Loan V revenues for Loan VI properties.

2. Appropriate \$300,000 from the Capital Project Housing Revolving Loan Fund to finance a loan to RHDFC to provide bridge funding for Loan VI until the Loan V revenues become available.
3. Authorize receipt of \$238,000 from RHDFC as repayment of the Loan V loss reserve and place that amount in the Capital Project Housing Revolving Loan Fund; and establish a loss reserve for Loan VI in the amount of \$238,000 to be financed from the Capital Project Housing Revolving Loan Fund.
4. Establish an interest reserve account not to exceed \$25,000 which will be financed from the Capital Project Housing Revolving Loan Fund. The fund will be used to provide 1% annual interest to enable the working capital fund for the Program. For Loan VI, the working capital fund will be \$750,000, provided by the Greater Rochester Housing Partnership, Inc., and administered by RHDFC.

The Capital Project Housing Revolving Loan Fund was established in May 2011 (Ord. 2011-145) to provide assistance for the creation or renovation of housing for those earning less than 120% of the median family income. This program, funded originally by Cash Capital, supports projects that otherwise would not be feasible.

RHDFC has operated the Home Rochester program since its inception in 2001 in partnership with the City, the Greater Rochester Housing Partnership, Inc. (GRHP), and neighborhood-based non-profit developers. RHDFC buys vacant homes and oversees their renovation for sale to first time homebuyers.

RHDFC has also facilitated City participation in the Asset Control Area Program (ACAP) since the City's original agreement with HUD in 2004. ACAP obligates the City to purchase FHA-foreclosed, single-family properties in specified areas of the city and to sell those properties for resale to eligible buyers. RHDFC's Board of Directors is comprised of representatives from participating entities, and RHDFC's management agreement is assigned to GRHP for implementation.

RHDFC has received over \$72 million dollars of funding to buy and renovate houses in Rochester. Financing for these activities has been through a series of construction loans funded by a public-private partnership. Loan V totaling \$15,750,000 closed in April 2010; and Loan VI, approximately \$16,000,000, is in preparation for closing.

Loan VI will provide financing to RHDFC for the Home Rochester Program to renovate vacant or foreclosed single-family homes for eventual sale to low and moderate income buyers.

The lead lender for Loan VI is JP Morgan Chase. Participating lenders are anticipated to include the City of Rochester, GRHP, Enterprise Community Partners, Partners for the Common Good, HSBC Bank, M&T Bank, First Niagara Bank, and the

Low Income Investment Fund. The City will participate as a lender using \$1,919,256 in revenues from its Loan V contribution of Neighborhood Stabilization Program funds previously awarded by the New York State Housing Finance Agency.

The \$1,919,256 in Loan V revenues will not be available for Loan VI until after May 2013. Therefore, the City will fund a \$300,000 bridge loan to cover its Loan VI contribution until Loan V revenues can be brought into the Loan VI facility. The RHDFC will repay this bridge loan on or before September 30, 2014.

The Loss Reserve is required to induce the participation of public and private lenders to provide the capital to fund Loan VI.

Payment of the 1% interest is necessary in order to establish the working capital fund from the Martin Luther King Fund, which is managed by the GRHP. The working capital will be used to purchase vacant and foreclosed properties for Home Rochester. The renovation of the properties will be funded by Loan VI.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-364  
(Int. No. 423)

#### **Authorizing Agreements For The Asset Control Area/Home Rochester Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation (RHDFC) and The Greater Rochester Housing Partnership, Inc. to permit the continued participation in the Asset Control Area/Home Rochester (ACA) Program through the acquisition and development of ACA properties under Loan VI. The City shall participate as a lender in RHDFC Loan VI through the allocation of \$1,919,256 in Loan V revenues that will be held in a trust account for this purpose. The Agreement shall outline how the trust account funds will be accessed for Loan VI properties.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$238,000 for the administration and management of a loss reserve account to offset expenses incurred through the development of the ACA properties, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Housing Revolving Loan Fund.

Section 3. The agreement shall further obligate the City of Rochester to pay an amount not to exceed \$25,000 for an interest reserve account through November 1, 2015, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Housing Revolving Loan Fund.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-365  
Re: Amending Ordinance No. 2009-169  
And Amending the 2008-09  
Community Development Program  
Plan

Transmitted herewith for your approval is legislation related to the Consolidated Community Development Plan. This legislation will:

1. Amend the Consolidated Community Development Plan 2008-09 Annual Action Plan to transfer \$686,000 in Community Development Block Grant (CDBG) funds available under the American Recovery and Reinvestment Act of 2009 (ARRA) from the EDD Financial Assistance Loan and Grant Program account within the Promoting Economic Stability Objective to the Neighborhood Right-of-Way Improvements account within the General Community Needs Objective.
2. Authorize the submission of the amendment to the Development Plan to the U.S. Department of Housing and Urban Development (HUD).
3. Amend Ordinance No. 2009-169 to reduce the amount authorized and appropriated for the EDD Financial Assistance Loan and Grant Program by the amount of \$686,000 and re-appropriate that amount for the Neighborhood Right-of-Way Improvements Program.
4. Authorize the Mayor to enter into any agreements necessary for the use of these funds.

Through the American Recovery and Reinvestment Act of 2009 (ARRA), the City received additional CDBG funding in the amount of \$2,585,159, which was included in the 2008-09 Annual Action Plan of the Consolidated Plan (Ord. No. 2009-110). Subsequently HUD issued additional guidelines on the use of these funds, which required additional Council actions (Ord. Nos. 2009-169 and 2009-170) to repeal Ordinance No. 2009-110 and to amend the 2008-09 Annual Action Plan to reflect the appropriate uses of the ARRA funding.

The ARRA funds must be used by September 30, 2012; any funds not expended will be recaptured by HUD. The entire amount was appropriated for the EDD Financial Assistance Loan and Grant Program, and encumbered for two projects. One of the original projects will not use the full amount of ARRA funding by the deadline, which leaves a balance of \$686,000, which will be re-appropriated

for right-of way improvements in neighborhoods.

The funds will be used for right-of-way improvements in CDBG eligible locations including, but not limited to, pavement improvements (micropaving and milling and resurfacing), curbing, tree lawns, catch basins, traffic calming features, and sidewalk repair/replacement.

A public hearing on amending the Annual Action Plan is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-365  
(Int. No. 425)

**Authorizing An Amendatory 2008-09 Community Development Program Plan And Agreements For The Use Of Funds Under The American Recovery And Reinvestment Act Of 2009 And Amending Ordinance No. 2009-169**

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

Section 1. The Council hereby approves an amendment to the 2008-09 Community Development Program Plan and authorizes the Mayor to enter into an amendatory agreement with the United States Department of Housing and Urban Development whereby \$686,000, which is a portion of the funding received from the United States Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009, shall be transferred from the EDD Financial Assistance Loan and Grant Program allocation in the Promoting Economic Stability Objective to the Neighborhood Right-of-Way Improvements allocation in the General Community Needs Objective, to fund right-of-way improvements in locations eligible under the Community Development Program, including, but not limited to, pavement improvements (micropaving and milling and resurfacing), curbing, tree lawns, catch basins, traffic calming features, and sidewalk repair/replacement.

Section 2. Ordinance No. 2009-169, relating to an amendment to the 2008-09 Community Development Program Plan for funding under the American Recovery and Reinvestment Act of 2009, is hereby amended by reducing the amount authorized and appropriated in Section 3 thereof from the EDD Financial Assistance Loan and Grant Program allocation of the 2008-09 Community Development Program by the sum of \$686,000.

Section 3. There is hereby appropriated from the General Community Needs Objective, Neighborhood Right-of-Way Improvements Allocation, of the 2008-09 Community Development Block Grant, the sum of \$686,000, or so much thereof as may be necessary, to fund right-of-way improvements in locations eligible under the Community Development Program.

Section 4. The Mayor is hereby authorized to enter into such additional agreements as may be necessary to allow the City to use these funds for the new purpose authorized herein.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Scott  
September 19, 2012

To the Council:

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

Int. No. 406 - Authorizing A Municipal Cooperation Agreement For South Clinton Avenue Improvements

Int. No. 407 - Establishing Maximum Compensation For A Professional Services Agreement For The Promenade At Erie Harbor Park And Johnson Seymour Mill Race Project

Int. No. 408 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$240,000 Bonds Of Said City To Finance The Cost Of Design Of The Promenade At Erie Harbor Park And Johnson Seymour Mill Race Project In The City

Int. No. 409 - Appropriating Funds For The Dewey Avenue And Driving Park Avenue Preventive Maintenance Project And Amending Ordinance No. 2012-211

Int. No. 410 - Establishing Maximum Compensation For A Professional Services Agreement For The Driving Park Bridge Preventive Maintenance Project

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

Int. No. 411 - Approving Geometric Changes To The Intersection Of South Goodman Street And Linden Street

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-366  
Re: Inter-Municipal Agreement - Monroe  
County, Phase 2 South Clinton Avenue  
Conduit Modernization

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the reimbursement of the County share of the cost of resurfacing a portion of South Clinton Avenue in the Town of Brighton, as part of the City's South Clinton Avenue Conduit Modernization Project.

The City has initiated the design of a project on South Clinton Avenue, between I-590 and Brighton-Henrietta Town Line Road, to replace or rehabilitate two water supply conduits. The City is responsible for surface restoration of the portion of South Clinton Avenue, from Brighton-Henrietta Town Line Road to Woodsmeadow Lane, which will be disturbed when excavating the trench for a new conduit. The Monroe County Department of Transportation has requested that consideration be given for the City to incorporate a County share in this project for milling and resurfacing the remaining portion of this section of South Clinton Avenue that will not be disturbed by the City's work.

The incorporation of a County share into the City's Conduit Modernization Project will ensure that a uniform driving surface is provided along this heavily traveled arterial highway upon completion of this project.

The cost of the County's share of the resurfacing work is estimated to be approximately \$100,000. Work is expected to occur during the fall of 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-160

Ordinance No. 2012-366  
(Int. No. 406)

**Authorizing A Municipal Cooperation Agreement For South Clinton Avenue Improvements**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the City shall include the milling and resurfacing of a portion of South Clinton Avenue in the Town of Brighton as part of Phase 2 of the City's South Clinton Avenue Conduit Modernization Project.

Section 2. The agreement shall obligate the County of Monroe to reimburse the City for said work.

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. 2012-367 and Ordinance No. 2012-368

Re: Agreement - Bergmann Associates, Promenade at Erie Harbor Park And Johnson Seymour Mill Race

Transmitted herewith for your approval is legislation related to the Promenade at Erie Harbor Park and the Johnson Seymour Mill Race. This legislation will:

- 1. Establish \$480,000 as maximum compensation for an agreement with Bergmann Associates, P.C., for related design services, to be funded from the appropriations requested herein.
- 2. Appropriate \$240,000 in anticipated reimbursements from New York State Environmental Protection Fund, Local Waterfront Revitalization Grant Program to finance a portion of the cost of the agreement.
- 3. Authorize the issuance of bonds totaling \$240,000 and the appropriation of the proceeds thereof to finance a portion of the cost of the agreement.

Ordinance No. 2006-149 authorized an agreement with the State of New York for the administration and funding of the planning and preliminary design phases for Erie Harbor Park; and Ordinance No. 2011-396 authorized the application for the State funding and any necessary agreements related to the final design and construction of the Promenade.

Erie Harbor Park is a riverfront site adjacent to South Avenue on the east side of the Genesee River, opposite Woodbury Boulevard. Ownership of the property is mixed; principal parties are the City, State, and the Farash Corporation; there are also several easements crossing the property.

A Master Plan for the site was completed in 2010 through a public-private partnership between the City and the Farash Corporation and includes the following public improvements for increased waterfront access: waterfront promenades, a pedestrian bridge with viewing platforms, improvements to the 1815 Johnson Seymour Mill Race, lighting upgrades, interpretive signage, benches, bike racks, and landscaping. The Master Plan envisions and supports mixed use development intertwined with the public improvements. The Farash Corporation has been instrumental in strategically positioning this property to maximize economic and community benefit, and is currently seeking developers to take advantage of this unique property.

Bergmann Associates will complete the inspection, evaluation, final design, and contract documents for

the construction of the Promenade at Erie Harbor Park and the repairs to the Johnson Seymour Mill Race. Estimated cost for the project is \$3,630,000. The consultant was selected through a request for proposal process summarized in the attached information sheet.

Design services will begin in fall 2012. Partial construction funding is identified in the City's Capital Improvement Plan (CIP) with the remaining funds sought through the July 2012 New York State Consolidated Funding process. The project results in the creation/retention of the equivalent of 38 full-time jobs.

Respectfully submitted, Thomas S. Richards Mayor

Attachment No. AL-161

Ordinance No. 2012-367 (Int. No. 407)

**Establishing Maximum Compensation For A Professional Services Agreement For The Promenade At Erie Harbor Park And Johnson Seymour Mill Race Project**

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

Section 1. The sum of \$480,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, PC for design services for the Promenade at Erie Harbor Park and Johnson Seymour Mill Race Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$240,000 shall be funded from a bond ordinance adopted for this Project and \$240,000 is hereby appropriated from anticipated reimbursements from the New York State Environmental Protection Fund, Local Waterfront Revitalization Grant Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-368 (Int. No. 408)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$240,000 Bonds Of Said City To Finance The Cost Of Design Of The Promenade At Erie Harbor Park And Johnson Seymour Mill Race 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 the design

of the Promenade at Erie Harbor Park and Johnson Seymour Mill Race Project in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$480,000. The plan of financing includes the issuance of \$240,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$240,000 appropriated from anticipated reimbursements from the New York State Environmental Protection Fund, Local Waterfront Revitalization Grant Program, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$240,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$240,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 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. 2012-369  
Re: Dewey Avenue and Driving Park  
Avenue Preventive Maintenance  
Project

Transmitted herewith for your approval is legislation related to the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project. This legislation will:

1. Appropriate \$202,500 from anticipated New York State Marchiselli aid reimbursements. These funds will be used to finance the Federal Aid eligible portions of the design services, construction, and resident project representation for the project.
2. Amend Ordinance No. 2012-211, which authorized an agreement with Lu Engineers,

P.C., for resident project representation (RPR) services, to revise the funding sources for the agreement as follows:

Category	Ord. No. 2012-211	Amended
Federal Aid	\$127,000	\$125,520
State Marchiselli Aid	0	18,565
City Bonds (Ord. No. 2012-210)	29,900	12,815
Focused Investment (Cash)	2,100	2,100
Total	\$159,000	\$159,000

Past legislation related to this project includes the following:

Ordinance Number	Authorized
2010-81	Agreement with NYSDOT to administer the project
2011-160	Geometric changes to Driving Park Avenue
2012-210	Construction bonds
2012-211	Appropriation of Federal Highway Aid Agreement with Lu Engineers, P.C., for RPR services

The original Federal Highway Aid and Marchiselli Aid Local Project Agreement was signed in 2010 and authorized Federal Aid for design. In June 2012, a supplemental Federal Aid agreement for construction and inspection was signed and forwarded to the New York State Department of Transportation (NYSDOT), at which point the State notified the City that \$202,500 in State Marchiselli aid was also authorized for this project.

This project is currently under construction and is expected to be completed in fall 2012.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-369  
(Int. No. 409)

**Appropriating Funds For The Dewey Avenue And Driving Park Avenue Preventive Maintenance Project And Amending Ordinance No. 2012-211**

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

Section 1. The sum of \$202,500 is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation to fund the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project.

Section 2. Ordinance No. 2012-211, authorizing a professional services agreement for resident project representation services for the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project, is hereby amended by reducing the funding for the agreement from Bond Ordinance No. 2012-

210 from \$29,900 to \$12,813.75, by adding funding in the amount of \$18,566.25 from the appropriation in Section 1 herein of New York State Department of Transportation funds, and by reducing the funding from anticipated reimbursements from the Federal Highway Administration from \$127,000 to \$125,520.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-370  
Re: Agreement - LaBella Associates,  
Driving Park Bridge Preventive  
Maintenance Project

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with LaBella Associates, P.C., for engineering design services related to the Driving Park Bridge over the Genesee River Preventive Maintenance Project. The cost of the agreement will be financed from previously appropriated (Ord. No. 2012-331) Federal Highway Administration reimbursements (\$200,000), and 2012-13 Cash Capital (\$50,000).

Recent bridge inspections indicate specific bridge elements have reached a point of deterioration and require preventative maintenance to prolong the life of the structure. Work to be completed includes: full removal and replacement of the concrete deck for the main span (span 3), partial and localized deck repairs, removal and resetting of bridge railing, removal and replacement of curbs and sidewalks, structural steel repairs to span 3, expansion joint replacements, bridge washing, scupper cleaning, and localized paint repairs.

Participation in the project and receipt and use of Federal Funds were authorized in August 2012 (Ord. No. 2012-331). The estimated project cost is \$3,000,000.

Qualifications for engineering services were solicited from the fourteen firms on the New York State list of regional firms pre-approved for Federal Aid transportation projects. Eight firms submitted proposals: Barton & Loguidice, P.C.; Bergmann Associates, P.C.; Erdman Anthony Associates, Ravi Engineering, Hunt Engineers, Architects and Land Surveyors, P.C.; LaBella Associates, P.C.; Stantec and T.Y. Lin International. The selection team consisted of four engineering professionals from the Department of Environmental Services and an observer from the NYSDOT for Federal audit and procedural purposes. Based on a review of the qualifications, staff assigned to the work, and approach to the project, Labella Associates was selected.

The City will receive \$8,800 in FHWA reimbursements for project administration services that will be provided in-house.

Design services will begin this fall. It is anticipated that construction will begin early spring 2015 with scheduled completion in late fall 2015. The project results in the creation/retention of the equivalent of 32.6 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-370  
(Int. No. 410)

**Establishing Maximum Compensation For A Professional Services Agreement For The Driving Park Bridge Preventive Maintenance Project**

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 LaBella Associates, PC for design services for the Driving Park Bridge over the Genesee River Preventive Maintenance Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$200,000 shall be funded from the appropriation made in Section 3 of Ordinance No. 2012-331 and \$50,000 shall be funded from the 2012-13 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-371  
Re: Geometric Changes - Linden  
Street/S. Goodman Street  
Intersection

Transmitted herewith for your approval is legislation authorizing geometric changes to the intersection of Linden Street and South Goodman Street to eliminate the southeastern leg of the intersection and redirect traffic to the northeastern leg of this intersection.

The reconfiguration of this intersection will improve safety by eliminating a street crossing, thus shortening the crossing distance for pedestrians. The project also includes the installation of new curbs across the closed leg of the intersection; modification of existing handicap ramps for compliance with current ADA guidelines; and topsoil and seed.

Honor Park, located within the intersection, will benefit from the related expansion of green space adjacent to the park. This City park is currently maintained by a Military Veteran Organization which is willing to continue maintenance of the expanded grass area.

The estimated cost for the improvements is \$30,000 and will be funded from prior years' Cash Capital.

Construction is anticipated to start in the fall of 2012 and be completed by spring of 2013. The Traffic Control Board will consider the proposed geometric changes at its September 5, 2012 meeting. A public informational meeting will be held September 13, 2012.

A public hearing on these changes to the intersection is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-371  
(Int. No. 411)

**Approving Geometric Changes To The Intersection Of South Goodman Street And Linden Street**

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

Section 1. The Council hereby approves geometric changes to the intersection of South Goodman Street and Linden Street whereby the southeastern leg of the intersection will be closed to traffic, and the traffic will be redirected to the northeastern leg of 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.

By Councilmember McFadden  
September 19, 2012

To the Council:

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

Int. No. 412 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

Int. No. 413 - Authorizing An Agreement For Reimbursement For School Resource Officers

Int. No. 414 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Public Market Renovation And Expansion Project

Int. No. 415 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 416 - Authorizing Agreements For The Rochester Youth Violence Partnership Hospital Based Intervention Program And Amending The 2012-13 Budget

Int. No. 417 - Authorizing An Amendatory Agreement With The County Of Monroe For Traffic Signal Pre-Emption Maintenance

Int. No. 419 - Authorizing Agreements For The HEART Coalition For A Drug-Free Rochester Program

The following entitled legislation is being held in Committee:

Int. No. 424 - Authorizing Agreements For Towing Services

Respectfully submitted,  
Adam C. McFadden  
Matt Haag  
Loretta C. Scott  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-372  
Re: Agreement - Jerid M. Fisher, Ph.D.,  
ABN, Fitness for Duty

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum annual compensation for a two-year agreement with Jerid M. Fisher, PH.D., ABN (American Board of Professional Neuropsychology) to provide clinical services with respect to Fitness for Duty for the Rochester Police Department (RPD). The annual cost of the agreement will be funded from the 2012-13 Budget of the Police Department, and subsequent Budgets, contingent upon their approval.

Dr. Fisher will provide Fitness for Duty evaluations for law enforcement officers who have experienced a duty related injury or trauma. Evaluations will include an assessment of the officer's psychological ability to return to work, a determination of work related causality, and management of care for duty related psychological injuries.

Dr. Fisher was selected through a request for proposal process, summarized in the attached RFP information sheet. The increasing complexity of psychological injuries as they relate to causation, management of care, and State retirement system requirements has made the selection of a comprehensive provider essential.

The term of this agreement will be October 1, 2012 through September 30, 2014, with the option to renew for three additional, consecutive one-year periods.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-162

Ordinance No. 2012-372  
(Int. No. 412)

**Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department**

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Jerid M. Fisher, Ph.D., for clinical services for fitness for duty evaluations for the Rochester Police Department for a term of two years, with options to renew for three additional terms of one year. Said amounts shall be funded from the 2012-13 and subsequent Budgets of the Rochester Police 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. 2012-373  
Re: Agreement - Rochester City School District, School Resource Officers

Transmitted herewith for your approval is legislation authorizing a two-year agreement with the Rochester City School District (RCSD) for the annual receipt and use of \$1,100,000 as partial reimbursement of the cost to provide sworn City of Rochester Police Officers to serve as School Resource Officers at RCSD facilities.

Police Officers have been assigned as School Resource Officers since 1999 to assist in maintaining safe school environments. The cost for the service then, and through 2003, was supported in part by a federal grant. From 2003 to 2007, the cost was absorbed in total by the City. During the development of the 2007-08 City budget, and following extensive negotiations with the District, it was agreed that the District would provide annual support for the School Resource Officers.

Some of the duties of the Resource Officers include functioning as role models for students, providing a police presence in the school, enforcing truancy, and handling calls for service that originate within the school setting.

The term of this agreement is from September 4, 2012 through June 30, 2014, with an option for a

one-year renewal.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-373  
(Int. No. 413)

**Authorizing An Agreement For Reimbursement For School Resource Officers**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding in an annual amount of \$1,100,000 to partially reimburse the City for the cost of School Resource Officers placed in City Schools from September 4, 2012 through June 30, 2014.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-374  
Re: Amendatory Agreement - T.Y. Lin International, Public Market Renovation Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with T.Y. Lin International for additional architectural and engineering design services and construction supervision for the Public Market Renovation Project. The original agreement for \$300,000 was authorized via Ordinance No.2010-433. This amendment will increase maximum compensation by \$630,000 to a total of \$930,000. The additional cost will be financed from 2011-12 (\$355,000) and 2012-13 (\$275,000) Cash Capital.

T.Y. Lin was selected through a request for proposal process as the consultant for the conceptual design phase of this project (see Ord. No. 2010-433). Under that agreement, the consultant completed the following: master site plan and survey; schematic design report; market, economic impact, and financial analysis; existing condition report on the wintershed facility; and a customer survey. The consultant also facilitated a number of focus groups involving stakeholders in the project.

The master site plan includes a phased approach to the project. The first phase includes the construction of a new open shed, the winterization of the existing C Shed and the renovation of the wintershed and adjacent food kiosks. A summary of the concept master plan is attached.

T.Y. Lin International will provide additional services under this contract, including detailed design, bid documents and construction oversight for this first phase. Authorization for an agreement for construction supervision services for the renovation of the wintershed and food kiosks will be requested at a later date.

T.Y.Lin International was selected to provide additional services based on their performance during the initial phase of this project, their familiarity with the market and its unique challenges and assets and the strength and diversity of their team.

It is anticipated that the design work will begin in November 2012 and be completed in the spring of 2013. Construction and bid documents will be completed and the project bid and awarded by the fall of 2013, with construction beginning in winter 2013-2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-163

Ordinance No. 2012-374  
(Int. No. 414)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Public Market Renovation And Expansion Project**

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

Section 1. The sum of \$630,000, 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 T.Y. Lin International for architectural and engineering design and construction supervision services for the Public Market Renovation and Expansion Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$355,000 shall be funded from the 2011-12 Cash Capital allocation (Public Market) and \$275,000 shall be funded from the 2012-13 Cash Capital allocation (Public Market).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-375  
Re: Agreement - Rochester Ice Hockey Officials

Transmitted herewith for your approval is legislation establishing \$13,000 as maximum compensation for an agreement with Rochester Ice Hockey Officials, Inc. (Nick Tochelli, President), Pittsford,

NY, to provide referees for adult men's and women's hockey leagues at Genesee Valley Park Sports Arena from October 8, 2012 to March 30, 2013.

The cost of this agreement will be funded from the 2012-13 Budget of the Department of Recreation and Youth Services. The leagues are fee based and revenue covers all associated costs.

Rochester Ice Hockey Officials, Inc. has provided referees for the leagues since 1993. They also provide all equipment, materials, and supplies required to perform their services. RIHO is one of only two local hockey officiating organizations that are insured; the other operates exclusively in scholastic leagues.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-164

Ordinance No. 2012-375  
(Int. No. 415)

**Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees**

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

Section 1. The sum of \$13,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Ice Hockey Officials, Inc. for continued provision of referees for adult men's and women's hockey leagues at the Genesee Valley Park Ice Arena. Said amount shall be funded from the 2012-13 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. 2012-376  
Re: Agreement - Rochester Institute  
Of Technology, Pathways to Peace  
Extended Services

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Institute of Technology for the receipt and use of a \$61,500 grant to support Pathways to Peace and its work with the Rochester Youth Violence Partnership Hospital Based Intervention Program (RYVP); and amending the 2012-13 Budget of the Department of Recreation and Youth Services to reflect the grant.

RYVP focuses on reducing the number of shooting and stabbing incidents, reducing the rate of recidi-

vism of violence among youth and young adults who have experienced such trauma, and improving overall community health. Preliminary evaluation of the program by the University of Rochester Medical Center shows a recidivism rate of only 3% (4 of 150 cases).

The program was initially established in 2007. Pathways to Peace (PTP) has been a partner since its inception and participates in several ways: PTP staff are available for on-call responses to Strong Memorial and Rochester General Hospitals when there are incidents involving a shooting or stabbing; to participate in strategy meetings; and to train emergency and social work staff in both Rochester and Buffalo.

The grant will fund overtime payments for PTP staff for immediate, after hours responses to local hospitals; and will support PTP staff overtime and travel expenses related to training at Buffalo area hospitals. The Pathways team will train key staff members as the RYVP collaborative, the regional collaborative, expands its hospital-based intervention service model to Buffalo area hospitals.

Dr. John Klofas of the Rochester Institute of Technology anticipates that enhancing the RYVP, and expanding it to Buffalo, will establish a collaborative effort across cities in reducing violent injuries and its correlation of high incidence of homicide for upstate cities.

A total of \$60,000 will be allocated for overtime for PTP Youth Intervention Specialists (average rate of \$63 per hour including fringe benefits) to cover an average of two to three calls per week for hospital interventions. And \$1,500 will be allocated for travel. The term of this agreement will be July 1, 2012 through June 30, 2013 to cover overtime claims retroactive to July 1, 2012.

Funding for RYVP has been provided in the past from the Department of Criminal Justice Systems, Project IMPACT, and the Budget of the Department of Recreation and Youth Services.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-165

Ordinance No. 2012-376  
(Int. No. 416)

**Authorizing Agreements For The Rochester Youth Violence Partnership Hospital Based Intervention Program And Amending The 2012-13 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology for funding for Pathways to Peace to take part in the Rochester Youth Violence Partnership Hospital Based Intervention Program.

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

Section 3. Ordinance No. 2012-229, the 2012-13 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 \$61,500, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-377  
Re: Amendatory Agreement - Monroe  
County, Traffic Signal Pre-Emption  
Equipment Maintenance

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe County annual maintenance and repair of traffic signal pre-emption equipment. The original agreement (Ord. No. 2011-172) was for a five-year term and \$18,600 as maximum annual compensation. This amendment will increase annual compensation by \$2,200, for a total of \$20,800 for the remainder of the agreement. The additional cost will be funded from the 2012-13 Budget of the Fire Department and subsequent budgets contingent upon approval.

The pre-emption system enables emergency vehicles to change traffic signals in order to clear an intersection when necessary. This reduces response times and increases safety for vehicles approaching the intersection. This equipment, purchased by the Rochester Fire Department, was installed at 337 intersections throughout the city. The equipment is no longer under warranty and the County has agreed to continue routine maintenance of the equipment which is installed in County-owned traffic signals.

This amendment will allow for maintenance of an additional thirty locations and for new installations as they occur.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-377  
(Int. No. 417)

**Authorizing An Amendatory Agreement  
With The County Of Monroe For Traffic Signal  
Pre-Emption Maintenance**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe for the maintenance and repair of traffic signal pre-emption equipment within the City.

Section 2. The amendatory agreement shall obligate the City of Rochester to pay an additional amount not to exceed \$2,200 annually for the term of the agreement and its renewals, and said amounts shall be funded from the 2012-13 and subsequent Budgets of the Rochester Fire Department, contingent upon the adoption of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-378  
Re: Agreements - HEART Coalition

Transmitted herewith for your approval is legislation related to a US Department of Health and Human Services Substance Abuse and Mental Health Services Administration grant project, the HEART Coalition for A Drug-Free Rochester. This legislation will:

1. Authorize an agreement with the US Department of Health and Human Services for the receipt and use of a \$125,000 grant for implementation of services provided by the HEART Coalition for a Drug-Free Rochester. This amount was anticipated and included in the 2012-13 Budget of the Department of Recreation and Youth Services.
2. Amend the 2012-13 Budget of the Department of Recreation and Youth Services by \$10,500 to include the unused portion of the 2011-12 HEART Coalition funds.
3. Establish \$46,785 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc., to act as fiduciary for Metro Council for Teen Potential (MCTP) to direct the project, coordinate the coalition of agencies involved with the program, and oversee needs assessment, analysis and social marketing from November 1, 2012 to September 29, 2013. The cost of this agreement will be funded from the 2012-13 DRYS Budget.
4. Establish \$14,000 as maximum compensation for an agreement with Rochester General Hospital Department of Pediatrics, Northeast Rochester Youth and Family Wellness Project to coordinate the Peer Educators program from November 1, 2012 to September 29,

2013. The cost of this agreement will be funded from the 2012-13 DRYS Budget.

- 5. Authorize additional agreements as needed for implementation of the program. It is currently anticipated that the following agencies will be involved:

RCTV, Channel 15  
 \$1,000 Media production services  
 RIT, Center for Public Safety Initiatives  
 \$5,000 Program evaluation services

The remaining \$58,215 of the grant and the remaining 2011-12 funds (\$10,500) will be used to fund personnel, supplies, and travel costs related to grant projects.

The HEART Coalition, a collaboration consisting of MCTP and Rochester General Hospital Department of Pediatrics, was originally funded by a five-year grant from the US Department of Health and Human Services Substance Abuse and Mental Health Services Administration for approximately \$100,000 annually from 2005 through 2010. Based on the results of the first grant cycle, the City and its partners were awarded a second, five-year cycle of funding for approximately \$125,000 annually from September 30, 2010 until September 29, 2015. The receipt and use of grant funds was most recently authorized by Ord. No. 2011-334. 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. A program description is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-166

Ordinance No. 2012-378  
(Int. No. 419)

**Authorizing Agreements For The HEART Coalition For A Drug-Free Rochester Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration for funding for the HEART Coalition for a Drug-Free Rochester Program.

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Department of Recreation and Youth Services by the sum of \$10,500, which amount is hereby appropriated

from unused 2011-12 HEART Coalition funds.

Section 4. The sum of \$46,785, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Baden Street Settlement of Rochester, Inc. as fiduciary for the Metro Council for Teen Potential, for services relating to the HEART Coalition for a Drug-Free Rochester Program. Said amount shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 5. The sum of \$14,000, 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 General Hospital Department of Pediatrics, Northeast Rochester Youth and Family Wellness Project, to coordinate the Peer Educators Program. Said amount shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 6. The sum of \$68,715, or so much thereof as may be necessary, is hereby established as the compensation to be paid for additional professional services, personnel, supplies and travel services for the HEART Coalition for a Drug-Free Rochester Program. Said amount shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 424  
Re: Agreements - Vehicle Towing Services

Transmitted herewith for your approval is legislation related to towing services for the City. This legislation will:

- 1. Authorize agreements with the following firms for towing of standard vehicles. These firms were selected through a request for proposal process; a summary description of the process is attached.

<u>Company</u>	<u>Address</u>
<u>Principal</u>	
Alliance Collision, Inc.	532 North Street
Daniel Tantalo	
East Avenue Automotive	1656 East Avenue
Paul Marone	
John & Sons Collision	4 Niagara Street
Michael Piacente	
Excel Service & Towing	95 Seneca Avenue
Scott Chapman	
Seton Towing	44 Arthur Street
Gary Seton	

- 2. Authorize an agreement with Joe Benson's Service (1421 Scottsville Road) for heavy du-

ty towing. This is one of only a few firms in the region to provide this specialized service. They have provided satisfactory service to the City for several years.

Private firms are hired by the City to provide towing of illegally parked, damaged, disabled, recovered stolen, and abandoned vehicles. Assignments for the towing of standard vehicles are rotated among the companies contracted for that service.

The current agreements for towing services, authorized in September 2011 (Ordinance No. 2011-314), will expire on September 30, 2012. The proposed agreements will be for three years, from October 1, 2012 through September 30, 2015.

In 2011-12, a total of 3,979 vehicles were towed to the City Auto Pound and the City paid the following amounts to the following vendors currently under contract with the City:

Alliance Collision	\$124,699
East Avenue Towing	120,483
Excel Service & Towing	81,192
John & Sons Collision	126,974
Joe Benson's Service	<u>2,358</u>
Total	\$455,706

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 424

**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 for the City for a term of three years:

<u>Contractor</u> <u>Address</u>	<u>Principal/Officer</u>
Alliance Garage 532 North Street	Daniel Tantalo
East Avenue Auto, Inc. 1656 East Avenue	Paul Marone
John & Son Collision 4 Niagara Street	Michael Piacente
Excel Service & Towing 95 Seneca Avenue	Scott Chapman
Seton Towing 44 Arthur Street	Gary Seton
*Joe Benson's Service 1421 Scottsville Road	Joseph Benson, Jr.

\*Heavy towing only

Section 2. The agreements shall obligate the City to pay the following fees for such services. Said amounts shall be funded from the 2012-13 and subsequent Budgets of the Rochester Police Department, contingent upon adoption of subsequent

budgets.

<u>Service*</u>	<u>Fees</u>
Standard Tow Fee (Regular or Flatbed Tow) (MVA, traffic violations, mechanical problems, snowbound vehicles, snow emergencies, etc)	\$103
Relocate vehicles	
First vehicle	103
Each additional vehicle	23
Additional Services (Brake inspections requested by RPD and additional services approved by the Chief of Police - in 15 minute increments)	70 per hour
In-Pound Towing/per tow truck (15 minute increments)	70 per hour
Towing RPD vehicle within Monroe County	no charge
Towing RPD vehicles outside of Monroe County (per mile beyond the County line - round trip) (Adjusted per IRS mileage reimbursement rate)	.555
Towing private vehicles outside of Monroe County (Standard tow fee applies. Mileage per mile beyond Monroe County line - round trip) (Adjusted per IRS mileage reimbursement rate)	.555
Truck Towing Single and tandem axles, up to 26,000 lbs. GVW	179
Heavy Trucks/Tractor Trailers, in excess of 26,000 lbs. GVW	246
Service Call - RPD or private vehicle (only one fee per event) (includes jump starts, lock outs, out of gas, tire change, moving disabled vehicle to shoulder of road, etc.) - Service calls provided to private vehicles must be billed directly to vehicle owner and will not be paid by the City.	70
Special Event or Emergency Standby Status (per hour in 15 minute increments with a minimum of one hour) Special event standby will be requested in advance of the event. Emergency standby will apply to critical incidents. No stand-by time will be paid for a standard tow. This rate will include relocations. (If a vehicle is impounded, the normal towing rate will apply and	50 per hour

the stand-by rate will cease during the towing and impound period)

\*If more than one extra cost is applicable, the highest rate is used.

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

Section 4. This ordinance shall take effect immediately.

Held in Committee.

By President Warren  
September 19, 2012

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 418 - Resolution Confirming The Appointment Of The Budget Director

Respectfully submitted,

Carolee A. Conklin  
Matt Haag  
Adam C. McFadden  
Dana K. Miller  
Carla M. Palumbo  
Loretta C. Scott  
Elaine M. Spaul  
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-24  
Re: Confirmation - Director of the Office  
Of Management and Budget

Transmitted herewith for your approval is legislation confirming, as required by the Charter of the City of Rochester, the appointment of Christopher Wagner as Director of the Office of Management and Budget.

Mr. Wagner's resume is available in the City Clerk's Office for your review.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-24  
(Int. No. 418)

**Resolution Confirming The Appointment Of The Budget Director**

WHEREAS, the Mayor has appointed Christopher Wagner to the position of Budget Director, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Christopher Wagner as Budget Director.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 9:48 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

REGULAR MEETING  
OCTOBER 16, 2012

Present - President Warren, Councilmembers Conklin, Haag, Miller, Palumbo, Scott, Spaul - 7

Absent - Councilmember McFadden, Councilmember Ortiz - 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:  
Police Department  
\*Thomas F. Donovan  
\*Michael E. Hooper  
\*Elias D. Lopez  
\*Virgil M. Ross, Jr.  
\*Dean A. Ussia

Library  
\*Jose E. Rodriguez  
*\*Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of September 19, 2012 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 submitted the following:  
Public Disclosure - HOME Participation  
4088-12  
Public Disclosure - CDBG Participation  
4089-12

Public Auction - December 7, 2012 4090-12  
Quarterly Report - Delinquent Receivables 4091-12

Councilmembers Miller and Scott submitted General Municipal Law § 803 Disclosure Forms

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Palumbo presented petition with 211 signatures regarding saving 660 W. Main Street Petition No. 1672

Councilmember Spaul presented petition with 41 signatures regarding repealing point system Petition No. 1673

Councilmember Spaul presented petition with 8 signatures regarding entertainment licenses Petition No. 1674

Petition with 47 signatures regarding scrap being stolen from homes Petition No. 1675

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 983, 995, 1005, 1015 And 1023 West Ridge Road From R-1/O-B Low Density Residential With Overlay Boutique To C-1 Neighborhood Center Commercial Int. No. 432 No speakers.

Authorizing An Amendatory 2012-13 Community Development Program Plan For The Homebuyer Assistance Program, Appropriating Funds And Authorizing Agreements Int. No. 433 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of A Portion Of 565 River Street For The Port Of Rochester Public Marina & Mixed Use Development Project Int. No. 452 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-379  
Re: Summer of Opportunity Evaluation

Transmitted herewith for your approval is legislation establishing \$24,700 as maximum compensation for an agreement with Center For Governmental Research (CGR) for the review of the Department of Recreation and Youth Services' Summer of Opportunity Program (SOOP).

The SOOP study will be funded jointly from the operating budget of the City Council Office and from Undistributed (Effectiveness and Efficiency).

The study is estimated to be completed and ready for review by the end of the calendar year.

Respectfully submitted,  
Lovely A. Warren  
President

Ordinance No. 2012-379  
(Int. No. 453)

**Establishing Maximum Compensation For A Professional Services Agreement For A Study Of The Summer Of Opportunity Program**

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

Section 1. The sum of \$24,700, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Governmental Research, Inc. for a study of the Summer of Opportunity Program. Of said amount, \$12,350 shall be funded from the 2012-13 Budget of the City Council and Clerk and \$12,350 shall be funded from the 2012-13 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
October 16, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 426 - Cancellation Of Taxes And Charges

Int. No. 427 - Approving A Library Grant And Amending The 2012-13 Budget

The following entitled legislation is being held in Committee:

Int. No. 451 - Bond Ordinance Of The City Of Rochester, New York, Authorizing Refunding Of Certain Bonds Issued In 2004 And Determining Certain Matters In Connection Therewith

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Loretta C. Scott  
Dana K. Miller  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-380  
 Re: Cancellation or Refund of  
 Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$6,137.43.

The property located at 300 Bay Street is owned by a not-for-profit and is used as a house of worship. As such, the property is eligible for the non-profit exemption and, in June 2012, City Council approved a cancellation of taxes in the amount of \$20,877.44. However, that included a taxable portion of the assessment attributable to cellular equipment that is non-exempt.

The taxable value is \$70,000, or a credit of \$2,995.44 attributable to the cellular equipment. However, since the amount was not levied against the property, the related amount of taxes, \$2,995.44, could not be credited on the 2011-12 tax bill. It will be billed as an omitted assessment on the 2013-14 tax bill.

The owner of the property located at 19 Jay Street was eligible for a Basic STAR exemption in addition to an existing Empire Zone exemption (485e). When the STAR exemption was added to the file it caused a miscalculation of the Empire Zone exemption and the taxable value.

If these cancellations are approved, total cancellations thus far for 2012-13 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	4	\$116,654.69
Administrative	<u>26</u>	<u>5,032.24</u>
Total	30	\$121,686.93

These cancellations represent 0.051% of the taxes receivable as of July 1, 2012.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-167

Ordinance No. 2012-380  
 (Int. No. 426)

**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 located at 300 Bay Street is owned by a not for profit and utilized as a house of worship. City Council previously approved a cancellation of taxes on June 19, 2012 in the amount of \$20,877.44 because the property was eligible for the non-profit exemption. What was reflected in the prior cancellation was an amount equal to a taxable value of \$70,000 for cellular equipment

not subject to the exemption. However, since the \$70,000 was not levied against the property and on the 2011-12 tax roll, it could not be credited and will be billed as an omitted assessment on the 2013-14 tax bill.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
106.43-4-29.1	N	2013	\$2,995.44
300 Bay Street			

(B) The owner of the property located at 19 Jay Street was eligible for a Basic STAR exemption in addition to an existing Empire Zone exemption (485e). When the STAR exemption was added to the file, it caused a miscalculation of the Empire Zone exemption and the taxable value.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
106.69-1-58.1	N	2013	<u>\$3,141.99</u>
19 Jay Street			
Grand Total			\$6,137.43

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-381  
 Re: Budget Amendment - New York  
 State Department Of Education  
 Grant

Transmitted herewith for your approval is legislation amending the 2012-13 Budget of the Library to reflect the receipt and use of a \$30,000 grant from the New York State Education Department to support English language learning and citizenship coursework in the Northwest Quadrant.

The Maplewood Branch Library currently provides English speakers of other languages (ESOL) instruction supported by volunteer teachers, community groups, college students, and other associated organizations. This funding, made possible through the efforts of Senator Joseph E. Robach, will support English language learning and citizenship coursework at the Maplewood and Lyell branch libraries.

The funding will provide ESOL, literacy and civics instruction classroom training through Falls View Academy ESOL teaching professionals at the

Maplewood and Lyell branches, as well as supplies and materials to support training and outreach initiatives.

Acceptance of funds and an agreement with Falls View Academy were approved by the Rochester Public Library Board of Trustees at its September 19, 2012 meeting.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-381  
(Int. No. 427)

**Approving A Library Grant And Amending The 2012-13 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 Education Department for funding to support English language learning and citizenship coursework in the Northwest Quadrant.

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Public Library by the sum of \$30,000, which amount is hereby appropriated from the grant funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 451 from Committee.

The motion was seconded by Councilmember Spaull.

The motion was adopted by unanimously.

Councilmember Conklin moved to amend Int. No. 451.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-382  
Re: Refunding of 2004A and 2004B  
Bonds

Transmitted herewith for your approval is legisla-

tion authorizing the refunding of outstanding 2004A and 2004B bonds, in accordance with the call provision of those bonds. The call provision provided that the Series A Bonds maturing after October 15, 2014 and the Series B Bonds maturing after February 15, 2014 may be redeemed prior to maturity at the option of the City. The principal amount of the 2004A and B bonds maturing after that date totals \$34,890,000; this legislation requests the refunding of up to \$38 million.

Advance refunding of bonds is regulated by New York State Local Finance Law (Section 90.10), which requires that there must be a demonstrated present value savings, and that the transaction be approved by the New York State Comptroller's Office, which in turn requires documentation of City Council authorization. The refunding bonds (i.e., the new bonds) must provide proceeds, together with future interest earnings, sufficient to cover the debt service (principal and interest) of the refunded bonds (i.e., original bonds) and bond issue costs.

Current municipal bond rates available to the City with its Aa3 (Moody's) rating and the call provision of the 2004 A and B Bonds make it economically attractive to refund these bonds. An analysis dated October 2, 2012, using municipal bond rates at that time, revealed a cash savings on principal and interest payments of \$2,194,922.90, which is a net present value savings of \$1,840,295.86, which will be realized in our annual repayments over the term of the bonds (through October 2031).

A copy of the analysis is on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-168

Ordinance No. 2012-382  
(Int. No. 451, As Amended)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing Refunding Of Certain Bonds Issued In 2004 And Determining Certain Matters In Connection Therewith**

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") issued its \$101,605,000 General Obligation Serial Bonds - 2004, Series A and Series B, on March 4, 2004 (the "2004 Bonds") to finance various capital projects within the City. The 2004 Bonds included a provision whereby the 2004 Bonds could be redeemed at 100% of the principal amount thereof after ten (10) years if interest rates had fallen and debt service savings could be achieved.

Section 2. The Series A Bonds are subject to partial or full optional redemption by the City after October 15, 2014 and the Series B Bonds are sub-

ject to partial or full optional redemption after February 15, 2014.

Section 3. The City hereby determines that the issuance of the Bonds will not exceed the amount sufficient to pay the sum of (i) the principal amount of 2004 Bonds to be refunded (\$34,890,000), (ii) the aggregate amount of unmatured interest payable on the 2004 Bonds to be refunded to and including the applicable redemption dates (\$2,274,743.75), (iii) redemption premiums payable on such 2004 Bonds to be refunded as of such applicable redemption dates (\$-), and (iv) costs and expenses incidental to the issuance of the Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the escrow holder. The proposed refunding financial plan prepared in connection with issuance of the Bonds is submitted to the City Council herewith; the estimated present value of the total debt service savings anticipated as a result of issuance of the Bonds is currently estimated to be \$1,700,000 (4.9% of refunded par amount of the 2004 Bonds). The weighted average maximum periods of probable usefulness of the capital assets financed with the proceeds of the 2004 Bonds is not less than thirty (30) years.

Section [3] 4. The City hereby determines that refunding all or a designated portion of the 2004 Bonds will result in substantial debt service savings to the City and City Council hereby authorizes issuance and sale of its advance refunding bonds to redeem all or a designated portion of the 2004 Bonds, currently estimated to be in a principal amount not to exceed \$38,000,000. The proceeds of the sale of the Bonds shall be held in escrow, and invested in U.S. government securities, pending the first optional call date for each Series of Bonds.

Section [4] 5. The City hereby determines to call in and redeem the 2004 Bonds to be called in accordance with the proposed refunding financial plan, and shall direct the escrow holder to cause notice of such call to be given in the name of the City, as provided by section 53.00 of the Local Finance Law, in the City's Official Newspaper and otherwise as may be requested. The Director of Finance of the City, the City's Chief Financial Officer, with the advice and consent of Corporation Counsel, is hereby instructed to provide for redemption of the 2004 Bonds by issuance and sale of the City's general obligation refunding bonds, including the terms, form and content thereof, in a principal amount not to exceed \$38,000,000 (the "Bonds").

Section [5] 6. The powers and duties of the City Council relative to authorizing the issuance of the Bonds, providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the Bonds herein authorized, as well as to executing any and all appropriate agreements in connection with the issuance, sale and delivery of the Bonds, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City

Section [6] 7. The Bonds authorized hereby 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, except as may be provided by law. The faith and credit of the City shall be irrevocably pledged to the punctual payment of the principal of and interest on said Bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. The validity of the Bonds authorized by this Ordinance may be contested only if: (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or (c) such obligations are authorized in violation of the provisions of the Constitution.

Section [7] 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Palumbo  
October 16, 2012

To the Council:

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

Int. No. 428 - Authorizing The Sale Of Real Estate

Int. No. 429 - Amending Ordinance No. 2012-299, Relating To The Acquisition Of Railroad Right-Of-Way Along The Genesee River

Int. No. 430 - Approving A Loan Agreement For 350 State Street

Int. No. 431 - Authorizing An Agreement For The Lead Hazard Control Program

Int. No. 449 - Authorizing An Amendatory Agreement And Amending Ordinance No. 2010-202 Relating To The Heading Home Program

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

Int. No. 432 - Changing The Zoning Classification Of 983, 995, 1005, 1015 And 1023 West Ridge Road From R-1/O-B Low Density Residential With Overlay Boutique To C-1 Neighborhood Center Commercial

Int. No. 433 - Authorizing An Amendatory 2012-13 Community Development Program Plan For The Homebuyer Assistance Program, Appropriating Funds And Authorizing Agreements

The following entitled legislation is being held in Committee:

Int. No. 447 - Authorizing A Loan Agreement For The Pinnacle Place Apartments Project

Int. No. 448 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Pinnacle Place Apartments Project

Int. No. 452 - Authorizing The Acquisition By Negotiation Or Condemnation Of A Portion Of 565 River Street For The Port Of Rochester Public Marina & Mixed Use Development Project

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-383 and  
Ordinance No. 2012-384  
Re: Sale of Real Estate and Amending  
Ord. No. 2012-299

Transmitted herewith for your approval is legislation approving the sale of 12 properties and amending Ordinance No. 2012-299.

Sale of Properties

City records have been audited to ensure that purchasers of properties other than vacant, unbuildable lots do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property, 92 Kissingbury Street, is a single-family home sold through a request for proposal sale. The purchaser will be required to rehabilitate the structure within 12 months of City Council approval.

The next nine properties are vacant, buildable lots. The first two, 561-563 and 565-571 Conkey Avenue, will be sold to their adjacent owners and combined with their current parcels. The next five (34, 42, and 46 Davis Street and 19 and 27 Hartford Street) will be sold to the adjoining business and will be used to expand their parking area, as well as provide additional open space. The next parcel (685 Hudson Avenue) was sold via a request for proposal. The purchaser will be required to complete the development for use as a parking lot within 12 months of the conditional closing. The last of the vacant buildable lots, 110 Scrantom Street, will be sold to the adjoining owner and combined with their parcel as additional green space.

The next two parcels are unbuildable vacant lots at 902 Jay Street and 97 Roth Street and are being sold to their adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these 12 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$7,224.

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.

Amending Ordinance No. 2012-299

Ordinance No. 2012-299 authorized the acquisition of a parcel of railroad right-of-way from CSX Transportation Inc. for \$15,000. This amendment will increase the acquisition cost to \$60,000, plus closing costs. The acquisition cost was arrived at through negotiation with CSX to reach an agreed-upon purchase price in lieu of condemnation. It is anticipated that the cost to acquire via condemnation would exceed this amount, making this negotiated settlement a prudent course of action for the City. The cost will be financed from prior years' Cash Capital.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-169

Ordinance No. 2012-383  
(Int. No. 428)

**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 request for proposal of the following parcel of improved property:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>
92 Kislingbury St 090.74-1-29	40x129	5,160	\$3,000
	Patric DeMarco		

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>
561-563 Conkey Av 091.69-1-15	44x114	4,899	\$ 500
	Kevin A. Goode		
565-571 Conkey Av 091.69-1-14	44x123	5,116	\$ 600
	Kevin A. Goode		
34 Davis St 106.57-3-70.1	50x103	5,170	\$ 525
	B&L Realty NY, LLC*		
42 Davis St 106.57-3-68	25x103	2,596	\$ 300
	B&L Realty NY, LLC*		
46 Davis St 106.57-3-67	40x102	4,141	\$ 425
	B&L Realty NY, LLC*		
19 Hartford St 106.57-3-2	30x100	3,922	\$1,175
	B&L Realty NY, LLC*		
27 Hartford St 106.57-3-4	40x98	3,939	\$1,175
	B&L Realty NY, LLC*		
685 Hudson Av 106.25-1-76.3	136x229	31,144	\$3,200
	God's Vision Ministries, Inc.**		
110 Scrantom St 106.38-1-46	39x135	5,229	\$ 450
	Joseph C.D. Mapp		

\*Officers: Donald R. Tomeny, Robert J. Latour, Arthur D. Finocchario  
 \*\*Trustee Officers: Regina Lee, Janice Heard, Kennetha Short, Clarence Rahming, Linda Halls

Section 3. 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>Sq. Ft</u>
902 Jay St 105.81-1-30.3	17x112	1,904
	Johnnie Twillie	
97 Roth St 106.29-2-3	34x95	3,398
	Martha Taylor	

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-384  
(Int. No. 429)

**Amending Ordinance No. 2012-299, Relating To The Acquisition Of Railroad Right-Of-Way**

**Along The Genesee River**

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

Section 1. Ordinance No. 2012-299, relating to the acquisition of railroad right-of-way along the Genesee River, is hereby amended by increasing the amount of the acquisition price from \$15,000 to \$60,000. Said amount, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to return Int. No. 430 to Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 430  
 Re: Loan Agreement - 40 Jay Street  
 LLC, Renovations at 350 State  
 Street

Transmitted herewith for your approval is legislation related to the rehabilitation of a mixed-use building at 350 State Street to further the continued revitalization of the State Street/High Falls area. This legislation will:

1. Appropriate \$500,000 from the repayment of the Asset Control Area Loan IV that originated from prior years' Cash Capital for the Capital Project Housing Revolving Loan Fund.
2. Authorize a \$300,000 loan agreement with 40 Jay Street LLC (members: Stephen Webster, Myles Webster, and Craig Webster), or a subsidiary to be formed by 40 Jay Street LLC, to upgrade and renovate six residential units. The loan will be funded from the Capital Project Housing Revolving Loan Fund.
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan as needed.

The Capital Project Housing Revolving Loan Fund, established via Ordinance 2011-145 and funded by Cash Capital, provides financial assistance for the creation or renovation of housing for those earning less than 120% of the median family income. The Asset Control Area Program Loan IV to the Rochester Housing Development Fund Corporation has been repaid, allowing \$500,000 in the financing pool to be appropriated for this and future projects. Use of this source of financing for the project requires that two of the six housing units be affordable; maximum rent for City-assisted units is based

on median family income and family size.

City funds will support the creation of six apartments that will have open floor plans with mid- to high-end kitchens and bathrooms. The project also includes relocating an existing first floor restaurant to newly renovated space in the building; creating two new restaurant/retail spaces; and upgrading and retaining a current restaurant business. Original architectural features will be preserved where possible. The \$300,000 will be a construction loan for 12 months, with interest only payments of 1%, and secured by a letter of credit. A principal payment of \$150,000 will be due at the end of Year 1. The balance of \$150,000 will convert to a permanent loan for a 5-year term, amortized over 10 years with a fixed interest rate of 3%. A balloon payment will be due at maturity. The sources and uses of funds for the 350 State Street project are:

<u>Sources:</u>	
Developer equity	\$202,000
City loan	300,000
City grant	<u>15,000</u>
Total	\$517,000

<u>Uses:</u>	
Real estate purchase	\$ 70,000
Construction	425,000
Commissions/Adv./Marketing	10,000
Carrying costs	<u>12,000</u>
Total	\$517,000

SEQR review has been completed; this is a Type II action and is not subject to further SEQR requirements.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 430

**APPROVING A LOAN AGREEMENT FOR 350 STATE STREET**

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with 40 Jay Street, LLC, or a subsidiary to be formed by 40 Jay Street, LLC, whereby the City shall provide a loan to upgrade and renovate residential units at 350 State Street. The loan shall be for construction for a term not to exceed 12 months, payable interest only at 1% and secured by a letter of credit. A principal payment of \$150,000 shall be due at the end of the first year. The balance of \$150,000 shall be converted to permanent financing for a term of 5 years, amortized over 10 years with a fixed interest rate of 3%. A balloon payment shall be due at maturity. 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 \$300,000, and said

amount, or so much thereof as may be necessary, is hereby appropriated from the Capital Project Housing Revolving Loan Fund. The sum of \$500,000 is hereby reappropriated from the fund balance of the Cash Capital allocation from prior years (from a loan repayment from the Rochester Housing Development Fund Corporation for the Asset Control Area Program Loan IV) to fund the Capital Project Housing Revolving Loan 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.

Held in Committee.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-385  
Re: Agreement - Finger Lakes Health  
Systems Agency, 2012 Lead Hazard  
Control Program

Transmitted herewith for your approval is legislation establishing \$64,972 as maximum compensation for an agreement with Finger Lakes Health Systems Agency (Rochester 14607) to provide outreach and educational services for the City's 2012 Lead Hazard Control Program. The cost of this agreement will be funded from the Federal (HUD) 2012 Lead Hazard Control Program Grant appropriated via Ordinance No. 2012-288.

As part of the 2012 Lead Hazard Control Program, Coalition to Prevent Lead Poisoning (CPLP), a non-profit 501(c)3 organization operating as a subsidiary of Finger Lakes Health Systems Agency, will provide outreach and education to families with children about the dangers of lead-based paint. Services to be provided include: identifying and educating 200 at-risk families; a minimum of 100 public presentations; developing and distributing educational materials; teaching best practices for household cleaning; instruction on how to undertake a visual assessment to identify sources of lead dust; and introducing resources available to correct lead-based paint hazards.

CPLP was selected through a request for proposal process which is described in the attached summary. The RFP requested responses from qualified community-based agencies that have a focus on providing community and/or health services to low-income and minority populations. A work-plan was required from respondents that describe how the affected population would be identified (those families that are to receive services) and what strategies would be employed to meet the goals of the program. Respondents were also asked to identify what staff resources would be available to carry out these efforts.

The program is expected to begin by December 1, 2012 and will be completed by November 30, 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-170

Ordinance No. 2012-385  
(Int. No. 431)

**Authorizing An 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 enter into an agreement with Finger Lakes Health Systems Agency to provide outreach and educational services for the 2012 Lead Hazard Control Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$64,972, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1 of Ordinance No. 2012-288.

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. 2012-386  
Re: Amendatory Agreement - Coordinated Care Services, Inc., Heading Home Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Coordinated Care Services Incorporated (CCSI) for administration of the Heading Home Program. This amendment will extend the term by six months to June 30, 2013 and increase maximum compensation by \$311,054 to a total of \$520,554. And, to fund the agreement, this legislation will also:

- a. Appropriate \$307,194 from the 2012-13 Emergency Solutions Grant; and
- b. Re-appropriate \$3,861 in unused 2010-11 Emergency Shelter Grant funds (originally appropriated via Ord. No. 2010-202).

The original agreement with CCSI (Ordinance No.2012-143) established maximum compensation for the Heading Home Program at \$209,500 for a term of July 1, 2012 to December 31, 2012. The funding source was from the 2011-12 Emergency Solutions Grant.

Heading Home is the community-designed program

for services to prevent homelessness and to rapidly rehouse homeless individuals and their families. Services for those who are income-eligible include housing search and landlord interface, tenant education, and short term rental assistance. Heading Home continues to be funded by both the City and County and is under joint oversight of the City, County, and Continuum of Care. A program description for Heading Home is attached.

This amendment will enable continuing the services to the end of program year 2012-13, June 30, 2013. The additional funding and term extension is expected to provide for a total of 400-425 clients through June 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-171

Ordinance No. 2012-386  
(Int. No. 449)

**Authorizing An Amendatory Agreement And Amending Ordinance No. 2010-202 Relating To The Heading Home Program**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Coordinated Care Services, Inc. to implement the Heading Home Program through June 30, 2013.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$311,055, and of said amount, or so much thereof as may be necessary, \$307,194 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Program Account) of the 2012-13 Emergency Solutions Grant, and the sum of \$3,861 is hereby reappropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Shelter Program Account) of the 2010-11 Emergency Shelter Grant.

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

Section 4. Ordinance No. 2010-202, relating to the 2010-11 Emergency Shelter Grant Program, is hereby amended by reducing the amounts authorized and appropriated for the agreements by any open amounts, with a total not to exceed \$3,861.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-387  
Re: Zoning Map Amendment,  
983 - 1023 W. Ridge Road

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 983, 995, 1005, 1015 and 1023 W. Ridge Road from R-1/O-B Low Density Residential with Overlay Boutique District to C-1 Neighborhood Center Commercial District.

The owner of 983, 995 and 1005 W. Ridge Road, James Cieslinski, initiated this zoning request because he wants to expand his business, which is currently located in these buildings. He provides DJ, video and photography wedding services. He is now in the position to purchase a related business (tuxedo shop) and would like the ability to demolish the existing buildings and construct one building that would accommodate all of these services.

Frank Gallelli, the owner of 1015 and 1023 W. Ridge Road, upon being notified of Mr. Cieslinski's intentions, requested that his properties be included in the rezoning. He is finding it increasingly difficult to attract tenants for the current residential use of these sites that front on W. Ridge Road. Re-zoning would give him the option to pursue commercial tenants.

The City Planning Commission held an informational meeting on this proposed rezoning on September 10, 2012. One person spoke in support of the rezoning, and one person spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended approval. The minutes and recommendation from the meeting are attached.

A public hearing is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-172

Ordinance No. 2012-387  
(Int. No. 432)

**Changing The Zoning Classification Of 983, 995, 1005, 1015 And 1023 West Ridge Road From R-1/O-B Low Density Residential With Overlay Boutique To C-1 Neighborhood Center Commercial**

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 983, 995, 1005, 1015 and 1023 West Ridge Road, from R-1/O-B Low Density Residential with Overlay Boutique to C-1 Neighborhood Center Commercial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New

York, being part of Town Lot 69 in the 20,000 Acre Tract and being more particularly bounded and described as follows: Beginning at the centerline intersection of Needham Street (50'ROW) and the original West Ridge Road centerline (99'ROW), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline of West Ridge Road, a distance of 280 feet, more or less, to the centerline intersection of Lancaster Street (40'ROW); thence
- 2) Southerly, along said centerline of Lancaster Street, a distance of 160 feet, more or less, to the easterly extension of the south line of Lots 66 thru 70 of the Elmwood Subdivision, as filed in the Monroe County Clerk's Office in Liber 37 of Maps, Page 28 and Liber 86 of Maps, Page 35; thence
- 3) Westerly, along said south line of Lots 66 thru 70 and their extensions, a distance of 275 feet, more or less, to the said centerline of Needham Street; thence
- 4) Northerly, along said centerline of Needham Street, a distance of 38 feet, more or less, to the easterly extension of the south line of Lots 1 & 2 of said Elmwood Subdivision; thence
- 5) Westerly, along said extension and the south line of Lots 1 & 2, a distance of 153 feet, more or less, to the southwest corner of lands conveyed to Francesco & Adelina Gallelli by a deed filed in Liber 9875 of Deeds, Page 319; thence
- 6) Northerly, along the west line of said lands of Gallelli, a distance of 186 feet, more or less, to the said original centerline of West Ridge Road; thence
- 7) Easterly, along said original centerline, a distance of 154 feet, more or less, to the centerline intersection of Needham Street, said intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-388  
Re: Amending the 2012-13 Consolidated  
Community Development Plan -  
Homebuyer Assistance Program

Transmitted herewith for your approval is legislation related to the 2012-13 Consolidated Community Development Plan. This legislation will:

1. Amend the 2012-13 Consolidated Community Development Plan by transferring \$275,000

from the Affordable Housing Fund allocation of the Housing Development Fund to the Buyer Assistance allocation of the Homeownership Promotion Fund.

2. Appropriate \$325,000 from the Homebuyer Assistance allocation of the 2012-13 Homeownership Promotion Fund for program implementation.
3. Authorize agreements with individual purchasers as they are identified and approved.

The Homebuyer Assistance Program provides financial assistance of up to \$6,000 to first-time homebuyers with household incomes that do not exceed 80% Median Family Income for the Metropolitan Statistical Area who purchase houses through the City's Housing Initiatives as described in the Consolidated Community Development Program. The financial assistance provided by the Homebuyer Assistance Program is for closing costs and down payment.

Buyer eligibility is based on income, ability to qualify for a conventional mortgage loan for which payments will not exceed 30% of the gross monthly income, and payment of \$1,500 in personal funds toward the purchase of the home. Each buyer must complete a pre-purchase education class before closing and attend post-purchase classes as well. Funds are secured with a Promissory Note which is satisfied upon completion of five years residency in the home.

The original allocation for this program for 2012-13 was \$50,000. A significant increase in purchase activity through the Home Purchase Assistance Program and Employee Assisted Housing Initiative Program requires additional funding. The proposed amendment to the Consolidated Community Development Plan is anticipated to provide sufficient funds for purchasers through June, 2013.

In 2011-12, 100 homes were purchased through this program. It is anticipated that 120-125 homes will be purchased during 2012-13.

The most recent appropriation for the continuation of the program was authorized in May 2012 (Ord. No. 2012-135).

A public hearing is required to amend the Consolidated Community Development Plan.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-388  
(Int. No. 433)

**Authorizing An Amendatory 2012-13 Community Development Program Plan For The Homebuyer Assistance Program, Appropriating Funds And Authorizing Agreements**

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

Section 1. The Council hereby approves an amendment to the 2012-13 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Objective of the 2012-13 HOME Program, \$275,000 will be transferred from the Housing Development Fund allocation (Affordable Housing Fund Account) to the Homeownership Promotion Fund allocation (Buyer Assistance Account) to fund the Homebuyer Assistance Program.

Section 2. The sum of \$325,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion Fund allocation (Buyer Assistance Account) of the 2012-13 HOME Program to fund the Homebuyer Assistance Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

Section 3. The agreements shall contain such 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. 2012-389 and  
Ordinance No. 2012-390  
Re: Pinnacle Place Apartments

Transmitted herewith for your approval is legislation related to a housing project at Pinnacle Place Apartments, 885 South Clinton Avenue, being undertaken by PathStone Corporation. This legislation will:

1. Authorize a loan agreement not to exceed \$2,000,000 with PathStone Corporation, or a subsidiary to be formed by them, and appropriating \$445,396 from the Affordable Housing Fund allocation of the Housing Development Fund of the 2012-13 HOME Program to partially fund the loan. The balance of \$1,554,604 will be funded from 2012-13 Cash Capital Funds. The terms of the loan are described below.
2. Authorize a property tax exemption and payment-in-lieu-of-taxes agreement with a Housing Development Fund Corporation to be formed by PathStone Corporation for the property, SBL#121.730-0003-002. This agreement will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the project.

PathStone is proposing to acquire and renovate the Pinnacle Place Apartments, a complex with 407 units of affordable housing primarily for the elderly and people with disabilities. The project provides permanent supportive housing for a vulnerable population at risk of being homeless without these affordable units.

The rehabilitation work will include: new energy efficient windows and replacement of the heating, ventilation and air conditioning system; repair and insulation of the roof; new flooring, kitchen cabinets, sinks, Energy Star appliances and fixtures; upgrades to the fire alarm system, smoke detectors, emergency pull cord system, elevators, and electrical wiring; installation of emergency and common area lighting, and security cameras on all floors. Exterior upgrades and new signage will also be undertaken.

The loan will be used for construction and permanent financing. The construction loan will be for 16 months at 2% interest. The permanent loan will be for a term of 30 years at 2% interest, with 1% annual interest payments and 1% dependent on cash flow with principal due at the end of the term. The first year PILOT payment will be approximately \$214,718. The project budget is summarized below.

<u>Costs</u>	
Acquisition	\$ 8,120,000
Construction	13,427,000
Soft costs	4,284,310
Reserves	705,748
Working capital	276,734
Contingency	885,566
Developer fee	3,601,531
Total	\$31,300,889

<u>Sources</u>	
Conventional Mortgage	\$10,211,221
LIHTC Equity	10,767,837
HFA Subsidy	4,052,928
Deferred Developer Fee	1,080,459
City of Rochester	2,000,000
Interest Subsidy	2,091,084
Existing Reserves	600,000
NeighborWorks	300,000
Interim Income	197,360
Total	\$31,300,889

Construction is anticipated to last 16 months with temporary relocation of tenants occurring within the units. No tenant will be displaced as a result of this project. Construction is anticipated to begin in November of 2012 and be completed in April of 2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-173

Councilmember Palumbo moved to discharge Int. No. 447 from Committee.

The motion was seconded by Councilmember

Haag.

The motion was adopted unanimously.

Councilmember Palumbo moved to reconsider Int. No. 447.

The motion was seconded by Councilmember Miller.

The motion was adopted unanimously.

Councilmember Palumbo moved to amend Int. No. 447.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

Ordinance No. 2012-389  
(Int. No. 447, As Amended)

#### **Authorizing A Loan Agreement For The Pinnacle Place 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 PathStone Corporation, or a subsidiary to be formed, for the rehabilitation of housing at 885 South Clinton Avenue as the Pinnacle Place Apartments Project. The loan may commence as a construction loan and may be converted to permanent financing. The construction loan shall be for a term not to exceed 16 months at 2% interest. The permanent loan shall be for a term not to exceed 30 years at 2% interest. Interest of 1% shall be payable annually, with 1% dependent on cash flow. Unpaid interest and the principal shall be due at the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$2,000,000, and of said amount, or so much thereof as may be necessary, \$445,396 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2012-13 HOME Program, \$49,053 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2011-12 HOME Program, \$785,293 is hereby appropriated from the Capital Project Housing Revolving Loan Fund, and \$[1,554,604] 720,258 shall be funded from the 2012-13 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 448 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

Ordinance No. 2012-390  
(Int. No. 448)

**Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Pinnacle Place 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 885 South Clinton Avenue, SBL No. 121.730-0003-002, to be owned by a Housing Development Fund Company to be formed by PathStone Corporation, and to be used for housing as a part of the Pinnacle Place 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:

Introductory No. 452  
Re: Property Acquisition - Port of  
Rochester Public Marina and  
Mixed Use Development Project

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of a parcel at 565 River Street for the construction of public right-of-way as part of the Port of Rochester Public Marina and Mixed Use Development Project. The cost of the acquisition has not yet been determined, but the appraisal and

associated reviews are underway. The legislation is being submitted now so that the related public hearing can be held this month, in time for approval of the acquisition and acceptance of the determinations and findings at the November meeting of City Council. The acquisition cost will be available prior to the November meeting.

The property to be acquired is 807 square feet, which is a portion of 565 River Street (SBL #047.63-1-3.1), owned by T & S Holdings Corporation, and currently used as paved parking for the operation of the restaurant at 566 River Street. It will be used to extend the River Street right-of-way from its current terminus in the area of Latta Road, northerly into the Port area to connect with North River Street which is being realigned as part of the project.

It is anticipated that construction of the Project will be bid in spring 2013, and will include creation of the Phase I marina basin and pedestrian promenade, right-of-way improvements, installation and relocation of utilities as required, extension of the Genesee Riverway Trail to connect with Ontario Beach Park, reconstruction of the land side facilities at the public boat launch, and renovations at the Terminal Building to accommodate boater facility improvements.

In accordance with SEQR, a coordinated review was conducted for the Port of Rochester Public Marina and Mixed Use Development Project and Environmental Findings were adopted by Council on May 22, 2012. No further SEQR review is required. Pursuant to Article 2 of the Eminent Domain Procedure Law, a public hearing to consider the acquisition of this parcel and adoption of determination and findings are required to provide for acquisition by condemnation, if necessary.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 452

**AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF A PORTION OF 565 RIVER STREET FOR THE PORT OF ROCHESTER PUBLIC MARINA AND MIXED USE DEVELOPMENT PROJECT**

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

Section 1. The Council hereby approves the acquisition of a portion of 565 River Street, comprising approximately 807 square feet, SBL #047.63-1-3.1, owned by T & S Holding Corp., for the extension of the River Street right-of-way from its current terminus in the area of Latta Road, northerly into the Port area to connect with North River Street, which is being realigned as part of the Port of Rochester Public Marina And Mixed Use Development Project.

Section 2. The acquisition shall obligate the

City to pay an amount not to exceed the appraised value of the parcel, and said amount, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Scott  
October 16, 2012

To the Council:

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

Int. No. 434 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Festival Site

Int. No. 435 - Establishing Maximum Compensation For A Professional Services Agreement For The Mount Read Boulevard Corridor Study

Int. No. 436 - Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Department Expansion Feasibility Study

Int. No. 437 - Authorizing Participation In The Electric Vehicle Supply Equipment Project

Int. No. 438 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2012 Water Main Cleaning And Lining Program In The City

Int. No. 439 - Authorizing Applications And Agreements For Brownfields Opportunity Area Grants For The Former Vacuum Oil Refinery Site

Int. No. 450 - Amending The 2012-13 Budget Relating To Vacant Buildings

Respectfully submitted,  
Loretta C. Scott  
Matt Haag  
Elaine M. Spaul  
Lovely A. Warren (Did not vote on Int. Nos. 434 through 437)  
Dana K. Miller  
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-391  
Re: Amendatory Agreement - LaBella Associates, High Falls Festival Site

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C., for additional engineering design services for the High Falls Festival Site. The original agreement for \$85,000 was authorized in Ordinance No. 2011-249. This amendment will increase maximum compensation by \$150,000 to a total of \$235,000. The additional cost will be financed from 2012-13 Cash Capital.

Under the original agreement, LaBella Associates provided a comprehensive engineering evaluation and analysis to develop an in-depth understanding of the overall geotechnical stability of the gorge wall and long-term options for the High Falls Festival Site, including the terrace and corresponding buildings (40 Commercial Street). LaBella Associates developed alternatives, estimates, life-cycle analysis, and implementation strategies for the long term use of the site. Through this process, a two-phased remediation plan has been proposed.

Phase I includes improving the safety of the site and structural alterations to 40 Commercial Street and the High Falls Festival Site. Phase II proposes broader site and building renovations focused on the strategic alteration and partial exposure of existing building systems to improve public space for historic interpretation of the site.

The amendatory agreement will provide further investigation, preliminary and detailed design, bid documents, and construction phase design services for Phase I. Funding in the amount \$1,250,000 for Phase I construction activities will be requested in the 2013-2014 Capital Improvement Program.

LaBella Associates was selected based on their performance on prior work completed, knowledge of the site and its unique challenges and assets, and the strength and availability of staff to meet an aggressive schedule.

It is anticipated that the design work will begin in November 2012 and be completed in the summer of 2013. Construction is planned for late summer of 2013. This phase of the project results in the creation or retention of the equivalent of 1.6 full-time consultant/professional jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-174

Ordinance No. 2012-391  
(Int. No. 434)

**Establishing Maximum Compensation For**

**An Amendatory Professional Services Agreement For The High Falls Festival Site**

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

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for engineering design services for the High Falls Festival Site. 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 2012-13 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-392  
Re: Agreement - Bergmann Associates,  
Mount Read Boulevard Corridor  
Study

Transmitted herewith for your approval is legislation establishing \$85,000 as maximum compensation for an agreement with Bergmann Associates, for planning and traffic engineering services related to the Mount Read Boulevard Corridor Study; and appropriating \$80,000 in anticipated reimbursements of Federal Highway Administration Planning funds received through a grant from the Genesee Transportation Council (GTC) to partially fund the cost of the agreement. The remainder of the cost, \$5,000, will be funded from prior years' Cash Capital.

Bergmann Associates will provide a report that will address key multi-modal safety, access, and operational issues within a four-mile long segment of the Mount Read Boulevard corridor from Buffalo Road in the City of Rochester to Stone Road in the Town of Greece. Bergmann Associates will analyze traffic safety and operational concerns at signalized intersections with service roads and crossing arterials, bicycle/pedestrian conditions including poor sidewalk connectivity and lack of bicycle accommodations, the condition of and operations at the Buffalo Road traffic circle, accessibility of businesses along the service roads, and traffic congestion at Lyell Avenue. The study will result in a Corridor Vision Plan for implementation including recommended traffic control modifications, roadway geometric changes, bicycle/pedestrian enhancements, lighting needs, Intelligent Transportation Systems, and related costs.

Bergman Associates was selected through a request for proposal process, which is described in the attached summary.

Planning and engineering services will begin in fall 2012 with scheduled completion in fall 2013. The

study will result in the creation/retention of the equivalent of 0.9 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-175

Ordinance No. 2012-392  
(Int. No. 435)

**Establishing Maximum Compensation For A Professional Services Agreement For The Mount Read Boulevard Corridor Study**

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 between the City and Bergmann Associates for planning and traffic engineering services for the Mount Read Boulevard Corridor Study. Of said amount, \$80,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration and \$5,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-393  
Re: Agreement - Edge Architecture,  
PLLC, Emergency Communications  
Department Expansion Feasibility  
Study

Transmitted herewith for your approval is legislation establishing \$280,000 as maximum compensation for an agreement with Edge Architecture, PLLC (Rochester 14607) to provide a feasibility study for the expansion of the Emergency Communications Department (ECD) facility. The cost of the agreement will be financed from the 2012-13 Cash Capital allocation of the Department of Environmental Services (DES).

The consultant will provide architectural and engineering services for the pre-design, programming, and schematic design phases for the expansion of ECD, including the relocation of the City 311 functions. The consultant will also provide a written report and proposed costs for multiple schematic concepts including site analysis, program development, environmental site surveys and associated testing, traffic impact study, existing building deficiencies analysis, constructability, budget, and scheduling/phasing options.

Edge Architecture, PLLC was selected through a request for proposal process which is described in

the attached summary.

Consultant design services will begin in winter 2012 with scheduled completion in fall 2013; the project will result in the creation/retention of the equivalent of three full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-176

Ordinance No. 2012-393  
(Int. No. 436)

**Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Department Expansion Feasibility Study**

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

Section 1. The sum of \$280,000, 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 Edge Architecture, PLLC for architectural and engineering design services for the Emergency Communications Department Expansion Feasibility Study. The agreement may extend until six (6) months after completion and acceptance of the design and report. Said amount shall be funded from the 2012-13 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-394  
Re: Agreements - Electric Vehicle Supply Equipment Demonstration Project

Transmitted herewith for your approval is legislation related to the Electric Vehicle Supply Equipment (EVSE) Demonstration Project. This legislation will:

1. Authorize agreements with the New York State Energy Research and Development Authority (NYSERDA) necessary to participate in and administer the project;
2. Authorize agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project;
3. Appropriate \$227,793 in anticipated reimbursements from NYSERDA to partially finance the design and construction phases of the project; and,
4. Appropriate \$221,225 in anticipated Federal

Highway Administration reimbursements to partially finance the design and construction phases of the project.

This federal aid project includes the installation of 24 electric vehicle charging ports at seven public locations in the city: City Hall, the Public Market, the Port of Rochester, and the Court Street, East End, Sister Cities, and Washington Square Garages. The project also includes the replacement of up to six existing gasoline-fueled City passenger vehicles with plug-in hybrid electric vehicles or electric vehicles.

The estimated total project construction cost is \$504,793 and is planned to be financed from the funds appropriated herein (\$449,018), DES Cash Capital allocations from prior years (\$55,000), and 2012-13 DES Operating funds (\$775).

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 January 31, 2016. The project will result in the creation/retention of the equivalent of 5.5 full-time jobs.

This project helps to advance the goals set forth by the City in its Resolution in Support of Environment and Climate Protection Actions in August 2009 (Res. No. 2009-14).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-394  
(Int. No. 437)

**Authorizing Participation In The Electric Vehicle Supply Equipment Project**

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

Section 1. The Council hereby approves participation in and administration by the City of the Electric Vehicle Supply Equipment Project.

Section 2. The Mayor is hereby authorized to enter into such agreements with the New York State Energy Research and Development Authority and 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 providing for City responsibility for the maintenance and repair of the Project improvements.

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

Section 4. The sum of \$227,793 is hereby appropriated from anticipated reimbursements from the New York State Energy Research and Development Authority to partially fund the design and construction phases of the Project.

Section 5. The sum of \$221,225 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to partially fund the design and construction phases of the Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-395  
Re: Bond Authorization - Water Main  
Cleaning and Lining Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$200,000 as identified in the 2012-13 Capital Improvement Program (Water Fund), and appropriating the proceeds thereof to partially fund the 2012 Water Main Cleaning and Lining Program. The Program provides for the scheduled rehabilitation of deficient water mains.

The proposed bonds will finance a portion of the cost to rehabilitate water mains on Highland Avenue, from S. Winton Road to Cobbs Hill Drive; Maplewood Drive, from Riverside Street to Gorsline Street; and Atlantic Avenue, underneath the Conrail overpass west of Crouch Street. These water mains have experienced a number of breaks and will be rehabilitated using a cured-in-place pipe lining that is installed inside of the existing water main and is structurally independent of this existing water main. This rehabilitation technique is less disruptive and costly than pipe replacement.

The total cost of the project is estimated to be \$400,000. Additional funding will be from the 2012-13 Cash Capital allocation (Water Fund).

The improvements are scheduled to begin this winter and be completed by summer 2013. Project inspection will be performed by Water Bureau personnel.

This project will result in the creation and/or retention of the equivalent of four full time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-177

Ordinance No. 2012-395  
(Int. No. 438)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2012 Water Main Cleaning And Lining Program In The City**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of water mains as part of the 2012 Water Main Cleaning and Lining Program in the City (the "Project"), including but not limited to water mains on Highland Avenue from South Winton Road to Cobbs Hill Drive, Maplewood Drive from Riverside Street to Gorsline Street, and Atlantic Avenue underneath the Conrail overpass west of Crouch Street. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000. The plan of financing includes the issuance of \$200,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$200,000 from 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 \$200,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-396  
Re: Agreement - New York State  
Department of State, Brownfield  
Opportunity Area Program  
Application

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of State for a Brownfield Opportunity Area (BOA) Program grant to fund a BOA Implementation Strategy at the former Vacuum Oil Refinery study area. This legislation will also

specifically endorse the intent of the application.

Brownfields are defined as underutilized or abandoned properties that have potential environmental problems. The state BOA program provides grant funding to assist municipalities and community-based organizations with the costs of inventorying brownfields, completing area-wide planning approaches to brownfields redevelopment, and investigating key brownfield sites. BOA grants provide funding for up to 90 percent of eligible project costs. A 10% local match is required which would be funded with 2012-13 Cash Capital programmed for the former Vacuum Oil site.

If awarded, the grant will support preparation of the BOA Implementation Strategy, the third phase of a BOA program. In December 2010 (Ord. 2010-437) City Council authorized an agreement with Bergmann Associates for the preparation of a BOA Nomination Study and master plan for the area of the former Vacuum Oil facility. The City's BOA team has worked closely with PLEX neighborhood leaders, and the nomination study is nearly complete. The study is a prerequisite for an application for additional grant funding and progression into the NYSDOS Implementation Strategy phase.

Potential grant-funded work during the implementation phase could include a number of predevelopment activities: environmental testing and investigations; engineering analysis and preliminary design of new utilities and roadways; river wall engineering analysis; site development including geotechnical investigations, wetland assessment and delineation; building and structural assessments and surveys; economic feasibility evaluations including developer pro formas; and development of neighborhood revitalization strategies, waterfront access, open space, and recreation plans. Additional grant funding is also available for regulatory requirements including a general environmental impact statement for site redevelopment consistent with the master plan and zoning updates and design standards for new development.

The City will continue to work closely with the PLEX neighborhood throughout the implementation phase.

Applications to the BOA program require coordination with a community-based organization and endorsement by the local governing body.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-396  
(Int. No. 439)

**Authorizing Applications And Agreements For Brownfields Opportunity Area Grants For The Former Vacuum Oil Refinery Site**

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

Section 1. The Mayor is hereby authorized to

submit all necessary applications to and enter into agreements with the New York State Department of State for Brownfields Opportunity Area Grants for funding for a Brownfields Opportunity Area Implementation Strategy for the Vacuum Oil Refinery Site.

Section 2. The City of Rochester, after thorough consideration, has hereby determined that the Project, as described in its application and attachments, is desirable. The City of Rochester deems it to be in the public interest and benefit under §970-r of the General Municipal Law to enter into State Assistance Contracts for the purpose of the Project. The City of Rochester agrees that it will complete the Project and that it will fund its portion of the 10% share of the Project.

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

Section 4. The City of Rochester's Manager of the Division of Environmental Quality is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project, after the initial applications and agreements. The representative is also authorized to request payment advances and reimbursements; redistribute contract reimbursements as appropriate; submit Project documentation; and otherwise act for all applicants in all matters related to the Project and to State assistance.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-397  
Re: Amending the 2012-13 Budget,  
Placards for Vacant Unsafe  
Buildings

Transmitted herewith for your approval is legislation amending the 2012-13 Budget to transfer a total of \$133,600 from Contingency to fund the purchase and installation of placards to mark vacant buildings in the City that have been determined to be unsafe. Marking of such buildings is required under *The Fire Code of New York State* (Section 311.5).

These funds will be transferred to Cash Capital (\$90,000) for the purchase of the placards, and to the Budget of the Department of Environmental Services (\$43,600) to cover the cost of installing the placards. It is expected that these funds will be sufficient to bring approximately 800 vacant, unsafe structures into compliance with the Fire Code.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-397  
(Int. No. 450)

**Amending The 2012-13 Budget Relating To Vacant Buildings**

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$43,600 from the Contingency allocation to the Department of Environmental Services and the sum of \$90,000 from the Contingency allocation to the Cash Capital allocation, which amounts shall fund the purchase and installation of placards on unsafe vacant buildings.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden  
October 16, 2012

To the Council:

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

Int. No. 440 - Establishing Maximum Compensation For A Professional Services Agreement For A Neighborhood Recreation Program

Int. No. 441 - Amending Ordinance No. 2012-278 And The 2012-13 Budget For The Summer Youth Employment Program

Int. No. 442 - Authorizing Agreements To Support The Girls Coalition

Int. No. 443 - Amending The 2012-13 Budget For Animal Population Control Programs

Int. No. 444 - Standardization Of The Taser International Electronic Control Device For Use By The Rochester Police Department

Int. No. 445 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Testing Services

Int. No. 446 - Establishing Maximum Compensation For A Professional Services Agreement For An Evaluation Of Animal Control Services

Respectfully submitted,  
Adam C. McFadden  
Matt Haag  
Loretta C. Scott  
Lovely A. Warren (Did not vote on Int. Nos. 440 and 441)  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION  
COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-398  
Re: Agreement - Southwest Area  
Neighborhood Association, Recreation  
Program

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum annual compensation for an agreement with the Southwest Area Neighborhood Association (SWAN) for the operation of a year-round neighborhood recreation program. The cost of this agreement will be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

This school year after-school program, located at the James Madison School of Excellence and the adjacent athletic field, serves youth ages 6 - 15, and operates 10 hours per week for 44 weeks each year. Activities include arts and crafts, gym activities, homework help, team sports, youth development, and computer literacy. The summer program, which runs for 35 hours per week for eight weeks, consists of group games, summer lunch program, field trips, gym activities, and sports. The City and SWAN have collaborated to provide these services for over 20 years.

This program was last authorized via Ordinance No. 2010-60. The term of this agreement is one year with an option to renew for five additional one-year terms subject to the availability of funds.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-178

Ordinance No. 2012-398  
(Int. No. 440)

**Establishing Maximum Compensation For A Professional Services Agreement For A Neighborhood Recreation Program**

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Southwest Area Neighborhood Association (SWAN) for a neighborhood recreation program at the James Madison School of Excellence Center for a term of one year, with options to renew for five additional one-year terms. Said amounts shall be funded from the 2012-13 and subsequent Budgets of the Department of Recreation and Youth Services, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-399  
Re: Amendments - Summer Youth  
Employment Program

Transmitted herewith for your approval is legislation related to the funding received from RochesterWorks to support the Summer Youth Employment program. This legislation will:

1. Amend the 2012-13 Budget of the Department of Recreation and Youth Services to reflect the receipt and use of a grant of \$16,400 from RochesterWorks for the City's Summer Youth Employment Program.
2. Amend Ordinance No. 2012-278 to reduce maximum compensation for the agreement with Baden Street Settlement from \$32,300, to \$30,700; and to change the source of funds for that agreement, which will now be funded fully from the 2012-13 Budget of the Department of Recreation and Youth Services.

Ordinance No. 2012-278 authorized the receipt and use of the RochesterWorks grant in the amount of \$18,000 to cover wages for participating youth, on a reimbursement basis. The budget amendment requested herein reflects the actual amount of reimbursements.

Ordinance No. 2012-278 also established maximum compensation of \$32,300 for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide payroll services for youth participating in the Summer Youth Employment Program. The reduction in compensation reflects the actual amount expended on wages. The cost of the agreement originally was to be funded by the RochesterWorks grant and the 2012-13 DRYS Budget. The amendment requested herein will fund the agreement fully from the 2012-13 DRYS Budget.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-399  
(Int. No. 441)

**Amending Ordinance No. 2012-278 And The 2012-13 Budget For The Summer Youth Employment Program**

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

Section 1. Ordinance No. 2012-278, authorizing agreements for the Summer Youth Employment Program, is hereby amended by reducing the amount of the agreement authorized in Section 3 from \$32,300 to \$30,700, by reducing the amount appropriated from the grant agreement in Section 3 from \$18,000 to \$16,400, and by changing the

entire source of funding for the agreement authorized in Section 3 to the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2012-229, the 2012-13 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 \$16,400, which amount shall be funded from the appropriation made in Section 3 of Ordinance No. 2012-278, as amended in Section 1 herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-400  
Re: Agreements - Community  
Foundation, Girls Coalition

Transmitted herewith for your approval is legislation related to the Bureau of Recreation's Girls Coalition. This legislation will:

1. Authorize an agreement with The Community Foundation for receipt and use of a \$10,000 grant to support the Girls Coalition. The grant was anticipated and included in the 2012-13 Budget of the Department of Recreation and Youth Services.
2. Establish \$7,040 as maximum compensation for an agreement with Nazareth College (Center for Service Learning) for training, space, staff consultants, and student volunteers for the Coalition. The term of the agreement will be from November 1, 2012 through August 31, 2013. The cost of the agreement will be funded from the 2012-13 DRYs Budget. This agreement brings Nazareth College over the \$10,000 threshold for 2012-13, and therefore requires Council authorization.

The remaining portion of the grant will be used to purchase program supplies and food.

Girls Coalition was created in 2009 in collaboration with Nazareth College to mobilize and empower adolescent females and their female staff advisors to explore girls' needs and to advocate for the incorporation of gender-sensitive youth development through the implementation of girls-only programming and professional development. The Nazareth College Center for Service Learning's mission is to facilitate the integration of service with academic study that enhances student learning, addresses community interests, and encourages civic responsibility. The outcomes of the Girls Coalition are consistent with Nazareth's student-centered, service oriented mission and interest in building of an inclusive community through service to others.

The program currently serves 40 youth and seven

advisors, representing seven City recreation centers. The participants range in age from 8 to 18, with the majority ages 16 and under.

As a result of this new grant funding, the Girls Coalition will be restructured into a network that facilitates professional development, technical assistance, quality girls-only programming, and leadership development. The Coalition will also act as a community resource relaying best practices for gender-specific programming for up to 100 girls and 20 female advisors with this expanded funding. Girls will learn concrete skills, build relationships with other youth and adults, engage in informed discussions with their peers, develop positions on current issues, identify goals, and meet with other youth and adult community leaders. Girls Coalition members will also be able to explore Nazareth College campus and network with diverse Nazareth College students. A program information sheet is attached.

A request for proposal process was not used since Nazareth College is the grant partner.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-179

Ordinance No. 2012-400  
(Int. No. 442)

**Authorizing Agreements To Support The Girls Coalition**

BE IT 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 Community Foundation for funding to support the Girls Coalition.

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

Section 3. The sum of \$7,040, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nazareth College Center for Service Learning for services and event space for the Girls Coalition. Said amount shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-401  
Re: Appropriation of New York State

Animal Population Control Program  
Grant Funds

Transmitted herewith for your approval is legislation amending the 2012-13 Budget of the Police Department by \$74,700 to reflect a portion of grant funds that were authorized in June 2012 (Ord. No. 2012-274).

Ordinance No. 2012-274 authorized the receipt and use of three New York State Animal Population Control grants from The American Society for the Prevention of Cruelty to Animals totaling \$107,695. Funds from each will be appropriated for 2012-13 as follows:

Payroll Support for Low-Income Spay/Neuter Program	\$41,000
Veterinary Supplies for Low-Income Spay/Neuter Program	23,000
Targeted Promotion of Low-Income Spay/Neuter Program	<u>10,695</u>
	\$74,695

The balance of the awards will be included in the 2013-14 Budget.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-401  
(Int. No. 443)

**Amending The 2012-13 Budget For Animal Population Control Programs**

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$74,700, which amount is hereby appropriated from grant funds from the American Society for the Prevention of Cruelty to Animals for Animal Population Control Programs, authorized by Ordinance No. 2012-274.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-402  
Re: Standardization of TASER  
International Electronic Control  
Device for the Rochester Police  
Department

Transmitted herewith for your approval is legislation authorizing the standardization of TASER International as the manufacturer of the Electronic Control Device (ECD) used by the Rochester Police Department (RPD).

The RPD established its TASER ECD program in 2003. This establishment resulted from a directive from Chief Robert Duffy for the Professional Development Section (PDS) to research alternatives to deadly physical force when dealing with a dangerous subject. The initiative of the directive was to provide appropriate intermediate use of force options to RPD police officers.

As of August 8, 2012, the RPD issued 92 TASER ECDs throughout the uniform patrol divisions equipping approximately 18% of our patrol officers and supervisors. RPD has deployed a TASER ECD an average of sixty (60) times a year over the past three years (2009, 2010, and 2011).

TASER International surpasses all other manufacturers of ECDs in accountability, effectiveness, ingenuity, and dependability. Below are features offered by TASER International which are unavailable through other manufacturers. Karbon Arms, formerly Stinger International, is the only manufacturer that creates an ECD potentially comparable to TASER International but still does not have functional features or statistical data compilation listed below.

- **Accountability** - The TASER ECD technology captures and records the time, date, duration, battery life, and temperature of the TASER each time the trigger is pulled. The newest TASER ECD has an electronic metering feature which reports whether or not energy was delivered and records the exact amount of energy delivered. The TASER also records when the TASER ECD's safety has been disengaged, and differentiates spark deployments and trigger pulls. Cartridges are serialized and deploy 20-30 serial matching paper tags (AFIDS) clearly identifying if a TASER cartridge was deployed and what operator it was issued to.
- **Effectiveness** - Between January 1, 2009, and August 8, 2012, there have been 231 applications of the TASER ECD in the City of Rochester, with an effectiveness rate of 89%.
- **Ingenuity** - TASER manufactures ECD's with dual lasers providing an aiming point for each individual probe. The fixed illumination device has a selectable on/off control which can be manipulated by the operator. The ECD can fire up to two cartridges without reloading, and the cartridges are available in 15- (training), 21-, 25- (standard) and 35-foot ranges. TASER offers a warning arc display of an electrical output arcing in front of the ECD to show a combative subject a deterring visual effect. This warning arc display can be performed without removing the two live cartridges due to the fact the TASER cartridges are data fired and are not subjected to a static/electrical discharge.
- **Dependability** - As of June 30, 2012, TASER International has sold approximately 625,000 TASER brand ECDs in 107 countries to more than 16,880 law enforcement and military

agencies. More than 7,293 agencies deploy TASER ECDs to all of their patrol officers.

It is paramount that the RPD maintains consistency with their ECD program and products. In order to be an effective and efficient tool, the design and functionality of that tool need to be consistent and all officers need to be using the same equipment. To incorporate another brand of ECD into the department will greatly hinder training, weapon manipulation, operational effectiveness and officer safety.

For the past nine years, TASER International has been providing the RPD with a valuable "less lethal" tool to enhance officer and community safety. The TASER ECD technology is not intended to replace the use of a firearm or any other intermediate weapon; however the TASER ECD does allow law enforcement officers an added force option that may be deployed from a safer distance when taking a violent subject into custody.

TASER International and the RPD have had an extremely positive and professional working relationship. The RPD is requesting the standardization of TASER International to further this relationship and continue to purchase TASER products.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-402  
(Int. No. 444)

**Standardization Of The Taser International Electronic Control Device For Use By The Rochester Police Department**

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

Section 1. Based on information submitted by the Mayor and Rochester Police Department, the Council standardizes the Taser International Electronic Control Device (ECD) for use by the Rochester Police Department for the following reasons:

- **Accountability** - The TASER ECD technology captures and records the time, date, duration, battery life, and temperature of the TASER each time the trigger is pulled. The newest TASER ECD has an electronic metering feature which reports whether or not energy was delivered and records the exact amount of energy delivered. The TASER also records when the TASER ECD's safety has been disengaged, and differentiates spark deployments and trigger pulls. Cartridges are serialized and deploy 20-30 serial matching paper tags (AFIDS) clearly identifying if a TASER cartridge was deployed and what operator it was issued to.
- **Effectiveness** - Between January 1, 2009, and August 8, 2012, there have been 231 applications of the TASER ECD in the City of Rochester, with an effectiveness rate of 89%.

- **Ingenuity** - TASER manufactures ECD's with dual lasers providing an aiming point for each individual probe. The fixed illumination device has a selectable on/off control which can be manipulated by the operator. The ECD can fire up to two cartridges without reloading, and the cartridges are available in 15- (training), 21-, 25- (standard) and 35-foot ranges. TASER offers a warning arc display of an electrical output arcing in front of the ECD to show a combative subject a deterring visual effect. This warning arc display can be performed without removing the two live cartridges due to the fact the TASER cartridges are data fired and are not subjected to a static/electrical discharge.
- **Dependability** - As of June 30, 2012, TASER International has sold approximately 625,000 TASER® brand ECDs in 107 countries to more than 16,880 law enforcement and military agencies. More than 7,293 agencies deploy TASER ECDs to all of their patrol officers.
- **Consistency**-It is paramount that the RPD maintain consistency with its ECD program and products. In order to be an effective and efficient tool, the design and functionality of that tool need to be consistent and all officers need to be using the same equipment. Consistency is required for training, weapon manipulation, operational effectiveness and officer safety.

Section 2. For reasons of safety, efficiency, economy and performance, the Council hereby standardizes upon and directs the purchase of the Taser International Electronic Control Device for use by the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-403  
Re: Agreement - Public Safety Psychology, PLLC, Pre-Employment Psychological Testing

Transmitted herewith for your approval is legislation establishing \$90,000 as maximum annual compensation for a two-year agreement with Public Safety Psychology, PLLC (Albany, NY) to provide clinical services for pre-employment psychological testing of new hires for the Rochester Police Department (RPD) and the Emergency Communications Department (ECD). The annual cost of the agreement will be funded from the 2012-13 Budgets of the Police Department (\$60,000) and Emergency Communications (\$30,000). Funding in these amounts for the second year, and any renewal periods, are contingent upon the approval of the respective budgets.

Public Safety Psychology, a board certified specialist in police and public safety psychology, will provide pre-employment psychological evaluations for candidates who are in the process to be hired by RPD and ECD. Evaluations will include a variety of written tests, a background questionnaire, and a personal interview. Public Safety Psychology will then provide a written report detailing the suitability of the candidate.

Public Safety Psychology was selected through a request for proposal process, summarized in the attached RFP information sheet. It was one of three who responded to the request for proposal. Two psychologists were interviewed; however, one withdrew from the process.

The term of this agreement will be November 1, 2012 through October 31, 2014, with the option to renew for three additional, consecutive one-year periods.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-180

Ordinance No. 2012-403  
(Int. No. 445)

**Establishing Maximum Compensation For A Professional Services Agreement For Psychological Testing Services**

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

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Public Safety Psychology, PLLC to provide clinical services with respect to pre-employment psychological testing for new hires for the Rochester Police Department and the Emergency Communications Department for a term of two years, with an option to renew for three additional one-year periods. Said annual amounts shall be funded from the 2012-13 and subsequent Budgets of the Rochester Police Department (\$60,000) and Emergency Communications Department (\$30,000), 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. 2012-404  
Re: Agreement - The LifeLine Animal Project, Evaluation of RPD Animal Services

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensa-

tion for a one-year agreement with The LifeLine Animal Project (Atlanta GA) to provide an evaluation of the operations of Rochester Animal Services (RAS) for the Rochester Police Department (RPD). The cost of the agreement will be funded from the 2012-13 Budget of the Police Department.

The LifeLine Animal Project will evaluate the operations, policies, and procedures of the RAS with respect to industry standards. They will provide a final report that identifies compliance, areas for improvement, and recommendations to improve capabilities. The LifeLine Animal Project will provide assistance with recommendations as requested.

A request for proposal (RFP) process was initiated; however no proposals were received by the deadline. TransPro was subsequently solicited for consultant services, following which proposals were received from two other firms in response to the original RFP. The three proposals were evaluated and LifeLine Animal Project was chosen following the original request for proposal selection process, which is summarized in the attached RFP information sheet.

The term of this agreement will be November 1, 2012 through June 1, 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-181

Ordinance No. 2012-404  
(Int. No. 446)

**Establishing Maximum Compensation For A Professional Services Agreement For An Evaluation Of Animal Control Services**

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the LifeLine Animal Project for an evaluation of the operations of the Rochester Animal Services (RAS) for the Rochester Police Department. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 424 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

Councilmember Haag moved to amend Int. No. 424.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Introductory No. 424 was introduced September 19, 2012 and appears in its original form with its transmittal letter on page 421 of the current Council Proceedings.

Attachment No. AL-182

Ordinance No. 2012-405  
(Int. No. 424, As Amended)

**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 for the City for a term of three years] with such number of the following contractors as he shall deem necessary and appropriate to meet the towing demands of the City, but not less than four such contractors for standard towing and one such contractor for heavy duty towing, through August 31, 2015:

Contractor Principal/Officer	Address
Alliance Garage Daniel Tantalo	532 North Street
East Avenue Auto, Inc. Paul Marone	1656 East Avenue
John & Son Collision Michael Piacente	4 Niagara Street
Excel Service & Towing Scott Chapman	95 Seneca Avenue
Seton Towing Gary Seton	44 Arthur Street
*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. Said amounts shall be funded from the 2012-13 and subsequent Budgets of the Rochester Police Department, contingent upon adoption of subsequent budgets.

Service*	Fees
Standard Tow Fee (Regular or Flatbed Tow) (MVA, traffic violations, mechanical problems, snowbound vehicles, snow emergencies, etc)	\$103
Relocate vehicles	
First vehicle	103
Each additional vehicle	23

Additional Services  
(Brake inspections requested by RPD and additional services approved by the Chief of Police - in 15 minute increments) 70 per hour

In-Pound Towing/per tow truck (15 minute increments) 70 per hour

Towing RPD vehicle within Monroe County no charge

Towing RPD vehicles outside of Monroe County (per mile beyond the County line - round trip) [.555] 3  
(Adjusted per IRS mileage reimbursement rate)

Towing private vehicles outside of Monroe County [.555] 3  
(Standard tow fee applies. Mileage per mile beyond Monroe County line - round trip) (Adjusted per IRS mileage reimbursement rate)

Truck Towing  
Single and tandem axles, up to 26,000 lbs. GVW 179  
Heavy Trucks/Tractor Trailers, in excess of 26,000 lbs. GVW 246

Service Call - RPD or private vehicle (only one fee per event) 70  
(includes jump starts, lock outs, out of gas, tire change, moving disabled vehicle to shoulder of road, etc.) - Service calls provided to private vehicles must be billed directly to vehicle owner and will not be paid by the City.

Special Event or Emergency Standby Status 50 per hour  
(per hour in 15 minute increments with a minimum of one hour) Special event standby will be requested in advance of the event. Emergency standby will apply to critical incidents. No stand-by time will be paid for a standard tow. This rate will include relocations. (If a vehicle is impounded, the normal towing rate will apply and the stand-by rate will cease during the towing and impound period)

\*If more than one extra cost is applicable, the highest rate is used.

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.

The meeting was adjourned at 8:08 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

REGULAR MEETING  
NOVEMBER 13, 2012

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
  - Recreation & Youth Services
    - \*Elizabeth Quinn
  - Fire Department
    - \*Mary E. Lehr
    - \*Wayne T. Miller
    - \*Craig E. Wandtke
  - Library
    - \*David Maldonado
- \*Did not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of October 16, 2012 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 4092-12
  - Public Disclosure - CDBG Participation 4093-12
- The Council submits Disclosure of Interest Forms from Councilmember Haag regarding Int. Nos. 455 through 457 and Int. No. 470.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember McFadden submits 56 signatures for the removal of Police Chief James Shep-

pard Petition No. 1676

Councilmember McFadden submits 188 signatures to save Susan B. Anthony Neighborhood from demolition Petition No. 1677

PUBLIC HEARINGS.

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

Authorizing The Acquisition By Negotiation Or Condemnation Of A Portion Of 565 River Street For The Port Of Rochester Public Marina & Mixed Use Development Project, As Amended Int. No. 452 1 speaker: James McIntosh.

Amending The Official Map By Renaming Loem Way As Sawdey Way Int. No. 467 No speakers.

Amending The Official Map By Abandonment Of Portions Of Addison Street And Bickford Street And Authorizing Their Sale Int. No. 468 No speakers.

Changing The Traffic Flow On Central Avenue From St. Paul Street To North Clinton Avenue From Two-Way To One-Way Eastbound Int. No. 476 No speakers.

Amending The Official Map By Abandonment Of Hartford Street And Hetzel Alley And Authorizing Sale Of Abandonment Parcels, As Amended Int. No. 479 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
November 13, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 474 - Authorizing The Bulk Sale Of Delinquent Tax Liens

Int. No. 481 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Services

Int. No. 482 - Establishing Maximum Compensation For A Professional Services Agreement For Health Insurance Administration

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Loretta C. Scott  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-406  
 Re: Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation authorizing the sale of delinquent tax liens from 2011-12, in bulk, to American Tax Funding, LLC (ATF).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379 authorized three lien sales with the option for two subsequent sales. The sale requested herein will be the second of the two options, representing the fifth sale. The table below summarizes the results of the four previous sales.

Sale Date	Number Of liens	Number Of parcels	Original Value (Principal + Interest)	Sale Price	Percent of Original Value
Feb 2009	5,675	3,327	\$13,976,777	\$6,036,829	43.19
Sept 2009	5,444	4,864	\$11,443,795	\$4,981,986	43.53
Dec 2010	5,249	4,780	\$10,999,275	\$5,342,778	48.57
Feb 2012	4,580	4,274	\$10,336,100	\$4,578,407	44.30

For this year, based on a bulk lien sale list having an aggregate lien amount of \$12,187,135.91, it is estimated that the City will receive \$ 6,063,100.12, or 49.75% of the original lien amount. This represents a total of 5,981 liens on 5,574 parcels. This number is net of the 582 parcels reserved by the City as part of our property management strategy. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens which are finally sold.

As part of the bulk lien sale, the City will re-acquire liens on six properties previously sold thereby reducing the final bulk sale purchase price by the amount of the liens listed below. The total repurchase price for these liens, \$43,487.07, is not reflected in the total ATF offer noted above.

65-67 Chestnut St.	\$27,916.15	513-517 Jay St.	\$ 749.95
551-559 E. Main St.	2,878.97	36 King St.	814.28
900 E. Main St.	6,677.13	773-777 W. Broad St.	4,450.59

This year ATF, as authorized in the agreement, is also exercising their right to acquire the new tax lien at full value on properties for which they hold prior unpaid liens. ATF has reviewed the list of such properties, and has agreed to pay the full value of \$ \$304,407.22 for liens on 115 properties of the 582 properties referenced above to protect their interest in these properties. The City has no objection to this action.

As required by Council Ordinance No. 2008-379, the Administration will file a list of the properties to be sold to ATF and the properties removed from the sale, along with a map showing both categories.

This legislation approves the sale of 2011-12 and prior years' delinquent tax liens to ATF based upon this initial estimated dollar value and percentage amounts.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Ordinance No. 2012-406  
 (Int. No. 474)

**Authorizing The Bulk Sale Of Delinquent Tax Liens**

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

Section 1. Pursuant to the agreement between the City and American Tax Funding, LLC (ATF) for the bulk sale of delinquent tax liens, the Council hereby approves the bulk sale of this year's tax liens.

Section 2. The agreement shall obligate ATF to pay to the City an amount based upon the ATF offer of 49.75% for delinquent tax liens valued as of October 24, 2012, as adjusted to reflect changes to the delinquent tax liens which are finally sold.

Section 3. The agreement shall further obligate ATF to pay to the City full redemptive value of \$304,407.22 for 115 liens on properties for which ATF holds prior unpaid liens, said amount to be adjusted to reflect redemptions and interest to the date of closing.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-407  
Re: Amendatory Agreement - First  
Consulting, Documenting Business  
Processes

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with First Consulting for additional technical writing services related to the documentation of various City business processes. Ordinance No. 2012-128 established \$50,000 as maximum compensation; this amendment will increase that amount by \$50,000 to a total of \$100,000. The additional cost will be funded from the 2012-13 Budget of the Information Technology Department.

First Consulting has completed documentation of Purchasing processes. It was anticipated that work on other processes (e.g., Budget, Accounts Receivable) would transition to IT staff; however, the identified staff member has since resigned. This documentation provides essential support to City staff who use Munis on a daily basis, and will also be a valuable training tool for new staff.

Continued use of the consultant for these services will enable completion of documentation without interruption.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-407  
(Int. No. 481)

**Establishing Maximum Compensation For  
An Amendatory Professional Services Agree-  
ment For Information Technology 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 amendatory professional services agreement between the City and First Consulting, Inc. for support services for Information Technology projects and initiatives. Said amount shall be funded from the 2012-13 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-408  
Re: Agreement - MVP Health Care,  
Health Care Administrative Services

Transmitted herewith for your approval is legisla-  
tion establishing \$3,250,000.00 as maximum com-

penation for an agreement with MVP Health Care for administration of health insurance plans for City of Rochester employees and retirees. The cost of this agreement will be funded from the 2012-13 and 2013-14 Budgets for Undistributed Expenses. The term of this agreement will be for one year.

The City's health insurance plans have historically been fully-insured with monthly premiums established by the contracted insurance company. However, analysis of health plan utilization data specified to City employees over the past three years indicates that switching to a self-funded program will provide both short-term and long-term cost savings for the City. This change will immediately reduce the costs of administrative fees paid to health insurers and provide the City with greater control over plan design and clinical edits for longer term savings.

Through self-funding, the City will maintain an escrow account funded by employee contributions to premiums, and from which claims will be paid. MVP Health Care will provide third-party administrative services to process health care claims for medical services received by employees, retirees, and eligible dependents. Participants will experience no changes in coverage, co-pays, or any other aspect of their current health plans.

MVP Health Care was selected as the City's sole health insurance provider in 2009 following a request for proposals process. The initial arrangement was for three years, and was extended for one additional year (through calendar year 2013) based on negotiations with MVP to reduce the City's insurance premiums for 2012. The justification statement for why an RFP was not issued for 2013 is attached.

The consultant has been informed of the Living Wage requirements and the Department of Human Resource Management will ensure compliance.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-183

Ordinance No. 2012-408  
(Int. No. 482)

**Establishing Maximum Compensation For A  
Professional Services Agreement For Health  
Insurance Administration**

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

Section 1. The sum of \$3,250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid to MVP Health Care for administration of health insurance plans for City employees and retirees. Of said amount, \$1,625,000 shall be funded from each of the 2012-13 and 2013-14 Budgets for Undistributed Expense, subject to adoption of the latter budget. No surety bond or letter of credit is required of MVP.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo  
November 13, 2012

To the Council:

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

Int. No. 454 - Authorizing The Sale Of Real Estate

Int. No. 455 - Approving A Section 108 Loan For The College Town Development Project

Int. No. 456 - Approving A Street Agreement For The College Town Development Project And Authorizing Easements

Int. No. 458 - Amending Ordinance No. 2005-312, Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project

Int. No. 459 - Amending Ordinance No. 2007-378, Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project

Int. No. 460 - Local Law Extending The Residential-Commercial Urban Exemption Program

Int. No. 475 - Establishing Maximum Compensation For A Professional Services Agreement For A Study Of The Tax Lien Sale And Tax Foreclosure Process

Int. No. 477 - Approving The Formation Of The Rochester Land Bank Corporation

Int. No. 478 - Resolution Approving Appointments To The Zoning Board Of Appeals

Int. No. 430 - Approving A Loan Agreement For 350 State Street

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

Int. No. 457 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$450,000 Bonds Of Said City To Finance The Cost Of Design And Initial Construction Of A New Street As A Part Of The College Town Development Project In The City

Int. No. 464 - Determination And Findings Relating To The Acquisition Of A Portion Of 565 River Street For The Port Of Rochester Public Marina & Mixed Use Development Project

Int. No. 452 - Authorizing The Acquisition By Negotiation Or Condemnation Of A Portion Of 565 River Street For The Port Of Rochester Public Marina & Mixed Use Development Project, As

Amended

Respectfully submitted,  
Carla M. Palumbo  
Carolee A. Conklin  
Jacklyn Ortiz  
Dana K. Miller (Voted on Int. Nos. 475, 478, 430 and 452)  
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-409  
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of eleven properties. City records have been audited to ensure that purchasers of properties other than vacant, unbuildable, lots do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first eight properties are negotiated sales and will be sold to Rochester Housing Development Fund Corporation (RHDFC) for rehabilitation as part of the Home Rochester Program; each one will then be sold to an owner-occupant first-time buyer.

The next three properties are vacant, buildable lots. All three will be sold to their adjoining owners and combined with their current parcels as additional green space.

The first year projected tax revenue for these eleven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$8,211.

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,  
Thomas S. Richards  
Mayor

Attachment No. AL-184

Ordinance No. 2012-409  
(Int. No. 454)

**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 improved property:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Use</u> <u>Purchaser</u>	<u>Price</u>
1100 Avenue D 091.82-2-83	43x89	1 Family Rochester Housing Development Fund Corp.*	\$ 7,500
43 Elba St 120.84-3-26	44x150	1 Family Rochester Housing Development Fund Corp.	\$ 4,000
44 Gardiner Av 120.48-1-55	42x128	1 Family Rochester Housing Development Fund Corp.	\$ 7,000
310 Hazelwood Ter 107.54-1-44	41x100	1 Family Rochester Housing Development Fund Corp.	\$ 6,500
54 Lorimer St 105.59-2-23	50x115	1 Family Rochester Housing Development Fund Corp.	\$ 3,000
62 Melville St 107.53-2-70	41x85	1 Family Rochester Housing Development Fund Corp.	\$ 10,000
463 Parsells Av 107.55-3-64	40x110	1 Family Rochester Housing Development Fund Corp.	\$ 7,500
186 Steko Av 090.33-1-72	40x100	1 Family Rochester Housing Development Fund Corp.	\$ 6,000

\* Board of Directors: Kevin Recchia, Esq., President; Bret Garwood, Vice President; Alma Balonon-Rosen, Secretary; Joan Dallis, Member; Gerry DiMarco, Esq., Member; Kabutey Ocansey, Member; Julio Vazquez, Member

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Sq. Ft.</u>	<u>Price</u>
480-484 Emerson St 105.41-2-1	41x140	5,740	\$450
16 Hollister St 106.42-1-31.1	73x110	7,950	\$525
NH of 9 Thomas St 106.40-1-22.1	33x100	3,300	\$400
	Canandy & Eileen Flowers		

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-410,  
Ordinance No. 2012-411 and  
Ordinance No. 2012-412

Re: College Town Development Project

Transmitted herewith for your approval is legislation relating to the College Town Development project. This legislation will:

1. Authorize a loan agreement not to exceed \$20,000,000 with College Town Rochester, LLC, or an entity to be formed by Gilbane Development Co. and Fairmount Properties LLC. The loan will be financed from the HUD Section 108 Loan Guarantee Program funds appropriated herein. The Section 108 loan will be provided as both construction and permanent financing. The terms of the loan are described below.
2. Appropriate the sum of \$20,000,000, or so much thereof as may be necessary, from the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program funds to fund the loan.
3. Establish \$450,000 as maximum compensation for an agreement with College Town Rochester, LLC, or an entity to be formed by Gilbane Development Co. and Fairmount Properties LLC, for design and construction of public improvements. The cost of the agreement will be funded from the bonds appropriated herein.
4. Authorize the issuance of bonds in the amount of \$450,000 and the appropriation of the proceeds thereof to finance the agreement for design and construction of public improvements.
5. Authorize the granting and acceptance of any easements for utilities and public access necessary for the project.
6. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreements authorized herein.
7. Authorize the Mayor to adjust the interest rate and other terms and conditions of the Section 108 loan as needed.

College Town Rochester LLC, a joint business venture between Fairmount Properties LLC and Gilbane Development Company, has proposed the construction of mixed-use development on a 14-acre site owned by the University of Rochester (U of R) fronting on the Mt. Hope Avenue commercial corridor between Crittenden Blvd. to the south and Elmwood Ave. to the north. This transformative project will include the construction of 50,000 square feet of commercial space, more than 110,000 square feet of retail space, approximately 140 apartments (including at least 10 affordable

housing units), open space, surface parking, and a parking garage that will accommodate approximately 1,600 vehicles. The project includes a new street to service the development. This project will also include a 150 room hotel and conference center to be constructed on the site by a third-party developer. It is not part of this financing arrangement.

The City submitted an application to HUD for a \$20 million Section 108 Loan for the project on August 6, 2012 (Ord. No. 2012-141). HUD approved the Section 108 Loan in October 2012. The loan will be payable with interest only for the first two years during construction, and fully amortized over the remaining 18 years with an interest rate equal to the federal borrowing rate plus a spread of up to one percent (1%). In the event of default, under the terms of the PILOT Agreement, the PILOT Agreement could be terminated and the City's ability to assess real property taxes would commence.

The developer will enter into a 20-year Payment In-Lieu-Of Taxes (PILOT) Agreement pending approval from the County of Monroe Industrial Development Agency (COMIDA) at their November 20, 2012 meeting. The PILOT will authorize an annual fixed payment of at least \$1,785,325 after completion of the project. No more than \$1,300,000 of the annual PILOT proceeds will be applied to the Section 108 Loan debt service. The remaining PILOT proceeds, approximately \$485,225 annually, will be paid to the City and Monroe County. The annual fixed PILOT payments are based on a projected initial property assessment estimated to be no less than \$32.5 million.

The new street to service the site will be constructed by the developer, rather than the City. This decision is based on the nature of the project, which requires concurrent work on two adjacent construction sites, including: excavation and grading of the whole site; coordinating utilities, paving and other work; and the need to integrate the street construction with the rest of the project. The developer also plans on creating a bike lane along Elmwood Avenue adjacent to the project.

The cost of these improvements will be \$3.45 million. The City's 2012-2017 Capital Improvement Program includes \$450,000 in 2012-13 and \$3 million in 2013-2014 for the construction of street improvements for the project.

The sources and uses of funding for the College Town Project are as follows:

<u>Sources</u>	
Primary lender	\$31,152,847
Section 108 Loan	20,000,000
Univ. of Rochester - parking	16,021,200
NYS Grant (proposed)	4,000,000
City infrastructure (CIP)	3,450,000
Brownfield	250,000
RG&E (proposed)	650,000
COMIDA Benefits (proposed)	3,653,462
Equity and other	7,729,612
Total	<u>\$86,907,121</u>

<u>Uses</u>	
Soft costs	\$10,143,328
Construction	47,673,793
Parking	25,490,000
Demolition and abatement	2,700,000
Section 108 Loan Reserve	<u>900,000</u>
Total	\$86,907,121

The developer will begin construction in late fall 2012, with completion projected for December 2014. The project will create 900 construction jobs and 330 permanent jobs. The project will also accommodate 250 existing U of R employees being relocated to the new commercial space. Over the 20-year term of the Section 108 Loan Agreement, the City estimates that it will receive at least \$9.2 million in additional revenue, including approximately \$6.8 million from the PILOT Agreement and \$2.4 million in interest income.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, Lead Agency for the environmental review, has determined that the proposed action will not result in any significant environmental effects. A negative declaration is anticipated and will be provided prior to the November meeting of City Council.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-185

Ordinance No. 2012-410  
 (Int. No. 455)

**Approving A Section 108 Loan For The College Town Development Project**

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

Section 1. The Mayor is hereby authorized to enter into all necessary documents to implement a United States Department of Housing and Urban Development Section 108 loan with College Town Rochester, LLC, or an entity to be formed by Gilbane Development Company and Fairmount Properties LLC, for the College Town Development Project. The loan shall be for a term of 20 years for construction and permanent financing. The construction loan shall be for a term not to exceed 2 years, payable interest only. The permanent financing shall be for the remainder of the term. The principal shall be amortized over the remainder of the term. Interest shall be set at up to 1% above the federal borrowing rate, as approved by the Mayor. 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 the Project.

Section 2. The loan shall obligate the City to pay an amount not to exceed \$20,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the United States De-

partment of Housing and Urban Development Section 108 Loan Funds for this Project.

Section 3. The documents 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. 2012-411  
(Int. No. 456)

**Approving A Street Agreement For The College Town Development Project And Authorizing Easements**

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

Section 1. The Mayor is hereby authorized to enter into an agreement and all necessary documents with College Town Rochester, LLC, or an entity to be formed by Gilbane Development Company and Fairmount Properties LLC, for the design, site grading and initial construction of a new street between Mt. Hope Avenue and East Drive, and incidentals thereto, as part of the College Town Development Project.

Section 2. The documents shall obligate the City to pay an amount not to exceed \$450,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

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

Section 4. The Council hereby further approves the granting and acceptance of all necessary easements for utilities and public access as part of the College Town Development Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-412  
(Int. No. 457)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$450,000 Bonds Of Said City To Finance The Cost Of Design And Initial Construction Of A New Street As A Part Of The College Town Development 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 Phase I of the design, site grading and initial construction of a

new street to run between Mt. Hope Avenue and East Drive as a part of the College Town Development Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$450,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$450,000 bonds of the City and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$450,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-413 and  
Ordinance No. 2012-414  
Re: Amending Ordinance Nos. 2005-312  
And 2007- 378 to Add Properties  
To Existing PILOT Agreements

Transmitted herewith for your approval is legislation amending Ordinance No. 2005-312 and Ordinance No. 2007-378 to include recently acquired properties that have been combined with existing properties in the respective PILOT agreements.

Ordinance No. 2005-312 provided for a tax exemption and PILOT agreement for the part of the Olean & Kennedy Revitalization Project owned by Providence Olean Housing Development Fund Company, Inc. The PILOT agreement is for a period of 20 years, and the owner is obligated to make annual tax and in-lieu-of-taxes payments to the City of Rochester equal in total to at least 10% of its annual shelter rent (gross rents less utility costs). The property at 828-836 Jefferson Avenue (SBL No 120.840-0001-019) was previously owned by the

City and has been sold to Providence Olean Housing Development Fund Company Inc., and will be combined with 218 Magnolia Street (SBL 120.840-0001-018). The new parcel, SBL 120.840-0001-018.1, will be added to the parcels eligible for the tax exemption and PILOT agreement with Providence Olean Housing Development Fund Company Inc.

Ordinance No. 2007-378 also authorized a tax exemption and PILOT agreement for the Olean & Kennedy Revitalization Project for the part of the Olean & Kennedy Revitalization Project owned by Providence Olean-Kennedy Housing Development Fund Company, Inc. The PILOT agreement is for a period of 30 years, and the owner is obligated to make annual tax and in-lieu-of-taxes payments to the City of Rochester equal in total to at least 10% of its annual shelter rent (gross rents less utility costs). The property at 108 Fulton Avenue (SBL 105.430-2-33.3), previously owned by the City, was sold to Providence Olean-Kennedy Housing Development Fund Company Inc., and has been combined with 112-114 Fulton Avenue (SBL 105.430-2-78.1). The new parcel, SBL 105.430-2-33.4, will be added to the parcels eligible for the tax exemption and PILOT agreement with Providence Olean-Kennedy Housing Development Fund Company Inc.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-186

Ordinance No. 2012-413  
(Int. No. 458)

**Amending Ordinance No. 2005-312, Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project**

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

Section 1. Ordinance No. 2005-312, relating to a property tax exemption for the Olean & Kennedy Revitalization Project, as amended, is hereby further amended by adding the parcel at 828-836 Jefferson Avenue, SBL #120.840-0001-019, which shall be combined with the parcel at 218 Magnolia Street, SBL #120.840-0001-018, and will have a new SBL #120.840-0001-018.1, to the list of tax exempt parcels in Section 1.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2012-414  
(Int. No. 459)

**Amending Ordinance No. 2007-378, Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. Ordinance No. 2007-378, relating to a property tax exemption for the Olean & Kennedy Revitalization Project, as amended, is hereby further amended by adding the parcel at 108 Fulton Avenue, SBL #105.430-2-33.3, which shall be combined with the parcel at 112-114 Fulton Avenue, SBL #105.430-2-78.1, and will have a new SBL #105.430-2-33.4, to the list of tax exempt parcels in Section 1.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Law No. 7  
Re: Reauthorization of the Residential-  
Commercial Urban Exemption  
Program

Transmitted herewith for your approval is legislation reauthorizing the Residential-Commercial Urban Exemption Program (CUE). CUE was authorized in 2004 by Local Law No. 3, under New York State Real Property Tax Law. The program allows cities with populations of 50,000 to 1,000,000 to provide tax exemptions for certain classes of mixed-use properties. CUE was reauthorized in 2006 (Local Law No. 5) and 2009 (Local Law No. 7). The program will be extended for three years to apply to the 2013, 2014, and 2015 assessment rolls.

The program facilitates the conversion of underutilized office, retail, manufacturing, and warehouse buildings to residential uses. A non-residential property converted to mixed-use (residential-commercial), can be partially exempted from taxation and special *ad valorem* levies for a period of 12 years. The exemption is applied to the increase in assessed value attributable to the conversion to mixed-use.

In years 1-8, the exemption applies to 100% of the increase in assessment attributable to the conversion; in the following years, the exemption is reduced by 20% each year, with full taxation applying in year 13 and beyond. CUE is restricted to mixed-use conversion projects located in the Center City District. To qualify, property owners must invest at least \$250,000 in converting the property, and provide a minimum of 25% of the total developed space for use as rental housing.

Twelve properties are currently enrolled, three developers have filed applications, and one other is a potential participant, if the extension of the program is approved. A list of these properties is attached. The 12 projects currently enrolled have resulted in an investment of more than \$26.8 million and the creation of an additional 235 market-rate housing units in the Center City. The value of these properties has increased by more than \$11.5 million.

The Rochester Downtown Development Corporation reports that vacant office space continues to experience a substantial vacancy rate of 20.6%. That figure includes the three properties for which CUE applications have been filed and await approval. These projects represent a combined investment estimated at \$13.9 million.

The current authorization for CUE expires in June 2013. Authorization of an extension now will allow the City's program to run concurrently with the County's program, which expires December 31, 2012 and which is anticipated to be extended until December 31, 2015.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-187

Local Law No. 7  
(Int. No. 460)

**Local Law Extending The Residential-  
Commercial Urban Exemption Program**

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

Section 1. Section 6-71.7 of the Charter of the City of Rochester, Residential-Commercial Urban Exemption Program, shall remain in effect for the 2013, 2014 and 2015 assessment rolls. Any property that is granted an exemption on one of those rolls shall remain eligible for the additional years of exemption on that property, provided the property continues to meet the requirements of Section 485-a.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-415  
Re: Agreement - The Center for  
Community Progress, Analysis  
Of the Tax Lien Sale and Tax  
Foreclosure Process

Transmitted herewith for your approval is legislation establishing \$92,500 as maximum compensation for an agreement with The Center for Community Progress (Washington, D.C.) for analysis of the tax lien sale and tax foreclosure process. The cost of this agreement will be funded from the 2012-13 Undistributed (Effectiveness and Efficiency) Budget.

The analysis will assist the City in devising a system for addressing tax delinquencies in a manner which best accomplishes City-wide objectives. The consultant will review the impact of the bulk sale of tax liens on neighborhood stability, community development, and financial return to the City. They

will further review the City's approach in comparison to alternate approaches used by other municipalities for the collection of delinquent taxes, and provide an evaluation of what would provide the best financial option for the City.

The consultant will include community engagement to obtain feedback from residents and stakeholders. The observations will be used to develop hypotheses which will be tested through a quantitative analysis of salient tax lien sales data to determine relationships between variables such as vacancy, code violations, sale prices and foreclosure rates. An analysis of revenue stream and operational costs will be conducted to assess the fiscal benefits of the current procedures, and Rochester's procedures will be compared with procedures used in other cities in New York State.

The Center for Community Progress was selected through a Request for Proposal process, which is described in the attached summary. One of the strengths of their proposal is the breadth and strengths of the team they have assembled to perform various aspects of the work. Another factor in their selection is their commitment to providing, based on their analysis, clear recommendations to the City on its approach to handling tax delinquencies. A summary of the project team, and their qualifications and roles is attached.

The consultant has been informed of the Living Wage requirements and the Department of Neighborhood and Business Development will ensure compliance.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-188

Ordinance No. 2012-415  
(Int. No. 475)

**Establishing Maximum Compensation For A Professional Services Agreement For A Study Of The Tax Lien Sale And Tax Foreclosure Process**

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

Section 1. The sum of \$92,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Center for Community Progress for a study of the tax lien sale and tax foreclosure process. Said amount shall be funded from the 2012-13 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-416  
Re: Rochester Land Bank Corporation

Transmitted herewith for your approval is legislation related to the formation of a land bank corporation to be known as the Rochester Land Bank Corporation under New York State Not-for-Profit Corporation Law, Article 16. This legislation will:

1. Approve the City's application to the Empire State Development Corporation to form such a corporation.
2. Accept the requisite Certificate of Incorporation (attached).
3. Designate the members of the Board of Directors for the Corporation.

Article 16 of the NFP Corporation Law, effective July 29, 2011, authorizes creation of ten land banks statewide. Five land banks were approved in the first round of applications by Empire State Development Corp., in which the City did not participate. The City must submit an application by November 30, 2012 in order to be considered in the second round.

A study group comprised of members of City and City Council staff and not-for-profit housing developers has been meeting since January 2012 to examine the new legislation and to make recommendations to Council.

The tools enumerated in the land bank legislation will increase the efficiency and effectiveness of several City efforts, including: demolitions, Home Rochester (the acquisition and rehabilitation program), the Focused Investment Strategy, and land aggregation for economic and housing development. The unique land bank tools include the ability to dispose of property using negotiated terms, to sell for non-monetary compensation, to retain an equity position in properties, and to purchase tax liens.

The scope of the land bank will initially be limited to those properties for which disposition strategies have already been identified. During each of the first two years of operation, it is estimated that the land bank will take title to an average of 25 properties. The role of the land bank will be to facilitate property transfers and development projects in accordance with goals established by the City.

The land bank will operate on a model similar to that used for REDCO, which is a legal corporation without a separate staffing structure. The City Director of Real Estate will serve as Executive Director of the corporation. Transactional costs, expected initially to be minimal, will be funded from the existing Neighborhood and Business Development operating budget.

The Board of Directors will have seven members; five will serve in *ex officio* capacity; one will be appointed by the Mayor; and one will be appointed by the President of City Council. All members will serve three-year terms. The initial members will

be:

Ex-officio members

City Treasurer  
Charles Benincasa  
Director of Development Services  
Bret Garwood  
Manager of Housing  
Carol Wheeler  
Director of Inspection & Compliance Services  
Gary Kirkmire  
Chief of Staff, City Council  
Andrea Guzzetta

Appointed members

Mayor's appointment  
George Parker, Esq.  
267 Mulberry St. 14620  
Council President's appointment  
Dana Miller  
265 Melrose St. 14619

Resumes for Mr. Parker and Mr. Miller are on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-189

Ordinance No. 2012-416  
(Int. No. 477)

**Approving The Formation Of The Rochester Land Bank Corporation**

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

Section 1. The Council hereby approves the formation of the Rochester Land Bank Corporation under Article 16 of the Not-For-Profit Corporation Law and approves the Certificate of Incorporation submitted by the Mayor. The Rochester Land Bank Corporation shall have all of the powers enumerated in said Article 16. The Council further authorizes the Mayor to submit an application to the Empire State Development Corporation for approval of the Rochester Land Bank Corporation. There shall be seven members of the Board of Directors, as follows:

Ex-officio members:

City Treasurer  
Charles Benincasa  
Director of Development Services  
Bret Garwood  
Manager of Housing  
Carol Wheeler  
Director of Inspection & Compliance Services  
Gary Kirkmire  
Chief of Staff, City Council  
Andrea Guzzetta

Appointed members, to serve three-year terms:

Mayor's appointee  
George Parker, Esq.  
Council President's appointee  
Dana Miller

The Executive Director of the Rochester Land Bank Corporation shall be the Director of Real Estate.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2012-25  
Re: Appointment and Re-Appointments -  
Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of one new member and the re-appointment of two current members to the Zoning Board of Appeals.

New Appointment  
Dennis O'Brien  
14 Sibley Place, Apt. #1, 14607

Mr. O'Brien is a resident of the East Council District. He will fill the vacancy created by the resignation of David Chappius; his appointment will be for a full term of two years, which will expire November 30, 2014.

Re-Appointments  
Joseph O'Donnell  
150 Versailles Road, 14621  
Patrick Tobin  
71 Linden Street, 14620

Mr. O'Donnell was originally appointed in March 2008, and re-appointed in October 2011. His current term expired in March 2012. Since October 2011, he has attended 19 of 22 meetings of the board. His new term will extend to March 2014. He is a resident of the Northeast Council District.

Mr. Tobin was originally appointed in July 2006, and was re-appointed in October 2011. His current term expired in June 2012. Since October 2011, he has attended 17 of 22 meetings of the Board. His new term will extend to June 2014. He is a resident of the South Council District.

A summary description of the board and its membership is attached.

Resumes for these individuals are on file with the City Clerk.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-190

Resolution No. 2012-25  
(Int. No. 478)

**Resolution Approving Appointments To The Zoning Board Of Appeals**

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

Section 1. The Council hereby approves the reappointment of the following persons to the Zoning Board of Appeals for terms which shall expire as follows:

<u>Name</u>	<u>Address</u>	<u>Expiration of Term</u>
Joseph O'Donnell	150 Versailles Road	March 31, 2014
Patrick Tobin	71 Linden Street	June 30, 2014

Section 2. The Council hereby approves the appointment of Dennis O'Brien, 14 Sibley Place, Apartment #1, to the Zoning Board of Appeals for a term which shall expire on November 30, 2014. Mr. O'Brien shall replace David Chappius, who has resigned.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

Introductory No. 430 was introduced October 16, 2012 and appears in its original form with its transmittal letter on page 429 of the current Council Proceedings.

Attachment No. AL-191

Ordinance No. 2012-417  
(Int. No. 430)

**Approving A Loan Agreement For 350 State Street**

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-418  
Re: Determination and Findings -  
Acquisition of Part of 565 River Street

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of part of 565 River Street. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law. The map and legal description are on file in the City Clerk's Office.

The maximum cost associated with the acquisition is \$25,000 including all incidentals, and will be financed from prior years' Cash Capital. A public

hearing on the proposed acquisition was conducted on October 16, 2012. There were no speakers.

Following are the determinations and findings:

Project description

The project includes acquisition of the property at 565 River Street consisting of vacant land used for parking associated with operation of Pelicans Nest Restaurant, situated on a parcel of land containing approximately 807 square feet.

Project purpose

The acquisition will permit extension of the River Street right-of-way and Genesee Riverway Trail from the existing terminus in the area of Latta Road into the Port area as set forth in the Port of Rochester Public Marina and Mixed Use Development Project.

Project effect

The project will have no significant adverse environmental effects. The overall Port of Rochester Public Marina and Mixed Use Development Project was subject to State Environmental Quality Review. The extension of River Street is a component of that review and has been determined to have no significant environmental impacts. Findings were adopted by Council on May 22, 2012.

Upon approval of these determinations and findings, the legislation authorizing the property acquisition, Introductory 452 currently held in the Neighborhood and Business Development Committee, may be considered.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-418  
(Int. No. 464)

**Determination And Findings Relating To The Acquisition Of A Portion Of 565 River Street For The Port of Rochester Public Marina And Mixed Use Development Project**

WHEREAS, the City of Rochester proposes to acquire a portion of 565 River Street for the extension of the River Street right-of-way, and

WHEREAS, the Council of the City of Rochester held a public hearing on October 16 and November 13, 2012 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel.

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

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of a portion of 565 River Street for the extension of the River Street right-of-way:

- A. Project description: The project includes acquisition of a portion of the property at 565 River Street, comprising approximately

807 square feet, SBL #047.63-1-3.1, consisting of vacant land used for parking associated with operation of Pelicans Nest Restaurant.

- B. Project purpose: The acquisition will permit extension of the River Street right-of-way and Genesee Riverway Trail northerly from the existing terminus in the area of Latta Road into the Port area to connect with North River Street, which is being realigned as part of the Port of Rochester Public Marina and Mixed Use Development Project.
- C. Project effect: The project will have no significant adverse environmental effects. The overall Port of Rochester Public Marina and Mixed Use Development Project was subject to State Environmental Quality Review and environmental findings were adopted by Council in Ordinance No. 2012-197. The extension of River Street is a component of that review and has been determined to have no significant environmental impacts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 452 was introduced October 16, 2012 and appears in its original form with its transmittal letter on page 435 of the current Council Proceedings.

Attachment No. AL-192

Ordinance No. 2012-419  
(Int. No. 452, As Amended)

**Authorizing The Acquisition By Negotiation Or Condemnation Of A Portion Of 565 River Street For The Port of Rochester Public Marina And Mixed Use Development Project**

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

Section 1. The Council hereby approves the acquisition of a portion of 565 River Street, comprising approximately 807 square feet, SBL #047.63-1-3.1, owned by T & S Holding Corp., for the extension of the River Street right-of-way from its current terminus in the area of Latta Road, northerly into the Port area to connect with North River Street, which is being realigned as part of the Port of Rochester Public Marina And Mixed Use Development Project.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed the appraised value of the parcel, \$25,000, and said amount, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

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

proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

By Councilmember Scott  
November 13, 2012

To the Council:

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

Int. No. 461 - Establishing Maximum Compensation For An Agreement For Former High Falls Festival Site Maintenance Services

Int. No. 462 - Establishing Maximum Compensation For A Professional Services Agreement For The Electric Vehicle Supply Equipment Demonstration Project

Int. No. 463 - Authorizing Agreements For Move Management Services

Int. No. 465 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Cleanup Of 62-64 Scio Street

Int. No. 466 - Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of 24 Seneca Avenue

Int. No. 480 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue And ARTWalk Extension Improvement Project

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

Int. No. 467 - Amending The Official Map By Renaming Loem Way As Sawdey Way

Int. No. 468 - Amending The Official Map By Abandonment Of Portions Of Addison Street And Bickford Street And Authorizing Their Sale

Int. No. 476 - Changing The Traffic Flow On Central Avenue From St. Paul Street To North Clinton Avenue From Two-Way To One-Way Eastbound

Int. No. 479 - Amending The Official Map By Abandonment Of Hartford Street And Hetzel Alley And Authorizing Sale Of Abandonment Parcels, As Amended

Respectfully submitted,  
Loretta C. Scott  
Matt Haag  
Elaine M. Spaul  
Lovely A. Warren (Did not vote on Int. No 461  
through 463 and Int. No. 465)  
Dana K. Miller  
JOBS, PARK & PUBLIC WORKS COMMITTEE

Ordinance No. 2012-420  
(Int. No. 461)

**Establishing Maximum Compensation For  
An Agreement For Former High Falls Festival  
Site Maintenance Services**

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-420  
Re: Agreement - High Falls Development  
Corporation, Maintenance Services

Transmitted herewith for your approval is legisla-  
tion establishing \$15,000 as maximum compensa-  
tion for an agreement with High Falls Development  
Corporation (principal, Ben Kendig) to provide  
maintenance services in the area previously known  
as the High Falls Festival Site. The cost of the  
agreement will be funded from the 2012-13 Budget  
of the Department of Environmental Services.

The High Falls Development Corporation is the  
owner, developer, and operator of the High Falls  
Building adjacent to the site. The firm leases the  
site and the two floors beneath it from the City.  
The terms of the lease stipulate that the Corporation  
is responsible for normal maintenance of the site  
and terrace areas. Additional services are provided  
for certain designated areas and are specified in the  
agreement.

Area-wide services include litter and trash removal;  
routine graffiti removal; repair and resetting of  
pavers as needed; reseating of pavers every two  
years; annual fertilizing and mulching of landscape  
beds; and watering and weeding of landscape beds  
as needed. Additional services, depending on the  
specific sub-areas, include cleaning and removal of  
stains on pavers and concrete surfaces; painting of  
all metal surfaces; snow plowing, removal and  
deicing as needed; repointing of stone walls as  
needed; repair and painting of plastered walls on  
terrace as needed; painting of fences and railings as  
needed; replacement of light bulbs as needed; and  
weekly cleanup of the "shelf" area contiguous to  
the terrace.

High Falls Development Corporation was selected  
to provide maintenance services given its interests  
in the surrounding area, proximity to the site, and  
the capability to provide maintenance services.  
The firm has provided these services since October  
2000 (Ord. No. 2000-289); the most recent agree-  
ment was authorized in August 2011 (Ord. No.  
2011-277).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-193

Section 1. The sum of \$15,000, or so much  
thereof as may be necessary, is hereby established  
as the annual compensation to be paid for an  
agreement between the City and High Falls Devel-  
opment Corporation for maintenance services for  
the former High Falls Festival Site. Said amount  
shall be funded from the 2012-13 and 2013-14  
Budgets of the Department of Environmental Ser-  
vices, contingent upon adoption of the latter bud-  
get.

Section 2. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-421  
Re: Agreement - Stantec, Electric Vehicle  
Supply Equipment Demonstration  
Project

Transmitted herewith for your approval is legisla-  
tion establishing \$42,000 as maximum compensa-  
tion for an agreement with Stantec for engineering  
design services related to the Electric Vehicle Sup-  
ply Equipment (EVSE) Demonstration Project.  
The cost of the agreement will be financed from  
Federal Highway Administration reimbursements  
(\$22,000) and NYSERDA reimbursements  
(\$15,000) appropriated via Ordinance No. 2012-  
394, and from prior years' Cash Capital (\$5,000).

This federal aid project includes the installation of  
24 electric vehicle charging ports at up to seven  
public locations in the city: City Hall, the Public  
Market, the Port of Rochester, and the Court Street,  
East End, Sister Cities, and Washington Square  
Garages. The project also includes the replacement  
of up to six existing gasoline-fueled City passenger  
vehicles with plug-in hybrid electric vehicles or  
electric vehicles. Estimated construction cost of  
the project, including the purchase of vehicles, is  
\$462,793.

Stantec will provide engineering design services for  
the installation and related construction for installa-  
tion of the EVSE. The consultant was selected  
through a request for proposal process described in  
the attached summary.

Design services will begin this fall. It is anticipated  
that construction will begin early spring 2014 with  
scheduled completion in fall 2015. The project  
results in the creation/retention of the equivalent of  
.5 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-194

Ordinance No. 2012-421  
(Int. No. 462)

**Establishing Maximum Compensation For A Professional Services Agreement For The Electric Vehicle Supply Equipment Demonstration Project**

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

Section 1. The sum of \$42,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design services for the Electric Vehicle Supply Equipment Demonstration Project. The agreement may extend until six (6) months after completion and acceptance of the design and report. Of said amount, \$22,000 shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated in Section 5 of Ordinance No. 2012-394, \$15,000 shall be funded from anticipated reimbursements from the New York State Energy Research and Development Authority appropriated in Section 4 of Ordinance No. 2012-394, and \$5,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-422  
Re: Agreements - Move Management Services

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

Company  
Address  
Vargas Associates  
40 Humboldt St., Suite 101, Rochester, NY  
The LeChase-Cummings Team  
125 State St., Suite 100B, Rochester, NY

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

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

In October 2012, the Division of Architectural Services solicited proposals from four firms in addition to proposal posting on the City's web site. These agreements will provide for said services to be provided at specified unit prices. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for a term of three years, 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.

In 2011-12, a total of \$35,369 was paid for two projects: the relocation of the Police Department Property Clerk high density filing system; and the Department of Recreation and Youth Services move to 400 Dewey Avenue.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-195

Ordinance No. 2012-422  
(Int. No. 463)

**Authorizing Agreements For Move Management Services**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the LeChase-Cummings Team and Vargas Associates, Inc. for move management services for building renovation projects and employee relocations as required by the City.

Section 2. The agreements shall extend for a term of three years and shall obligate the City to pay amounts not to exceed the amount budgeted for each project, which shall be funded from the annual budgets or from project appropriations.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Thomas S. Richards  
Mayor

Ordinance No. 2012-423  
Re: Amendatory Agreement - Lu  
Engineers, Environmental Cleanup  
Of 62-64 Scio Street

Ordinance No. 2012-423  
(Int. No. 465)

**Establishing Maximum Compensation For  
An Amendatory Professional Services Agree-  
ment For Cleanup Of 62-64 Scio Street**

Transmitted herewith for your approval is legisla-  
tion authorizing an amendatory agreement with Lu  
Engineers for additional environmental cleanup  
services required at the City-owned parcel at 62-64  
Scio Street. In February 2012, City Council au-  
thorized \$215,700 as maximum compensation for  
the original agreement with Lu Engineers to com-  
plete the environmental remediation of 62-64 Scio  
Street (Ordinance 2012-73). This amendment will  
increase maximum compensation by \$94,300 for a  
total of \$310,000. The additional cost will be fi-  
nanced from previously appropriated (Ordinance  
2011-278) US Environmental Protection Agency  
brownfield cleanup grant funds (\$15,900) and prior  
years' Cash Capital (\$78,400).

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

Under the amendatory agreement, Lu will continue  
to assist the City in the implementation of a New  
York State Department of Environmental Conser-  
vation approved Corrective Action Plan to remedi-  
ate petroleum contaminated soil and groundwater  
attributed primarily to two former on-site gasoline  
underground storage tank systems.

Section 1. The sum of \$94,300, or so much  
thereof as may be necessary, is hereby established  
as the compensation to be paid for an amendatory  
professional services agreement between the City  
and Lu Engineers for an environmental cleanup  
project at the City-owned parcel at 62-64 Scio  
Street. Of said amount, \$15,900 shall be funded  
from the United States Environmental Protection  
Agency Brownfields Cleanup Grant Funds approp-  
riated in Ordinance No. 2011-278, and \$78,400  
shall be funded from the Cash Capital allocation  
from prior years.

Contaminated soil source removal activities at the  
site were completed in August 2012. Based on  
previously generated subsurface data, an estimated  
787 tons of petroleum contaminated soil was to be  
removed from the Site and disposed of at a permit-  
ted landfill. However, during the course of excava-  
tion, additional, unanticipated contaminated soil  
was encountered that required removal, and proper  
disposal of 1,399 tons of soil. Additional costs  
associated with the increase in the area and volume  
of contaminated soil include the following:

Section 2. This ordinance shall take effect im-  
mediately.

- Excavation, transportation and disposal of the  
additional volume of impacted material.
- Additional professional services coordination  
and environmental management of the regu-  
lated subsurface materials encountered during  
the project.
- Installation of new and replacement ground-  
water monitoring wells needed to meet  
NYSDEC requirements associated with addi-  
tional areas of contamination.
- Modification of the long-term remedial sys-  
tem design to include additional oxygen injec-  
tion points in order to effectively treat residu-  
al contaminant mass in the subsurface soil  
and groundwater at the Site.

Passed unanimously.

The proposed amendatory is now needed to com-  
plete the remaining aspects of the cleanup project.  
All other terms and conditions of the agreement  
will remain the same.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-424  
Re: Agreement - O'Brien & Gere  
Engineers Inc., 24 Seneca Avenue  
Environmental Investigation

Respectfully submitted,

Transmitted herewith for your approval is legisla-  
tion establishing \$60,000 as maximum compensa-  
tion for an agreement with O'Brien & Gere Engi-  
neers, Inc. (OBG), to complete environmental  
testing required at 24 Seneca Avenue, and to pre-  
pare the related revised remedial investiga-  
tion/remedial alternatives report. To fund the  
agreement, this legislation further authorizes the  
appropriation of \$60,000 in funding from a New  
York State Department of Environmental Conser-  
vation grant awarded to the City for this purpose.

The 24 Seneca Avenue site consists of one parcel  
measuring approximately 2.79 acres, and is located  
in a commercial/industrial area on the north side of  
Norton Street at the intersection of Norton Street  
and Seneca Avenue. Currently, property taxes for  
the site are in arrears in excess of \$745,000. In  
order to determine the cost to clean up the property  
prior to foreclosure, the City secured both a court  
order for legal access to the property as well as  
New York State Department of Environmental  
Conservation 1996 Bond Act Title 5 Environmental  
Restoration Program (ERP) grant funds for site  
investigations totaling \$293,909.

Under previously authorized agreements with the  
City totaling \$396,328 (Ord. Nos. 2007-317, 2008-  
425, and 2011-41), OBG has completed the follow-  
ing work since 2008:

- Evaluation of subsurface contamination of soils and groundwater across the site in areas of concern.
- Performance of a comprehensive waste profiling program to identify all potential waste streams.
- On- and off-site vapor intrusion evaluation mandated by the NYS Department of Health.
- Preparation of a draft remedial investigation report identifying the need for further investigation to fill in data gaps to better evaluate remedial alternative methods.

The previous agreements with OBG have been completed and have expired. The NYSDEC is now requiring additional supplemental off-site investigations before remedy selection and cleanup cost estimates can be completed. In May 2012, the City requested an additional \$60,000 in grant funding in order to complete the supplemental off-site vapor intrusion study to fully characterize the nature and extent of potential impacts to neighboring properties. NYSDEC approved the additional funding in September 2012.

The term of the agreement with OBG will extend to December 31, 2014. The supplemental off-site investigation and remedy selection process is expected to be completed by the summer of 2014.

The consultant has been informed of the Living Wage requirements, and the Department of Environmental Services will ensure compliance. A justification statement for the award of this agreement without a request for proposal is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-196

Ordinance No. 2012-424  
(Int. No. 466)

**Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of 24 Seneca Avenue**

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 O'Brien & Gere Engineers, Inc. for environmental testing and investigation services for 24 Seneca Avenue. Said amount is hereby appropriated from New York State Environmental Restoration Program Grant Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-425  
Re: Amendatory Agreement - Bergmann Associates, P.C., RPR Services, University Avenue and Art Walk Extension Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, P.C. for additional resident project representation services (RPR) for the University Avenue and Art Walk Extension Improvement Project. The original agreement (Ord. No. 2007-213) established \$210,000 as maximum compensation for engineering planning and preliminary design services. Subsequent amendments are summarized in the table below.

Ord. No.	Purpose	
	Additional Amount	New Total
2008-97	Art selection	\$ 245,000
	\$ 35,000	\$ 245,000
2009-156	Final design	\$1,175,000
	\$ 930,000	\$1,175,000
2010-308	Additional art selection/final design	\$1,200,000
	\$ 25,000	\$1,200,000
2011-83	RPR	\$2,300,000
	\$1,100,000	\$2,300,000

The amendment requested herein will increase maximum compensation by \$110,000 for a total of \$2,410,000. The additional cost will be funded from prior years' Cash Capital (\$95,000) and bonds previously appropriated via Ordinance No. 2011-81 for the project (\$15,000).

Utility conflicts and added work extended the original completion date from August 2012 to November 2012. The longer construction period results in the need for additional construction phase design and RPR services to complete the work and project close-out according to New York State Department of Transportation standards.

Utility conflicts with RG&E facilities caused delays shortly after construction began on University Ave. An existing RG&E electric duct bank was in conflict with proposed City roadwork and had to be lowered by RG&E, causing a significant delay to City project work. The RG&E utility delay resulted in \$84,000 in additional Bergmann RPR services and \$27,000 in Sealand work acceleration costs. The City will seek reimbursement from RG&E for the additional costs attributable to their delays.

The additional project work includes the addition of conduit, reinforcement for concrete walks, new street lighting facilities along Goodman St. and miscellaneous work items and contract changes that increased the construction period and RPR services.

The additional funding results in the creation/retention of the equivalent of 1.2 full-time jobs.

Respectfully submitted,

Thomas S. Richards  
Mayor

Ordinance No. 2012-425  
(Int. No. 480)

**Establishing Maximum Compensation For  
An Amendatory Professional Services Agree-  
ment For The University Avenue And  
ARTWalk Extension Improvement Project**

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 an amendatory  
professional services agreement between the City  
and Bergmann Associates, P.C. for resident project  
representation services for the University Avenue  
and ARTWalk Extension Improvement Project.  
The agreement may extend until six months after  
final payment on the construction contract awarded  
for the Project. Of said amount, \$95,000 shall be  
funded from the Cash Capital allocation from prior  
years and \$15,000 shall be funded from Bond Or-  
dinance No. 2011-81.

Section 2. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-426  
Re: Official Map Amendment - Renaming  
Loem Way

Transmitted herewith for your approval is legisla-  
tion amending the Official Map by renaming Loem  
Way between Emerson Street and Locust Street  
(between Fulton Ave and Dewey Ave) to Sawdey  
Way.

This new street is the connector street between  
Emerson and Locust Streets. The adjoining neigh-  
bors had requested that the street be named in hon-  
or of a long-term community activist, Virginia M.  
Sawdey. However, the City Code requires at least  
one year between a person's death and their being  
honored in this way.

Thus, the street was given the temporary name of  
Loem Way for the adoption of the Official Map  
Amendment for the dedication of right-of-way and  
pavement width change required for timely con-  
struction of the new street (Ord. 2012-24). Now  
that sufficient time has passed since Ms. Sawdey's  
death (October 6, 2011), it is proposed to rename  
the street Sawdey Way.

As required by the City Code to request a street  
renaming, consent was obtained from 75% of the  
abutting property owners.

The City Planning Commission will consider this  
renaming at its November 8, 2012 meeting. The

minutes of that meeting and the Commission's  
recommendation will be forwarded to City Council  
prior to the November 13, 2012 Council Meeting.

Pursuant to the requirements of Article 8 of the  
New York State Environmental Conservation Law  
and Chapter 48 of the City Code, the proposal is a  
Type II Action requiring no further environmental  
review.

A public hearing on the Map Amendment is re-  
quired.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-197

Ordinance No. 2012-426  
(Int. No. 467)

**Amending The Official Map By Renaming  
Loem Way As Sawdey Way**

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

Section 1. Chapter 76 of the Municipal Code,  
Official Map or Plan, as amended, is hereby further  
amended by renaming Loem Way as Sawdey Way.

Section 2. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-427  
Re: Official Map Amendment - Partial  
Abandonment of Addison Street  
And Bickford Street

Transmitted herewith for your approval is legisla-  
tion related to the sale and abandonment of a por-  
tion of Addison Street and Bickford Street. This  
legislation will:

1. Amend the Official Map by abandoning a  
portion of Addison Street and Bickford Street  
as shown on the attached map.
2. Authorize the sale of the parcel to Gateway  
Business Center, LLC for the appraised  
amount of \$10,700, which was provided by  
Pogel, Schubmehl & Ferrara, LLC Real Es-  
tate Appraisal Services on August 6, 2012.

The abandonment was referred to the necessary  
agencies for comment. The subject parcel is unde-  
veloped and is not maintained as right-of-way.

Gateway Business Center, LLC, 1 S. Washington  
Street, Rochester, NY 14614, has requested the  
map amendment to incorporate the resulting prop-  
erty into their plans to expand parking for their  
building.

The City Planning Commission at its September 10, 2012 meeting recommended approval of this abandonment by a vote of 5-0-0. Minutes of that meeting, along with the application, 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.

A public hearing on the Map Amendment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-198

Ordinance No. 2012-427  
(Int. No. 468)

**Amending The Official Map By Abandonment Of Portions Of Addison Street And Bickford Street And Authorizing Their Sale**

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 parcel, heretofore dedicated to street purposes and constituting portions of Addison Street and Bickford Street:

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

Commencing at a point located on the western right-of-way of Addison Street at a common point of the northeast property corner of 135 Addison St (Liber 6820 Page 145) and the southeast corner of 141 Addison Street, thence proceeding along a bearing of N 0°48'31"W a distance of 62 feet to a point, said point being the point or place of beginning;

1. Thence, proceeding along a line having a bearing of N 89°46'54"E a distance of 50 feet to a point;
2. Thence, turning and proceeding along a line having a bearing of N 0°48'31"W a distance of 208.00 feet to a point;
3. Thence, turning and proceeding along a line having a bearing of S 89°46'54"W a distance of 173.60 feet to a point;
4. Thence, turning and proceeding along a line having a bearing of S 1°01'01"E a distance of 60.00 feet to a point;
5. Thence, turning and proceeding along a line having a bearing of N 89°46'54"E a

distance of 123.40 feet to a point;

6. Thence, turning and proceeding along a line having a bearing of S 0°48'31"E a distance of 148.00 feet to a point; said point being the point or place of beginning.

Intended to describe a ROW abandonment of a portion of Addison Street and Bickford Street, totaling 17,816 ± square feet.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of September 10, 2012.

Section 3. Upon abandonment, the Council hereby approves the sale of the abandonment parcel to Gateway Business Center, LLC for the sum of \$10,700.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-428  
Re: Authorizing Central Avenue as  
One-Way Eastbound

Transmitted herewith for your approval is legislation authorizing a change in the direction of motorized vehicle traffic flow on Central Avenue between St. Paul Street and North Clinton Avenue, from two-way traffic to one-way eastbound.

The Central Avenue eastbound one-way was requested by the neighborhood businesses to increase available on-street parking by ten spaces. This will be accomplished by allowing diagonal parking along the south side of the street, leaving enough pavement area for one-way circulation. The City received a petition from the neighborhood businesses with 71% in favor of this change.

The change to eastbound one-way was endorsed by the City's Traffic Control Board at its September 20, 2011 meeting as a temporary traffic maintenance measure to increase available on street parking due to construction. The permanent eastbound one-way traffic will be considered by the Traffic Control Board at its November 7, 2012 meeting.

A map of the affected area and the petition from neighboring businesses are attached.

A public hearing on the traffic flow change is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-199

Ordinance No. 2012-428  
(Int. No. 476)

**Changing The Traffic Flow On Central Avenue From St. Paul Street To North Clinton Avenue From Two-Way To One-Way Eastbound**

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

Section 1. The Council hereby approves a change in the traffic flow on Central Avenue from St. Paul Street to North Clinton Avenue from two-way to one-way eastbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-429  
Re: Official Map Amendment -  
Abandonment of Hartford Street  
And Hetzel Alley

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of Hartford Street and Hetzel Alley. The abandonment of a portion of Hartford Street was previously authorized via Ordinance No. 2012-310. The remaining portion of the street and Hetzel Alley, as shown on the attached map will be abandoned. The abandonment was referred to the necessary agencies for comment.

B&L Wholesale Supply, Inc. 70 Hartford Street, Rochester, NY 14605 has applied for the map amendment to allow for future expansion of their business as well as increased site security.

The City Planning Commission, in its October 11, 2012 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting and the Commission's recommendation 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 requiring no further environmental review.

A public hearing on the Map Amendment is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-200

Ordinance No. 2012-429  
(Int. No. 479, As Amended)

**Amending The Official Map By Abandonment Of Hartford Street And Hetzel Alley And**

**Authorizing Sale Of Abandonment Parcels**

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 parcel, heretofore dedicated to street purposes and constituting Hartford Street and Hetzel Alley:

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

Beginning at the intersection of the northerly bounds of Hartford Street with the easterly bounds of North Street; thence the following two courses along said northerly bounds:

S70°30'17"E a distance of 179.83 feet to an angle point therein; thence

N86°44'48"E a distance of 25.84 feet to the northwest corner of a portion of aforesaid Hartford Street previously abandoned by Rochester City Council Ordinance No. 2012-310; thence

S03°15'12"E along the westerly bounds of said previous abandonment parcel a distance of 50.00 feet to the southwest corner of said parcel, being a point in the southerly bounds of Hartford Street; thence

S86°44'48"W along the southerly bounds of Hartford Street a distance of 37.70 feet to an angle point therein; thence

N70°30'17"W along the southerly bounds of said Hartford Street a distance of 64.50 feet to the intersection of the easterly bounds of Hetzel Alley; thence

S22°52'27"W along said easterly bounds a distance of 250.16 feet to a point, said point being the intersection of the northerly bounds of Davis Street and the easterly bounds of Hetzel Alley; thence

S87°58'20"W along said northerly bounds a distance of 17.64 feet to a point, to the intersection of the northerly bounds of Davis Street with the westerly bounds of Hetzel Alley; thence

N22°52'27"E along said westerly bounds a distance of 257.36 feet to a point, to the intersection of the westerly bounds of Hetzel Alley with the southerly bounds of Hartford Street; thence

N70°30'17"W along said southerly bounds a distance of 109.70 feet to a point, said point being the intersection of the southerly bounds of Hartford Street with the easterly bounds of North Street; thence

N21°44'18"E along said easterly bounds distance of 50.02 feet to the point of beginning.

Containing about 15,840 Square Feet or 0.364 Acres more or less.

Section 2. The abandonment authorized herein shall take effect upon the compliance by the applicant with the conditions established by the City Planning Commission in its recommendations of October 11, 2012.

Section 3. The Council hereby approves the sale of the parcel abandoned herein and the parcel abandoned in Ordinance No. 2012-310 to B&L Realty NY LLC for the sum of \$18,000.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

By Councilmember McFadden  
November 13, 2012

To the Council:

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

Int. No. 469 - Authorizing An Agreement With The Rochester City School District

Int. No. 471 - Amending Ordinance No. 2012-374 Relating To The Public Market Renovation And Expansion Project

Int. No. 472 - Establishing Maximum Compensation For A Professional Services Agreement For Public Market Concerts

Int. No. 473 - Appropriating Funds For Law Enforcement Grants

The following entitled legislation is being held in Committee:

Int. No. 470 - Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2012-13 Budget

Respectfully submitted,  
Adam C. McFadden  
Matt Haag  
Loretta C. Scott  
Lovely A. Warren (Voted against Int. No. 469)  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-430  
Re: Agreement - Rochester City School District, Reducing Truancy in City Schools

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with the Rochester City School District for implementation of a truancy reduction initiative. The cost of the agreement will be funded from the 2012-13 Undistributed Budget.

The District engaged Program Design and Development, LLC (principal, Karl Bertrand) earlier this year to provide consulting and technical assistance regarding the design and implementation of a program to reduce chronic truancy in the City School District. The cost of these services will be jointly funded by the City's \$15,000, \$15,000 from the District, and \$10,000 from United Way of Greater Rochester.

Program Design and Development, LLC will provide assistance with the following tasks:

- Choosing data definitions and report formats
- Analyzing and interpreting project performance data from the standard reports
- Developing a formal educational neglect reporting process with the Monroe County Department of Human Services
- Identifying community resources for chronic truants and their families
- Developing a formal Truancy Response Protocol for school personnel
- Planning and facilitating ongoing meetings of RCSD personnel and community partners to monitor and guide the Initiative
- Developing strategies to overcome any barriers inhibiting the Initiative from meeting its goals and objectives
- Assisting with strategic planning regarding potential strategies for expanding and sustaining the initiative

These activities will be coordinated with the City's existing truancy procedures as administered by the Police Department and the School Resource Officers.

The District will act as contract manager and fiduciary agent. The term of this agreement will be for one year: October 1, 2012 through September 30, 2013.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-430  
(Int. No. 469)

**Authorizing An Agreement With The Rochester City School District**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for a truancy reduction initiative.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 Budget for Undistributed Expense.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-431  
Re: Amending Ord. No. 2012-374 -  
Source of Funds

Transmitted herewith for your approval is legislation amending Ordinance No. 2012-374, which authorized \$630,000 as maximum compensation for an agreement with T.Y. LIN International for additional architectural and engineering design services and construction supervision for the Public Market Renovation Project. This amendment will correct the funding source for that agreement.

The ordinance states that the agreement will be financed from 2011-12 (\$355,000) and 2012-13 (\$275,000) Cash Capital. The latter source was incorrect. The \$275,000 will be funded from the New York State Department of Agriculture and Markets grant appropriated via Ordinance No. 2012-319.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-431  
(Int. No. 471)

**Amending Ordinance No. 2012-374 Relating To The Public Market Renovation And Expansion Project**

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

Section 1. Ordinance No. 2012-374, authorizing

an agreement for the Public Market Renovation and Expansion Project, is hereby amended by changing the source of funding of \$275,000 for the agreement authorized in Section 1 from the 2012-13 Cash Capital allocation (Public Market) to funds from the New York State Department of Agriculture and Markets appropriated in Section 2 of Ordinance No. 2012-319.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-432  
Re: Agreement - Eskay Concerts,  
d/b/a "Up All Night", Bands on the  
Bricks/Night Market

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Eskay Concerts, d/b/a "Up All Night" (Gerard Fisher, principal), of Rochester, to provide services for the "Bands on the Bricks/Night Market" summer concert series at the Rochester Public Market. The cost of this agreement will be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Eskay Concerts will provide talent, sound and production services for up to eight concerts during July and August, 2013, featuring national and regional performers at a cost not to exceed \$25,000. The free concert series is part of the Public Market's overall strategy to increase use of the site on off-market days and to attract new visitors to the venue. Last year over 24,000 people attended the concerts.

Eskay has provided the talent, production and sound services for this series for the past 13 years and were instrumental in starting the series. Eskay was selected through a request for proposal process conducted in the spring of 2012 as described in Ordinance No. 2012-220. It is anticipated that in 2015 the City will issue another RFP for these services.

Eskay will provide the City with 4% of gross revenues, received from all sources, up to \$75,000, and 34% of any gross revenues over \$75,000. The revenue returned to the City in 2012 was \$2,253.

The most recent agreement for these services was approved in May 2012 (Ord. No. 2012-220).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-432  
(Int. No. 472)

**Establishing Maximum Compensation For A Professional Services Agreement For Public Market Concerts**

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Eskay Concerts (d/b/a Up All Night) for talent booking and production services for the "Bands on the Bricks/Night Market" summer concert series at the Rochester Public Market. Said amount shall be funded from the 2012-13 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 beverages to the public at the "Bands on the Bricks" concert series, in exchange for 4% of the first \$75,000 in gross revenue from sponsorships and sales at the events, and 34% of the gross revenue above \$75,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-433  
Re: Appropriating New York State  
Division of Homeland Security  
And Emergency Services Grants

Transmitted herewith for your approval is legislation appropriating two grants received by the City from the New York State Division of Homeland Security and Emergency Services.

In April 2012 Council authorized the receipt of the 2012 State Homeland Security Program grant in the amount of \$229,050 (Ord. No. 2012-164). These funds will be appropriated for use by the Police Department (\$105,267) and the Fire Department (\$123,783) to build and enhance capabilities to prevent terrorism. The Police Department will use \$105,267 of the grant for security improvements to the special team vehicle building and to improve emergency management and capabilities for the Police Department and the City of Rochester, including upgrading the computer software at the secondary emergency operations center and analyzing the current emergency management plan to identify gaps and recommend corrective action. The Fire Department will use \$123,783 of the grant to purchase up to four inflatable water rescue boats, Hurst Tools (heavy-duty saw/spreader for use in extracting victims from vehicles or collapsed buildings), rope rescue harnesses, and water rescue suits.

In May 2012, Council authorized the receipt of the 2011 State Law Enforcement Terrorism Prevention Program grant in the amount of \$128,887 (Ord. No. 2012-216). These funds will be appropriated for use by the Police Department to purchase personal protection gear and to provide related training for approximately 42 Police Officers. The personal protection gear includes multi-threat suits and masks to enhance the team's capabilities to identify, prevent and address terrorist events.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-433  
(Int. No. 473)

**Appropriating Funds For Law Enforcement Grants**

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

Section 1. The sum of \$229,050 is hereby appropriated from New York State Division of Homeland Security and Emergency Services funds under the 2012 State Homeland Security Program (\$105,267 for the Police Department and \$123,783 for the Fire Department), as approved in Ordinance No. 2012-164, to enhance terrorism prevention.

Section 2. The sum of \$128,887 is hereby appropriated from New York State Division of Homeland Security and Emergency Services funds under the 2011 State Law Enforcement Terrorism Prevention Program, as approved in Ordinance No. 2012-216, to fund the purchase of personal protection gear for police officers and related police training to enhance terrorism prevention.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 470  
Re: Agreements - Comprehensive  
Adolescent Pregnancy Prevention  
Grant

Transmitted herewith for your approval is legislation related to the Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of a \$546,036 grant for implementation of the CAPP program from January 2013 through December 2013. This is the third year of a five-year grant.
2. Establish maximum compensation, to be funded from the grant, for agreements with the following firms to provide related services from January 2013 through December 2013.

	<u>2012</u>	<u>2013</u>
Highland Family Planning	\$ 50,772	\$ 57,364
Baden Street Settlement/ Metro Council for Teen Potential	65,709	63,542
YWCA of Rochester and Monroe County	55,559	50,559
Society for the Protection and Care of Children	59,461	54,461

Family Resource Center of Crestwood Children's Center	<u>12,574</u>	<u>12,574</u>
Total	\$244,075	\$238,500

3. Amend the 2012-13 Budget of the Department of Recreation and Youth Services by \$27,700 to reflect a portion of the balance of grant, which is \$307,536. Of that amount, \$279,900 was anticipated and included in the 2012-13 Budget. Since then, one of the anticipated providers has withdrawn from the project, leaving the amount planned for that agreement (\$27,636) to be brought into the Department Budget.

The balance of the grant, \$307,536, will cover administrative costs associated with the City's role as lead agency, including the payroll and fringe benefits for the full-time Project Coordinator, one full-time Health Educator, one full-time Health Educator/Bilingual, part-time Health Educator, and .5 FTE Clerk III.

The approval of the program by the New York State Department of Health is for a five-year term, extending from January 2011 through December 2015. The contracted agencies were included as partners in the original grant application; therefore a request for proposal process was not needed. The most recent agreements for these services were approved in January 2012 (Ord. No. 2012-47).

The primary goal of this program is to significantly reduce the rate of teenage pregnancy in targeted areas. The objectives of the program are to: implement evidence-based curriculum in Rochester City School District middle and high schools; reduce adolescent pregnancy rates in the City of Rochester; and improve high school graduation rates in the City of Rochester. The program will serve a total of 790 unduplicated youth and 140 parents each year. A project information summary is attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 470

**AUTHORIZING AGREEMENTS FOR THE COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION PROGRAM AND AMENDING THE 2012-13 BUDGET**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for the receipt and use of funding for the operation of the 2013 Comprehensive Adolescent Pregnancy Prevention Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, for services under the Comprehensive Adolescent

Pregnancy Prevention Program:

<u>Organization</u>	<u>Amount</u>
U. of R. Medical Center/Highland Family Planning	\$57,364
Baden Street Settlement/Metro Council for Youth Potential	63,542
YWCA of Rochester and Monroe County	50,559
Society for the Protection and Care of Children	54,461
Family Resource Center of Crestwood Children's Center	12,574

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 \$238,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Department of Health 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. Ordinance No. 2012-229, the 2012-13 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 \$27,700, which amount is hereby appropriated from the funds to be received from the New York State Department of Health under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 7:56 p.m.

DANIEL B. KARIN  
City Clerk

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REGULAR MEETING  
DECEMBER 18, 2012

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

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence to remember the victims and their families in Newtown, Connecticut.

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

Recognition Ceremony  
Retirement:  
Environmental Services  
Maria Lopez

APPROVAL OF THE MINUTES  
By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of November 13, 2012 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 4094-12
  - Public Disclosure - CDBG Participation (3) 4095-12, 4096-12, 4097-12

The Council submits Disclosure of Interest Forms from Councilmember Scott on Int. No. 470, Councilmember Palumbo on Int. No. 506, and Councilmember Haag on Int. No. 512.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Conklin presented a petition with 1,027 signatures opposing the proposed new street festival rules. Petition No. 1678

Councilmember McFadden presented a petition with 152 signatures opposing the demolition of the Susan B. Anthony Neighborhood. Petition No. 1679

PUBLIC HEARINGS.

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

Authorizing An Amendatory 2004-05 Community Development Program Plan For The Home Buyer Assistance Program, Appropriating Funds And Authorizing Agreements Int. No. 498 No speakers.

Authorizing Amendatory 2009-10 And 2011-12 Community Development Program Plans For The Focused Investment Strategy And Demolition Programs, Appropriating Funds And Amending Ordinances No. 2012-92 And 93 Int. No. 499 No speakers.

Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street Improvement Project And Repealing Local Improvement Ordinance No. 1610 Int. No. 503 No speakers.

INTRODUCTION OF AND ACTION UPON

LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-434  
Re: Agreement - Center for Dispute Settlement, Complaint Management Services

Transmitted herewith for your approval is legislation establishing maximum compensation of \$144,149 for a one-year agreement with the Center for Dispute Settlement, Inc. (CDS) to provide services relating to complaints involving members of the Rochester Police Department. The cost of the agreement will be funded from the 2012-13 and 2013-14 Budgets of the Police Department.

The most recent agreement for this purpose was authorized by City Council Ord. No. 2012-342 in August, 2012 for an agreement for six months. This police complaint process has been under review this past year by a committee lead by Chief of Police James Sheppard and myself, and was made up of community members. A Request for Proposals was sent out to various firms, as well as posted to the City website. CDS was the only firm to respond to the request.

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 also add the position of an advocate into this process. The advocate will work to ensure that each complaint is handled properly and in a timely manner.

Respectfully submitted,  
Adam C. McFadden  
Chair, Public Safety, Youth & Recreation Committee  
South District Councilmember

Ordinance No. 2012-434  
(Int. No. 533)

**Establishing Maximum Compensation For A Professional Services Agreement For The Citizen Complaint Services For The Rochester Police Department And Amending The 2012-13 Budget**

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

Section 1. The sum of \$144,149, or so 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 provision of services relating to citizen complaints involving members of the Rochester Police Department from January 1, 2013 through December 31, 2013. Said amount shall be funded from the 2012-13 and 2013-14 Budgets of the Rochester Police Department, contingent upon adoption of the latter budget.

Section 2. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$23,300 from the Contingency allocation to the Rochester Police Department to partially 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  
December 18, 2012

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 483 - Cancellation Of Taxes And Charges

Int. No. 484 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 485 - Resolution Establishing The Schedule For The Regular Council Meetings During 2013 And Amending The Rules Of Council, As Amended

Int. No. 486 - Resolution Establishing The Maximum Number Of Commissioners Of Deeds

Int. No. 487 - Establishing Maximum Compensation For An Agreement For The 2013 Xerox Rochester International Jazz Festival, As Amended

Int. No. 488 - Establishing Maximum Compensation For An Agreement For The 2013 Rochester Flower City Challenge

Int. No. 489 - Establishing Maximum Compensation For An Agreement For The 2013 Rochester SummerFest, As Amended

Int. No. 490 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 491 - Amending The 2012-13 Budget Of The Rochester Public Library

Int. No. 492 - Establishing Maximum Compensation For A Professional Services Agreement For Benefits Programs Administration

Int. No. 493 - Establishing Maximum Compensation For A Professional Services Agreement For COBRA Administration Services And Amending Ordinance No. 2012-131, As Amended

Int. No. 511 - Amending Chapter 111 Of The Municipal Code, Traffic Code, With Respect To Street Closings For Special Events, As Amended

Int. No. 518 - Resolution Authorizing An Exception To The City Debt Limit For The Acceleration Of Capital Projects, As Amended

Int. No. 519 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$5,000,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2013 And 2014 Milling And Resurfacing And Residential Street Improvement Programs In The City

Int. No. 520 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Additional Cost Of Construction Of The Manhattan Square Park Improvement Projects In The City

Int. No. 521 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,800,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Thurston Road Enhancement Project In The City

Int. No. 522 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,450,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The La Avenida Phase 2 Improvement Project In The City

Int. No. 523 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,800,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Portland Avenue Enhancement Project In The City

Int. No. 524 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$9,000,000 Bonds Of Said City To Finance The Cost Of Demolition Of City-Owned Buildings In The City

Int. No. 525 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,000,000 Bonds Of Said City To Finance The Additional Cost Of Design And Construction Of A New Street As A Part Of The College Town Development Project In The City

Int. No. 526 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,900,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Emergency Generators For City Buildings In The City

Int. No. 527 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,000,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Roads In The Riverside Cemetery In The City

Int. No. 528 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,000,000 Bonds Of Said City To Finance The Reconstruction Of Hazardous Sidewalks In The City

Int. No. 529 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of The Replacement Of Elevators In The Sister Cities Garage In The City

The following entitled legislation is being held in Committee:

Int. No. 516 - Approving The 2011-12 Debt Resolution For The City School District

Int. No. 517 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$14,125,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,  
 Carolee A. Conklin  
 Carla M. Palumbo  
 Loretta C. Scott  
 Lovely A. Warren (Did not vote on Int. Nos. 483 through 486)  
 Dana K. Miller (Did not vote on Int. Nos. 483 through 486)  
 FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-435  
 Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$3,507.22.

The subject properties located at 74 Farbridge Street and 53 Sobieski Street were owned by House of Mercy, Inc., a not-for-profit 501(c)(3) organization, and were previously 100% exempt based on the charitable use. On June 22, 2010, the properties transferred to HOM Next Step, LLC, which is a related entity of House of Mercy.

HOM Next Step, LLC failed to file the necessary exemption applications by the taxable status date in 2011 and the properties were made taxable starting with the 2011-12 fiscal year. However, HOM Next Step was eligible for the exemptions as a related entity of House of Mercy.

If these cancellations are approved, total cancellations thus far for 2012-13 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	6	\$120,161.91
Administrative	74	26,902.37
Total	80	\$147,064.28

These cancellations represent 0.061% of the taxes receivable as of July 1, 2012.

Respectfully submitted,

Thomas S. Richards  
 Mayor

Attachment No. AL-201

Ordinance No. 2012-435  
 (Int. No. 483)

**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 located at 74 Farbridge Street was owned by House of Mercy, Inc., a not for profit 501(c)(3) organization, and were previously 100% exempt due to a charitable use. The property transferred to HOM Next Step, LLC, on June 22, 2010 which is a related entity of House of Mercy. HOM Next Step, LLC failed to file the necessary exemption application by the taxable status date in 2011 and the property was made taxable starting with the 2011-2012 fiscal year. HOM Next Step was eligible for the exemptions as a related entity of House of Mercy.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
091.71-4-30	H	2012	\$1,158.98
74 Farbridge Street		2013	562.09
Sub Total			\$1,721.07

(B) The property located at 53 Sobieski Street was owned by House of Mercy, Inc., a not for profit 501(c)(3) organization, and were previously 100% exempt due to a charitable use. The property transferred to HOM Next Step, LLC, on June 22, 2010 which is a related entity of House of Mercy. HOM Next Step, LLC failed to file the necessary exemption application by the taxable status date in 2011 and the property was made taxable starting with the 2011-2012 fiscal year. HOM Next Step was eligible for the exemptions as a related entity of House of Mercy.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
091.73-2-13	H	2012	\$1,198.95
53 Sobieski Street		2013	587.20
Sub Total			\$1,786.15
Grand Total			\$3,507.22

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. 2012-436  
Re: Authorization - 2013 Administrative  
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 up to \$1,000 per account during 2013.

Each year, approximately 63,000 tax bills are issued by the City. In 2011-12, these bills contained a total of \$205,558,194.39 in City and School taxes, charges, and fees. Of that amount, taxes and charges totaling \$1,664,630.95, or 0.81% of the total levy, were subsequently determined to be erroneous and were canceled. These cancellations involved 370 accounts, or 0.59% of the total number.

Pursuant to Section 556 of the New York State 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. And, under Chapter 515 of the Laws of 1997, the State allows administrative cancellations of up to \$2,500 per account.

Delegation of authority was initially approved by the Council in March 1987. Annual authorization is required. In December 2011, Council authorized the Director of Finance to cancel up to \$1,000 per account. Such delegation reduces the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

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

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-202

Ordinance No. 2012-436  
(Int. No. 484)

**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 2013.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-26  
Re: Resolution - Establishing The  
Schedule For The Regular Council  
Meetings During 2013

Transmitted herewith for your approval is a resolution that establishes the 2013 City Council meeting schedule.

The proposed schedule has been reviewed by the Council and the Mayor's office in order to eliminate any potential conflicts with either civic or religious holidays.

All Council Meetings will be held on Tuesday's and the start time remains 7:30 p.m. Speak to Council will continue to start at 6:30 p.m.

Respectfully submitted,  
Lovely A. Warren  
Council President

Resolution No. 2012-26  
(Int. No. 485, As Amended)

**Resolution Establishing The Schedule For The Regular Council Meetings During 2013 And Amending The Rules Of Council**

WHEREAS, City Council adopted the current Rules of Council on January 3, 2012, by Resolution No. 2012-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2012 and indicated that the schedule for 2013

would be established in a Resolution adopted during 2012.

Resolution No. 2012-27  
(Int. No. 486)

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

**Resolution Establishing The Maximum Number Of Commissioners Of Deeds**

Section 1. The following shall be the schedule of regular meetings of the Council for 2013 to be held in the Council Chambers, City Hall, at 7:30 P.M.

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

- January 22
- February 19
- March 19
- April 16
- May 14
- June 18
- July 16
- August 13
- September 17
- October 15
- November 19
- December 17

Section 1. During calendar years 2013 and 2014, there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect on January 1, 2013.

Adopted unanimously.

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.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-437  
Re: Agreement - Rochester International Jazz Festival, LLC, Xerox Rochester International Jazz Festival

Section 2. Resolution 2012-4, the Rules of Council for 2012-13, is hereby amended by adding the following new sentence to the end of the second-to-last paragraph of Section XV:

Transmitted herewith for your approval is legislation establishing \$175,000 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 2013 Xerox Rochester International Jazz Festival (XRIJF). The cost of this agreement will be funded from the 2012-13 Budget of the Bureau of Communications.

In order to serve the governmental interests in conducting orderly, efficient meetings of Council and in ensuring that all persons have a reasonable opportunity to voice their opinions, each speaker shall be allowed to speak for no more than five (5) minutes at a public hearing. Persons may submit written materials or other information to Council prior to a meeting.

The 2013 festival will be held June 21-29, and will include more than 225 shows at eighteen venues. The City's contribution to the festival will underwrite a minimum of 25 free events in and near the East End Cultural District.

Section 3. This resolution shall take effect immediately.

This year, the City will include in its investment the cost for public safety services and equipment valued at approximately \$68,000. Services include traffic control and pedestrian crossing for street closings, fire safety detail, and equipment such as barricades, flashers, signage, roll-offs, containers, and trash disposal.

Underlined material added.

Adopted unanimously.

The XRIJF has quickly become one of the nation's most popular and 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 2012, attendance was more than 187,000. The festival's growing recognition throughout the world further enhances Rochester's reputation as a major music destination. According to the Greater Rochester Visitors Association, economic impact exceeds \$12 million.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-27  
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 2013 and 2014. Since Fiscal Year 2004-05, not more than 175 have been issued per year, so the 250 annual maximum is expected to be sufficient to meet demand.

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. Compliance with the Living Wage Ordinance will be ensured through the pro-

Respectfully submitted,  
Lovely A. Warren  
Council President

fessional services agreement.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-203

Ordinance No. 2012-437  
(Int. No. 487, As Amended)

**Establishing Maximum Compensation For  
An Agreement For The 2013 Xerox Rochester  
International Jazz Festival**

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 2013 Xerox  
Rochester International Jazz Festival. Said amount  
shall be funded from the 2012-13 Budget of the  
Bureau of Communications. City services provided  
in support of the Festival shall be in an amount not  
to exceed \$68,000.

Section 2. This ordinance shall take effect im-  
mediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-438  
Re: Agreement - YellowJacket Racing,  
LLC, Rochester Flower City Challenge

Transmitted herewith for your approval is legisla-  
tion establishing \$40,000 as maximum compensa-  
tion for an agreement with YellowJacket Racing,  
LLC (David Boutillier and Ellen Brenner, Princi-  
pals) for production of a half marathon running  
event and other sports events to be held in April  
2013. The cost of this agreement will be financed  
from the 2012-13 Budget of the Bureau of Com-  
munications.

YellowJacket Racing is aiming to establish the  
Rochester Flower City Challenge as the signature  
Rochester racing event of the spring season, with  
the goal of achieving national status for the Roch-  
ester Flower City Half Marathon. This will be the  
third year of the event, and will include the Roch-  
ester River Challenge Duathlon/Paddle Triathlon on  
Saturday April 27, and the Rochester Flower City  
Half Marathon and a family 5K run on Sunday  
April 28.

The Duathlon is a 5K run, followed by a 20-mile  
bicycle race, and finishing with a second 5K run.  
The Paddle Triathlon is a 5K run, followed by a 20-  
mile bicycle race, and a 3-mile canoe/kayak seg-  
ment. These two events will be based at the Gene-

see Waterways Center in Genesee Valley Park. The  
spring 2012 event had 476 finishers, a 9% growth  
in finishers over the 2011 event. Over 2,000 spec-  
tators lined the entire course.

The Half Marathon will be based at the Blue Cross  
Arena, with the course showcasing the city's histor-  
ic neighborhoods, river and canal systems. The  
spring 2012 event exceeded all expectations. The  
Half Marathon grew 35% with more than 2,500  
registrants. This is the only half marathon distance  
running event in the area to be held in the spring,  
and will be marketed regionally to draw entrants  
from a 300-mile radius area. The 5K participation  
grew 37% over 2011, with more than 1,200 regis-  
trants.

YellowJacket Racing will provide free training  
workshops and programs along the course. They  
will also host the "Spirit Contest" which provides a  
donation to the "most enthusiastic" neighborhood  
associations along the course. For 2012, a com-  
bined \$1,300 was donated to the Highland Park  
Neighborhood (1<sup>st</sup> Place) and Susan B. Anthony  
Neighborhood (2<sup>nd</sup> Place). The event will include  
free stage performances and is free to spectators.  
The total event budget is estimated at \$120,000 -  
\$140,000. City funds will be used to defray costs  
of Rochester Police Department services and De-  
partment of Environmental Services equipment  
rental.

YellowJacket Racing, an event management com-  
pany, produces 39 of their own events in and  
around Rochester, and provides timing and finish  
line services to more than 100 events throughout  
Rochester and New York State. This event is  
unique, and a request for proposals process is not  
applicable.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-204

Ordinance No. 2012-438  
(Int. No. 488)

**Establishing Maximum Compensation For  
An Agreement For The 2013 Rochester Flower  
City Challenge**

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

Section 1. The sum of \$40,000, or so much  
thereof as may be necessary, is hereby established  
as the compensation to be paid for an agreement  
between the City and YellowJacket Racing, LLC  
for the 2013 Rochester Flower City Challenge.  
Said amount shall be funded from the 2012-13  
Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect im-  
mediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-439  
(Int. No. 489, As Amended)

Ordinance No. 2012-439  
Re: Agreement - Team E. Foundation,  
Inc., Rochester SummerFest

**Establishing Maximum Compensation For  
An Agreement For The 2013 Rochester  
SummerFest**

Transmitted herewith for your approval is legislation establishing \$175,000 as maximum compensation for an agreement with Team E. Foundation, Inc. (principal: Eddie Hammonds III) for production for the 2013 Rochester SummerFest concerts, including booking national and regional artists. The cost of this agreement will be financed from the 2012-13 (\$150,000) and 2013-14 (\$25,000) Budgets of the Bureau of Communications, contingent upon approval of the latter.

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

Rochester SummerFest 2013 will be held on a weekend in July, and will consist of family activities including the 25K National Basketball Tournament, two concerts, a networking event, and a community picnic.

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 Team E Foundation, Inc. for talent booking, site management, marketing, sponsorship solicitation, ticket sales and administration for the 2013 Rochester SummerFest. Of said amount, \$150,000 shall be funded from the 2012-13 Budget of the Bureau of Communications, and \$25,000 shall be funded from the 2013-14 Budget of the Bureau of Communications, contingent upon adoption of said budget. City services provided in support of the SummerFest shall be in an amount not to exceed \$40,000.

Team E. Foundation, Inc. will provide talent booking, site management, marketing, sponsorship solicitation, ticket sales, and administration for the concerts. One will target a younger demographic with ticket prices in the \$20-\$60 range, and the other will be a low-cost concert for a more mature audience. The July dates for these concerts will be determined based on availability of the Blue Cross Arena and the Auditorium Theater.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

The City will provide in-kind services such as traffic control, pedestrian assistance, fire safety, production services and equipment as needed. No revenue component is planned.

Passed unanimously.

Team E. Foundation, Inc. is a local not-for-profit organization whose primary mission is to provide college scholarships to high school seniors who have overcome adverse situations and have demonstrated a commitment to excel in scholastic pursuits. Eddie Hammonds has promoted shows and events in Rochester over the past ten years.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-440  
Re: Agreement - Eskay Concerts, Inc.  
d/b/a Up All Night, Party in the Park  
Concert Series

Ordinance No. 2011-372 authorized a similar agreement with Team E. Foundation. The 2012 Rochester SummerFest (formerly known as Rochester MusicFest) was the first year with this promoter and the concerts were considered successful. Rochester SummerFest was funded at \$175,000 over two days with total attendance estimated at more than 6,000. A request for proposals process was not used in order to give this promoter a chance to grow this unique event and build on last year's success (see attached justification sheet). Compliance to the Living Wage Ordinance will be ensured through the professional services agreement.

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum annual compensation for a three-year agreement with Eskay Concerts, Inc. d/b/a Up All Night (principal: Gerard Fisher) for booking national and regional artists for the annual "Party in the Park" concert series. The annual cost of this agreement will be financed from the Rochester Events Network trust fund (\$76,000) and the 2013-14 Budget of the Bureau of Communications (\$24,000), and subsequent budgets, pending approval of those budgets, and available balances in the trust fund.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ten concerts will be held on Thursdays from June through mid-August at the Riverside Festival Site (corner of Exchange Boulevard and Court Street). For each concert, Up All Night will provide artists for all opening and headline acts. They will also be responsible for providing a production manager and hospitality for the artists, internal event security, vendors, and payment for Rochester Fire Department services. This agreement will contain a revenue sharing component, providing Up All Night exclusive rights to food and beverage vending in exchange for set rates of food and beverage volume sold.

Attachment No. AL-205

Attendance in 2012 was 36,900, which is 19% higher than that of 2011. The \$2 gate fee resulted

in \$73,500. Food and beverage sales resulted in \$46,763 in revenue to the Rochester Events Network Trust Fund, a 36% increase over 2011.

Up All Night was selected through a request for proposal process, which is described in the attached summary. This multi-year agreement gives the promoter the opportunity to build on multi-year partnerships and success to enhance the event. The fee for these services has remained the same since 2009.

This agreement will include an option for two one-year renewals.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-206

Ordinance No. 2012-440  
(Int. No. 490)

**Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts**

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

Section 1. The sum of \$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 Eskay Concerts (d/b/a Up All Night) for talent booking services for the "Party in the Park" concert series for a term of three years. Of said amount, \$228,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$24,000 shall be funded from each of the 2013-14, 2014-15 and 2015-16 Budgets of the Bureau of Communications, contingent upon adoption of said budgets. 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 "Party in the Park" concert series, in exchange for the sharing of certain revenue from the food and beverage sales with the City. The agreement may also contain two one-year renewal options, contingent upon approval of necessary funding.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-441  
Re: Budget Amendment - New York  
State Department of State Grant

Transmitted herewith for your approval is legislation amending the 2012-13 Budget of the Library to reflect the receipt and use of a \$25,000 grant from the New York State Department of State to support English language learning and citizenship course-

work in the Northwest Quadrant.

The Department of State's Office for New Americans (ONA) sought proposals in August, inviting organizations to seek multi-year funding for the establishment of neighborhood-based "Opportunity Centers." These centers provide English language instruction; support for the citizenship application process; and information about entrepreneurship opportunities.

The Rochester Public Library has partnered to establish the Rochester Collaborative for New Americans (RCNA), a consortium of organizations including the Catholic Family Center, the Somali Community of Western New York, Monroe County Office for the Aging, Rochester City School District, and the Charles Settlement House. The Catholic Family Center acted as lead applicant and fiscal agent, with award notification in October from ONA for funding through 2013.

The Catholic Family Center will contract with the NYS Department of State, with a sub-contract agreement to RPL to coordinate Opportunity Centers in the Maplewood and Lyell branch libraries. The Central Library of Rochester and Monroe County may also serve as a centralized location for free immigrant legal consulting sessions as required by the ONA grant. The RCNA can apply for continued funding in 2013 and 2014 based on successful project outcomes as defined by ONA.

The RPL is currently involved in a variety of services for refugees, immigrants, and other non-English speakers, and has a depth of knowledge of community immigrant needs, with English for Speakers of Other Languages, GED and citizenship coursework offered at the Maplewood and Lyell branch libraries. ONA support through the Catholic Family Center will seek to expand the number of participants and support necessary materials, program training, and evaluation to continue ONA funding of RCNA through 2015.

Acceptance of funds and an agreement with Catholic Family Center shall be considered by the RPL Board of Trustees at its November 28, 2012 meeting.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-441  
(Int. No. 491)

**Amending The 2012-13 Budget Of The Rochester Public Library**

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Public Library by the sum of \$25,000, which amount is hereby appropriated from New York State Depart-

ment of State grant funds to be received through the Catholic Family Center, to support English language learning and citizenship coursework in the Northwest Quadrant.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-442  
Re: Agreement - EBS-RMSCO, Inc.,  
Flexible Benefit Plans

Transmitted herewith for your approval is legislation establishing \$130,000 as maximum compensation for a two-year agreement with EBS-RMSCO, Inc. for administration of the Flexible Spending Accounts (FSA), Parking/Transit Reimbursement Accounts (PTRA), and remaining balances in previously-funded Health Reimbursement Accounts (HRA) for City employees. Of said amount, \$32,500 shall be funded from the 2012-2013 Budget for Undistributed Expense, \$65,000 shall be funded from the 2013-2014 Budget for Undistributed Expense, and \$32,500 shall be funded from the 2014-2015 Budget for Undistributed Expense, contingent upon approval of future budgets.

The vendor was selected through a request for proposal process described in the attached summary. EBS-RMSCO has provided FSA and PTRA services for the City since 1992 and HRA services since 2009. The recommendation to continue with EBS-RMSCO is based on cost, performance, features offered, and their city location.

EBS-RMSCO will charge a rate of \$2.25 per enrollee/per month for HRA, \$1.65 per enrollee/per month for PTRA, and a combined rate for employees with both an FSA and an HRA of \$2.25 per enrollee/per month. These rates are all lower than any of the other proposals. Effective relationships with EBS-RMSCO have been developed with reference to administration of the FSA and PTRA programs, including the establishment of funding accounts, transfer of money, production of reports, and online administrative capabilities. EBS also provides an automatic claims transfer option that reduces the need to file manual claims for reimbursement.

The consultant has been informed of the Living Wage requirements and the Department of Human Resource Management will ensure compliance.

The term of this agreement will be for January 2013-December 2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-207

Ordinance No. 2012-442  
(Int. No. 492)

**Establishing Maximum Compensation For A Professional Services Agreement For Benefits Programs Administration**

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

Section 1. The sum of \$130,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and EBS-RMSCO, Inc. to administer the Flexible Spending Accounts, Parking/Transit Reimbursement Accounts, and the remaining balances in the Health Reimbursement Accounts, for a term of two years. Of said amount, \$32,500 shall be funded from the 2012-13 Budget for Undistributed Expense, \$65,000 from the 2013-14 Budget for Undistributed Expense and \$32,500 from the 2014-15 Budget for Undistributed Expense, contingent upon adoption of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-443  
Re: Agreement - EBS-RMSCO, COBRA  
Administration

Transmitted herewith for your approval is legislation establishing \$33,000 as maximum compensation for a two-year agreement with EBS-RMSCO for COBRA administration services. The agreement will be funded from the 2012-13 (\$8,250), 2013-14 (\$16,500), and 2014-15 (\$8,250) Budgets for Undistributed Expense, contingent upon approval of future budgets.

COBRA (Consolidated Omnibus Budget Reconciliation Act), a Federal law passed by Congress in 1986, provides continuation of group health coverage that otherwise might be terminated. COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates. The law covers health plans maintained by private-sector employers with twenty or more employees, employee organizations, or state or local governments.

Administration of COBRA includes guidelines that are dictated by the U.S. Department of Labor, and require mailing a variety of notifications to potential and covered participants. These notifications inform participants of their rights to continuation coverage, and are mailed when initially enrolled in health insurance, when making any changes to coverage, and if/when coverage is lost. In addition, COBRA has very specific guidelines regarding the billing and premium collection process for enrollees.

A request for proposal process was used to select the vendor and is described in the attached summary. The recommendation to select EBS-RMSCO is based on the following:

- Their proposed rates that are guaranteed for two years.
- Their rates include full administration of the Federally-mandated COBRA process, including notifications, invoicing, collecting premiums and maintaining required logs of activity.
- They have demonstrated capabilities and resources that ensure the utmost attention and adherence to continually changing compliance requirements in all areas of benefits regulations, both with the City of Rochester and with other large organizations in the Rochester area.

The term of the agreement will be January 2013-December 2014.

The consultant has been informed of the Living Wage requirements, and the Department of Human Resource Management will ensure compliance.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-208

Ordinance No. 2012-443  
(Int. No. 493, As Amended)

**Establishing Maximum Compensation For A Professional Services Agreement For COBRA Administration Services And Amending Ordinance No. 2012-131**

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

Section 1. The sum of \$33,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and EBS-RMSCO, Inc. for COBRA administration services, for a term of two years. Of said amount, \$8,250 shall be funded from the 2012-13 Budget for Undistributed Expense, \$16,500 from the 2013-14 Budget for Undistributed Expense and \$8,250 from the 2014-15 Budget for Undistributed Expense, contingent upon adoption of future budgets.

Section 2. Ordinance No. 2012-131, relating to a professional services agreement for a benefits audit, is hereby amended by increasing the maximum compensation by the sum of \$2,900, from \$47,000 to \$49,900, which amount shall be funded from the 2012-13 Budget for Undistributed Expense.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-444  
Re: City Code Amendment - Special Events

Transmitted herewith for your approval is legislation amending Chapter 111 of the Municipal Code, Traffic Code to add requirements for street closings related to special events.

The City Bureau of Communications, Office of Special Events, issues approximately 300 permits each year for outdoor events that are attended by an estimated 1.1 million people. These events provide entertainment and other leisure activities, promote local economic health, attract visitors, and contribute to the overall dynamic atmosphere of the community.

The amendments are intended to encourage a variety of events serving diverse audiences and to assist event organizers in planning safe and successful events that will mitigate possible disruption to surrounding areas.

The proposed code changes will not significantly alter current practices for special event applications or approvals. They will standardize and codify the processes, with two adjustments. First, petitions to close streets will now be required only for block party applications. Second, charging admission for entry to a special event held on a city street will no longer be allowed. Entry fees for participants in athletic events (such as races or walks), and fees charged to vendors participating in an event will continue to be allowed.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-444  
(Int. No. 511, As Amended)

**Amending Chapter 111 Of The Municipal Code, Traffic Code, With Respect To Street Closings For Special Events**

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

Section 1. There is hereby added to the Municipal Code the following new Section 111-54.1:

Section 111-54.1. Street closings for special events.

- A. Policy and Intent. It is the policy of the City of Rochester to encourage the occurrence of special events that enhance quality of life, provide entertainment and other leisure activities, promote local economic health, attract visitors, and contribute to the dynamic atmosphere of the community. It is the City's intent to offer applicants support in

planning a variety of safe and successful events that will serve diverse audiences and will create minimal disruption to surrounding areas.

- B. No special event requiring a street closing shall be conducted except in accordance with a permit issued by the Director of Communications.
- C. Applications for permits for special events shall be made to the Director of Communications, who shall be the issuing authority for such applications. Applications shall be submitted in accordance with time periods approved by the Director of Communications. Such applications shall be referred to the Chief of Police and the Fire Chief for a review of public safety concerns. Applications shall be accompanied by a nonrefundable application fee, determined by the type of event, as approved through adoption of the annual City budget. Fees may also be required for additional City services or the use of City facilities or equipment, and the applicant may be responsible for reimbursing the City for lost revenues.
- D. Applicants for permits shall submit a Special Event Permit Application, which shall include, but not be limited to, the following information. Additional information may be required by the Director of Communications in order for the application to be considered complete and ready for review.
  - (1) The name, address and telephone number of the person or organization seeking to conduct such event.
  - (2) The name, address and telephone number of the person who will be the event chairperson and who will be responsible for its conduct.
  - (3) The proposed date(s) when the event is to be conducted.
  - (4) The type of event and a full description of the activities to be conducted. Activities to be specifically described shall include, but not be limited to, cooking, vending, sale of alcoholic beverages, entertainment, athletic events, fireworks, and the use of bouncehouses or animals.
  - (5) A detailed site plan including, but not limited to, the location or route of the activities to be conducted, including the part of street to be closed and the method of closure and any entrances or exits; the location of parking, bathrooms or other facilities; and the location where any activities listed above are to be conducted.
  - (6) If the event includes a moving closure of streets, as in a race, walk, or other

athletic event, a written route and map must be included, as well as an estimation of the time period of the closures.

- (7) General liability insurance, if required.
  - (8) Documentation of all related and necessary licenses or permits from the state or other municipalities or agencies.
  - (9) Whether alcoholic beverages are to be sold and, if so, documentation of necessary permits and insurance.
  - (10) The estimated attendance at the event.
  - (11) The impact of the event on local residents and businesses, which shall include local notifications and responses.
  - (12) The proposed hours when such event will start and terminate.
  - (13) The security plan for the event, and the name of the licensed security agency to be used, when required.
  - (14) The plan for litter and trash removal and sanitary facilities.
  - (15) The plan for emergency medical services.
  - (16) The parking and transportation plan for the event, both for residents of the affected area and for event participants and attendees.
  - (17) The City support services requested for the event, including fee-based services and including but not limited to police and fire services, street barriers, use of City facilities, trash and litter collection, and street sweeping.
  - (18) The applicant's history in providing similar events and obtaining and abiding by the terms of necessary licenses and permits.
- E. The following factors shall be taken into consideration when determining said applications, and may provide the basis for denial of an application:
- (1) Whether the application is complete or contains a material misrepresentation;
  - (2) The maintenance of safety of all persons throughout the event;
  - (3) The provision of safe and orderly movement of pedestrian and vehicular traffic at and contiguous to the event;
  - (4) The area affected by the event;
  - (5) The length of the event and hours of

- operation;
  - (6) The noise to be produced by the event;
  - (7) The availability of necessary parking and transportation for the event;
  - (8) The support of, and potential impact of the event on, local residents and businesses, and the community in general, as demonstrated by documentation from the applicant and/or from public input received by direction of the Director of Communications;
  - (9) The public and community purposes served by the event and the manner in which the event promotes the City and its cultural diversity;
  - (10) The type of activities and facilities to be located in the street;
  - (11) The economic impact of the event;
  - (12) The provision of litter and trash removal and sanitary services;
  - (13) The availability of police, fire and other necessary City services, and emergency medical services;
  - (14) The existence of competing requests for use of the City streets;
  - (15) The applicant's history of providing similar events and abiding by the terms of necessary licenses and permits.
- F. The Director of Communications, in denying an application for a permit, may condition approval of the event on a date, at a time or at a location different from that named by the applicant, in the interest of facilitating crowd control, relieving congestion, promoting public safety, lessening the impact of the event on local residents and businesses, or to further any of the other factors identified in Subsection E.
- G. No person shall be charged to enter a street which is closed to permit the special event. This section shall not apply to entry fees for athletic events held on City streets, nor to fees charged to vendors participating in the event. The Director of Communications may grant an exception from this section for an event that is held only one time per year, and for one day only, upon finding that the applicant will provide reasonable free pedestrian access through the street closure area and reasonable free pedestrian access to homes and businesses in the area of the street closure.
- H. (1) For purposes of this Section, a "special event" shall mean:
- (a) an event which requires the closure of a public street, or the usage or closure of another public place or park, and which involves:
    - [1] public entry; or
    - [2] vending of food, drink or merchandise;
    - [3] public entertainment; or
    - [4] a moving athletic event like a race or walk; or
  - (b) an outdoor event on private property which is open to the public and due to its size and activities:
    - [1] has a significant impact on the surrounding streets and neighborhoods; or
    - [2] requires special police or fire attention or the use of other special City services or facilities.
- (2) (a) Applicants for permits for block parties shall submit a Special Event Permit Application containing so much of the information on the application as may be required by the Director of Communications, along with a Street Closing Petition with signatures of support from at least 60% of residents on the block proposed for closure. Such applications may be approved or denied by the Director of Communications based on the general factors applying to special events, and compliance with the specific block party requirements set forth herein.
- (b) A "block party" shall mean an event which requires the closure of one block, from intersection to intersection, of a street in a residential area, through the use of barricades, at the request of and for the benefit of the immediate residents of the neighborhood.
- (c) Attendance at block parties shall be limited to residents of the neighborhood of the block being closed, and there shall be no charge to attend. No vending or amplified entertainment shall be allowed at a block party. A block party permit shall be limited to 6 hours in duration and shall not extend beyond dusk.
- (3) A parade permit shall be governed by Section 111-28 of the Municipal Code.
- I. The Director of Communications is authorized to adopt such procedures and to require such additional information as he or she deems appropriate, to allow for the full as-

assessment and consideration of permit applications and for the smooth and safe operation of special events in the City. Such procedures may include requiring the event sponsor to provide notification through various means to affected residents and businesses as part of the planning for and consideration of an application for a special event, and before and during the special event.

Section 2. This ordinance shall take effect on January 1, 2013.

Underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2012-28,  
Ordinance No. 2012-445,  
Ordinance No. 2012-446,  
Ordinance No. 2012-447,  
Ordinance No. 2012-448,  
Ordinance No. 2012-449,  
Ordinance No. 2012-450,  
Ordinance No. 2012-451,  
Ordinance No. 2012-452,  
Ordinance No. 2012-453,  
Ordinance No. 2012-454 and  
Ordinance No. 2012-455

Re: 2012-13 Debt Limit - Capital Project  
Acceleration

Transmitted herewith for your approval is legislation authorizing the Capital Project Acceleration Initiative, which will allow borrowing now, with historically low interest rates, for projects that the City otherwise had intended to undertake in the future. By doing so, the City will provide additional jobs in the 2013 and 2014 construction seasons; make visible improvements in City neighborhoods, parks, commercial corridors, and parking facilities; improve public safety and emergency preparedness efforts; reduce short-term budget gaps; and increase budget flexibility. Specifically this legislation will:

1. Authorize a one-time exception to the 2012-13 Debt Limit to increase the limit by \$25,550,000 to \$42,379,000. The limit established via Resolution No. 2012-17 is \$16,829,000.
2. Authorize the issuance of bonds totaling \$29,150,000 and the appropriation of the proceeds thereof to finance various capital projects as described below.

<b><u>Bond</u></b>	<b><u>General Fund Projects</u></b>	<b><u>Description/Benefits</u></b>
\$5,000,000	Milling & Resurfacing Program - Locally Funded Streets	Supports neighborhoods and will impact residential streets in every quadrant. Additional funding will reduce long-term maintenance costs.
\$600,000	Manhattan Square Park	Completes existing construction phase; reduces future needs; supports ongoing downtown revitalization.
\$1,800,000	Thurston Road Enhancement (Ravenwood - Brooks Ave.)	Supports the community's four-part plan and provides a catalyst for improving a commercial area in the southwest.
\$1,450,000	La Avenida Phase 2 (Avenue D to Norton Street)	Extends the streetscape treatment of La Avenida northward, supporting neighborhood revitalization.
\$1,800,000	Portland Avenue Enhancement (Norton Street - Lux Street)	Supports the community's four-part plan and will address a traffic safety issue at the curve near Chapin Street. Provides street enhancements near Rochester General Hospital.
\$9,000,000	Vacant House Demolition	Accelerates the demolition of vacant houses by doubling the current rate of demolitions. This will be accomplished jointly by NBD and DES.
\$3,000,000	CollegeTown Streets (Mt. Hope Avenue - East Drive)	Completes funding for street improvements to support the College Town Development Project.

\$1,900,000	Emergency Generators	Allows the City to increase its emergency preparedness by accelerating the purchase of emergency generators for five City firehouses and City Hall.
\$1,000,000	Riverside Cemetery Roads	Allows for construction of roadways to provide access to additional plots and the establishment of the City's first "Green Burial" space.
\$25,550,000	Subtotal: Tax-supported Portion	
<b><u>Local Works &amp; Parking Fund Projects</u></b>		
\$3,000,000	Hazardous/Failing Sidewalks	Address currently unfunded hazardous sidewalk repairs and provides for increased ADA compliance city-wide.
\$600,000	Sister Cities Garage Elevators	Replacement of four elevators at end of their service life. Improves customer experience in the garage and ensures ADA compliance.
\$3,600,000	Subtotal: Local Works, Parking	
\$29,150,000	Total New Debt	

This action will not increase the overall scope of the long-term capital program; it is simply accelerating the projects. By taking advantage of the historically low interest rates now, and not using Cash Capital for these projects, the City will reduce the projected budget gap by an estimated \$9,375,000 for the next four years. The overall cost of the new borrowing over the life of these projects will be \$2,176,000 less than the amount estimated in the current plan, and avoids the use of operating funds which can then be preserved for other purposes.

For the purpose of determining future debt limits, it is proposed that the repayment of principal for those projects which would otherwise be funded through future debt authorizations be included in the calculation, while the repayment of principal associated with projects which would otherwise be funded with Cash Capital be excluded. This can be accomplished by excluding the bonding for the Manhattan Square Park Project and the Vacant House Demolition Program from future debt limit calculations.

These projects will jointly result in the creation/retention of the equivalent of 315 full-time jobs.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Attachment No. AL-209

Resolution No. 2012-28  
 (Int. No. 518, As Amended)

**Resolution Authorizing An Exception To The City Debt Limit For The Acceleration Of Capital Projects**

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

Section 1. The sum of \$25,550,000 is hereby approved as an exception to the 2012-13 Debt Limit of the City in order to fund the acceleration of capital projects while interest rates are favorable. This action is being taken to allow the City to reduce both short-term and long-term projected budget gaps by taking advantage of the very favorable current interest rates. Similar criteria should be applied when considering future exceptions to the debt limit policy in conjunction with acceleration of the capital program. For the purpose of determining future debt limits, the repayment of principal for the bonding for Manhattan Square Park and the Demolition Program shall be excluded from future debt limit calculations.

Section 2. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

Ordinance No. 2012-445  
 (Int. No. 519)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$5,000,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2013 And 2014 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 2013 and 2014 Milling and Resurfacing and Residential Street Improvement Programs in the City, including those streets as may be identified for inclusion in the Programs by the City Engineer (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$5,000,000 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 \$5,000,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$5,000,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously.

Ordinance No. 2012-446  
(Int. No. 520)

**Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Additional Cost Of Construction Of The Manhattan Square Park Improvements 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 additional cost of construction of improvements to Manhattan Square

Park within the City including, but not limited to, renovation of the former restaurant building and amphitheater and reactivation of the fountain (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,581,305. The plan of financing includes the issuance of \$600,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$290,000 bonds previously appropriated in Ordinance No. 2011-307, \$150,000 bonds previously appropriated in Ordinance No. 2005-57, \$1,098,000 bonds previously appropriated in Ordinance No. 2005-174, \$1,100,000 bonds previously appropriated in Ordinance No. 2007-106, and \$343,305 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 \$600,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.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. 2012-447  
(Int. No. 521)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,800,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Thurston Road Enhancement Project In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of certain streets and related public im-

provements as a part of the Thurston Road Enhancement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,800,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,800,000 bonds of the City and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,800,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2012-448  
(Int. No. 522)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,450,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The La Avenida Phase 2 Improvement Project In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of certain streets and related public improvements to North Clinton Avenue as a part of the La Avenida Phase 2 Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,450,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,450,000 bonds of the City and the levy and collection of taxes on all the taxable real property in the City to

pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,450,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

Section 7. The validity of the bonds authorized

by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

Passed unanimously.

Ordinance No. 2012-449  
(Int. No. 523)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,800,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Portland Avenue Enhancement Project In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of certain streets and related public improvements as a part of the Portland Avenue Enhancement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,800,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,800,000 bonds of the City and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,800,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other

proceedings and determinations related thereto.

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

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of

such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2012-450  
(Int. No. 524)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$9,000,000 Bonds Of Said City To Finance The Cost Of Demolition Of City-Owned Buildings 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 City-owned buildings which are no longer of any use or value or which have become dangerous or detrimental to human life, health or safety, 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 \$9,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$9,000,000 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 \$9,000,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$9,000,000. This Ordinance is a declaration of official intent adopted pursuant to the

requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12-a(b) of the Local Finance Law, is ten (10) years.

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

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

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

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

Section 8. This Ordinance shall take effect

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

Passed unanimously.

Ordinance No. 2012-451  
(Int. No. 525)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,000,000 Bonds Of Said City To Finance The Additional Cost Of Design And Construction Of A New Street As A Part Of The College Town Development 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 additional cost of the design, site grading and construction of a new street to run between Mt. Hope Avenue and East Drive as a part of the College Town Development Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,450,000. The plan of financing includes the issuance of \$3,000,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$450,000 bonds previously appropriated in Ordinance No. 2012-412, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$3,000,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

the Law, is fifteen (15) years.

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

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

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

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

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

the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2012-452  
(Int. No. 526)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,900,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Emergency Generators For City Buildings 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 costs of acquisition of emergency generators for the Engine 7 Fire House at 873 Genesee Street, the Engine 12 Fire House at 160 Wisconsin Street, the Engine 5 Fire House at 450 Lyell Avenue, the Engine 10 Fire House at 1477 Dewey Avenue, and the Engine 1/Truck 1 Fire House at 315 Monroe Avenue, and for City Hall at 30 Church Street, in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,900,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,900,000 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 \$1,900,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,900,000. 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 con-

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

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

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

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

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

Passed unanimously.

Ordinance No. 2012-453  
(Int. No. 527)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,000,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Roads In The Riverside Cemetery In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of roads in the Riverside Cemetery in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,000,000 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 \$1,000,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,000,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2012-454  
(Int. No. 528)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,000,000 Bonds Of Said City To Finance The Reconstruction Of Hazardous Sidewalks 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 hazardous sidewalks in the City, including those sidewalks as may be identified for inclusion in the program by the City Engineer (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,000,000 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 \$3,000,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 24. of the Law, is ten (10) years.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2012-455  
(Int. No. 529)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of The Replacement Of Elevators In The Sister Cities Garage 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 elevators in the Sister Cities Garage at 28 North Fitzhugh Street, a Class "A" building, 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 \$600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$600,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City with-

out limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$600,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 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:

Resolution No. 2012-29 and  
Ordinance No. 2012-456  
Re: Capital Improvement Program -  
City School District

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

1. Establish \$14,169,369 as the maximum amount of debt to be authorized for the 2011-12 fiscal year for RCSD; and
2. Authorize the issuance of bonds for \$14,125,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the District.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2011-12, the RCSD liquidated \$14,169,369 in principal. *Attachment A* is a projection of the School District debt to be repaid over the next five years.

The District's original 2011-12 bonding request did not move forward because the New York State Education Department had not yet verified that the City met the Maintenance of Effort (MOE) test for 2011-12, and the anticipated increase in debt service from the District's Facility Modernization Plan

(FMP) threatened to increase the City's MOE in future years. Those issues have now been resolved. State legislation was passed in April 2012 removing the FMP Phase I debt from the MOE calculation, and, in October 2012, the State Education Department confirmed that the City met its 2011-12 MOE requirement.

For cities with dependent school districts, the New York State Constitutional Debt Limit is established at 9.0% of the 5-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the School District. This split provides the District with a remaining borrowing capacity of \$36,992,371, in accordance with the Debt Limit Calculation (*Attachment B*).

*Attachment C* is a letter from the School District detailing, in the second table, the planned uses of the new bonds. This capital plan was approved by the Board of Education at its November 15, 2012 meeting. The letter also includes a table detailing the use of \$7,547,000 in bonds previously authorized by Council in June 2012 (Ord. No. 2012-241).

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-210

Councilmember Conklin moved to discharge Int. No. 516 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Resolution No. 2012-29  
(Int. No. 516)

**Approving The 2011-12 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 2011-12 to \$14,169,369, which is equal to the amount of debt to be redeemed in fiscal year 2011-12.

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

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

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

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

This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Conklin moved to discharge Int. No. 517 from Committee.

The motion was seconded by Councilmember Spaull.

The motion was adopted unanimously.

Ordinance No. 2012-456  
(Int. No. 517)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$14,125,000 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 in accordance with a list on file with the Director of Finance. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$14,125,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of

\$14,125,000 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 \$14,125,000 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 \$14,125,000. 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.

By Councilmember Palumbo  
December 18, 2012

To the Council:

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

Int. No. 494 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2012-419, As Amended

Int. No. 495 - Authorizing Restructuring Of A UDAG Loan For The Rochester Plaza Hotel

Int. No. 496 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Control

Grant Program

Int. No. 497 - Authorizing A Lease Agreement For 25-37 Canal Street

Int. No. 532 - Amending Ordinance No. 2012-364 Relating To The Asset Control Area/Home Rochester Program

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

Int. No. 498 - Authorizing An Amendatory 2004-05 Community Development Program Plan For The Home Buyer Assistance Program, Appropriating Funds And Authorizing Agreements

Int. No. 499 - Authorizing Amendatory 2009-10 And 2011-12 Community Development Program Plans For The Focused Investment Strategy And Demolition Programs, Appropriating Funds And Amending Ordinances No. 2012-92 And 93, As Amended

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-457  
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of nine properties. City records have been audited to ensure that purchasers of properties other than vacant, unbuildable, lots do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a vacant lot that was offered as a request for proposal sale. The selected purchaser, an experienced developer, plans to develop the lot with three or four attached single-family market-rate residential units. The developer is not seeking any financial assistance from the City. The sale is contingent on site plan and zoning approvals.

The next property is a negotiated sale to the adjacent owner to be combined with their existing lot and used as yard space.

The next seven properties are vacant, unbuildable lots. All will be sold to their adjacent owners and combined with their current parcels as additional green space.

The first year projected tax revenue for these nine properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,415.

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,  
Thomas S. Richards  
Mayor

Attachment No. AL-211

Ordinance No. 2012-457  
(Int. No. 494, As Amended)

**Authorizing The Sale Of Real Estate And Amending Ordinance No. 2012-419**

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

Section 1. The Council hereby approves the request for proposal sale of the following parcel of vacant land:

Address S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
10 Hanna Pl 121.63-3-46	171x40	6,810	\$900	Timrick Management, LLC*

\* Principals: Richard J. Wallenhorst, Member; Timothy R. Flaherty, Member

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

Address S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
112 Scrantom St 106.38-1-45	41x135	5,569	\$450	Otto Beltre & Angela Marquez

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

Address S.B.L.#	Lot Size	Sq. Ft.	Purchaser
305 Ames St 120.25-2-11	35x112	3,926	Lawrence J.K. Owens
182 Bernard St 106.25-1-65	33x150	4,950	Gloria Bradley
EH of 464 Campbell St EH of 120.26-1-3	15x85	1,275	Dominick Cimino
WH of 464 Campbell St WH of 120.26-1-3	15x85	1,275	Gary Kendrick

11 Frederick St 106.49-1-40	36x100	3,600	Mae Blue & William Mitchell
454 Frost Av 120.67-2-8	36x141	5,144	Barney Humphrey
7 Kirby Pl 121.71-1-11.2	40x38	1,520	J. Ditch, T. Hughes, Jr., R. Hughes

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

Section 5. Ordinance No. 2012-419, relating to the acquisition of a portion of 565 River Street, as amended, is hereby further amended by changing the amount of the appraised value from \$25,000 to \$22,600.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-458  
Re: Urban Development Action Grant  
Loan - New Horizon Hospitality,  
Inc., Rochester Plaza Hotel

Transmitted herewith for your approval is legislation authorizing the restructuring of a City of Rochester Urban Development Action Grant (UDAG) loan to New Horizon Hospitality, Inc., which owns the Rochester Plaza Hotel at 70 State Street, with the following terms and conditions:

1. A total of \$202,651.21 in delinquent interest and fees will be added to the existing principal balance of \$1,809,908.50 to create a new loan amount of \$2,012,559.71.
2. The interest rate on the new loan amount will be reduced from 5% to 2%, effective October 1, 2012.
3. A \$100,000 cash down payment will be required.
4. Monthly principal and interest payments of \$25,000 will begin November 1, 2012, with the loan maturing on August 1, 2020.
5. The loan will be additionally collateralized by the unconditional personal guarantee of Dr. T.J. Wei, the principal of New Horizon Hospitality, Inc. limited to the amount of \$1,000,000.

The original UDAG loan in the amount of \$3 million was provided in 1982 to the owner at the time, Alcoa Rochester, Inc., to assist with renovations to

the hotel, which was constructed in 1968. The current owners acquired the hotel in 1997 and assumed the UDAG loan.

The UDAG loan was restructured in 2003 in conjunction with the City providing a \$990,000 HUD Section 108 loan to New Horizon Hospitality, Inc. for guest room and other improvements. The Section 108 loan has been repaid in full.

The current UDAG loan restructure is being offered in conjunction with the investment of \$2,000,000 by New Horizon Hospitality, Inc. for upgrades to guest rooms, banquet facilities, and the main lobby.

The UDAG loan delinquency is related to the effects on the lodging industry of the 2008-2010 economic recession.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-458  
(Int. No. 495)

**Authorizing Restructuring Of A UDAG Loan For The Rochester Plaza Hotel**

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 New Horizon Hospitality, Inc. for the restructuring of the Urban Development Action Grant (UDAG) Loan for the Rochester Plaza Hotel at 70 State Street. The amendatory agreement shall provide as follows:

1. Delinquent interest and fees of \$202,651.21 will be added to the existing principal balance of \$1,809,908.50 to create a new loan amount of \$2,012,559.71;
2. The interest rate on the new loan amount will be reduced from 5% to 2%, effective October 1, 2012;
3. The new loan amount will be amortized, effective November 1, 2012, as follows:
  - a. Monthly principal and interest payments of \$25,000;
  - b. Loan maturity date: August 1, 2020;
4. A \$100,000 cash down payment will be required (paid on October 25, 2012);
5. The loan will be additionally collateralized by:
  - a. the personal guarantee of Dr. T.J. Wei (President of New Horizon Hospitality, Inc and Summit Hospitality, Inc), limited to the amount of \$1,000,000;
  - b. the unlimited corporate guarantee of Summit Hospitality, Inc. (Rochester Plaza Ho-

tel operating company).

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Spaul - 8.

Nays - Councilmember Scott - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-459  
Re: 2012 Lead Hazard Control Grant Program

Transmitted herewith for your approval is legislation appropriating \$200,000 from the Lead Hazard Reduction allocation of the Housing Development Fund of the 2011-12 Community Development Block Grant to be used for the 2012 Lead Hazard Control Grant Program.

The 2012 Program began on August 1, 2012, and was expected to operate for three years. The program is already nearing 50% enrollment and, at this pace, full enrollment will be reached by spring 2013. The requested appropriation will provide assistance to up to 10 additional households.

Following the current program standards, the funding will be used to address lead-based paint hazards in privately-held 1-4 unit residential structures. Both owner-occupied and rental properties are eligible. These funds may also be used to address other environmental health and safety hazards where child occupants are present. Examples of these interventions may include furnace filter replacement, duct cleaning, mold remediation, minor electrical repair work, air sealing and insulation, and carbon monoxide detectors.

Prior legislation concerning this program included Ordinances No. 2012-288 and 2012-385.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-459  
(Int. No. 496)

**Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program**

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

Section 1. The sum of \$200,000 is hereby appropriated from the Improving the Housing Stock

and General Property Conditions Objective, Housing Development Fund allocation (Lead Hazard Reduction Account) of the 2011-12 Community Development Block Grant to fund the Lead Hazard Control Grant Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Lead Hazard Control Grant Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-460  
Re: Lease Agreement - 25-37 Canal Street

Transmitted herewith for your approval is legislation authorizing a lease agreement with 67-89 Canal Street LLC for use of the premises at 25-37 Canal Street. The leased premises will provide off-street parking for the lessee's building at 67-89 Canal Street, which was recently purchased by 67-89 Canal Street, LLC (members: Laurence Glazer, Richard Glazer, Kenneth Glazer) for redevelopment as residential and/or commercial space.

The City-owned property is a .83 acre site which was originally part of the Cunningham carriage factory. Environmental site assessments indicate that past manufacturing uses at the site resulted in subsoil conditions that must be addressed, and which complicate the redevelopment potential of the site. The City will retain ownership while pursuing additional environmental investigation and consideration of alternatives for remediation.

The City previously attempted to negotiate lease agreements that would have segmented the parcel between two adjoining owners, but agreement on terms could not be reached. The building at 67-89 Canal Street is not immediately adjacent to the City land, but this lease will provide needed parking for the redevelopment of the building and will aid in attracting a major tenant.

The lease will have a term of five years, with the option of three five-year renewals. The annual rental amount for the property will be \$3,600 as determined by an independent appraisal prepared by Kevin Bruckner, MAI on June 12, 2012. The rent will be fixed for the first five-year term; a 10% increase will be included for each of the five-year renewal terms.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-212

Ordinance No. 2012-460  
(Int. No. 497)

**Authorizing A Lease Agreement For 25-37 Canal Street**

WHEREAS, the City of Rochester has received a proposal for the lease of 25-37 Canal Street to 67-89 Canal Street LLC for a term of five years for parking use, with three five-year renewal options; 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 appraisal of the independent consultant has been reviewed on the value of the lease, and the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease, as the lease will provide needed parking for the redevelopment of the building at 67-89 Canal Street.

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 67-89 Canal Street LLC for the lease of 25-37 Canal Street for parking use for a term of five years, with three five-year renewal options. The agreement shall obligate 67-89 Canal Street LLC to pay annual rent in the amount of \$3,600. Said annual rent shall increase by 10% for each of the renewal terms. The renewal options beyond ten years shall be subject to prior approval by City Council in accordance with Section 21-23 of the Municipal Code.

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. 2012-461  
Re: Amending Ordinance No. 2012-364,  
Asset Control Area/Home Rochester Program

Transmitted herewith for your approval is legislation amending Ordinance No. 2012-364 which authorized funding and agreements for implementation of the Asset Control Area/Home Rochester Program. The transmittal letter was accompanied, inadvertently, by a preliminary, incomplete version of the legislation. This amendment will correct that oversight. Specifically, this legislation will:

1. Clarify, as stated in the September 6, 2012 transmittal letter, that the \$238,000 for the Rochester Housing Development Fund Corporation to administer and manage the loss reserve account for the Program will be funded from the Capital Project Housing Revolving Loan Fund, and that the repayment from Loan V in this amount will be placed in the fund.
2. Authorize a loan agreement with RHDFC to provide bridge funding for Loan VI until Loan V is paid, as described in the September 6, 2012 transmittal letter.

Respectfully submitted,  
 Thomas S. Richards  
 Mayor

Ordinance No. 2012-461  
 (Int. No. 532)

**Amending Ordinance No. 2012-364 Relating To The Asset Control Area/Home Rochester Program**

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

Section 1. Ordinance No. 2012-364, relating to the Asset Control Area/Home Rochester Program, is hereby amended by changing the name of the "Housing Revolving Loan Fund" to the "Capital Project Housing Revolving Loan Fund" in each place therein, and by adding the following new sentence to the end of Section 2:

The loss reserve which is repaid to the City from Loan V shall be placed in the Capital Project Housing Revolving Loan Fund.

Section 2. Sections 4 and 5 of Ordinance No. 2012-364 are hereby renumbered as Sections 5 and 6, and there is hereby added the following new Section 4:

Section 4. The Mayor is hereby further authorized to enter into a loan agreement with RHDFC to provide bridge funding for Loan VI until the Loan V revenues become available for repayment. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Capital Project Housing Revolving Loan Fund.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2012-462  
 Re: Amending the 2004-05 Consolidated Community Development Plan - Home Buyer Assistance Program

Transmitted herewith for your approval is legislation amending the 2004-05 Consolidated Community Development Plan, appropriating funds and authorizing agreements related to the Home Buyer Assistance Program. This legislation will:

1. Amend the 2004-05 Consolidated Community Development Plan by:
  - a. Establishing the Home Buyer Assistance Program Fund, a new fund for 2004-05, and
  - b. Transferring \$91,000 from the Improving the Housing Stock and General Property Conditions allocation (Employer Assisted Housing Program) fund to the Home Buyer Assistance Program fund, and appropriating that amount for the Home Buyer Assistance Program.
2. Authorize agreements as necessary to implement the program.

The 2004-05 Plan included an allocation of \$100,000 to support the Employer Assisted Housing Initiative. The majority of EAH participants have incomes higher than federal income guidelines and are assisted by the City with non-federal funds. Given the restrictions on federal funding, especially for City employees participating in the program, the City has moved to using other sources for the EAH program.

The unused balance of \$91,000, through the establishment of the new fund, can be used to support the increased purchase activity through the Home Buyer Assistance Program, which in 2011-12 assisted 100 buyers. In October 2012 (Ord. No. 2012-388) \$325,000 was appropriated for the 2012-13 Home Buyer Assistance program, at which time it was anticipated that 120-125 buyers would be assisted this fiscal year. The additional funds from 2004-05 will allow the City to provide support for up to another 15 buyers.

The Home Buyer 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 Initiatives as described in the Consolidated Community Development Program. The financial assistance provided by the Homebuyer Assistance Program is for closing costs and down payment.

Buyer eligibility is based on: income, ability to qualify for a conventional mortgage loan for which payments will not exceed 30% of the gross monthly income, and payment of \$1,500 in personal funds toward the purchase of the home. Each buyer must complete a pre-purchase education class before closing and attend post-purchase classes as well. Funds are secured with a Promissory Note which is satisfied upon completion of five years residency in the home.

A public hearing on the amendment to the Consoli-

dated Community Development Plan is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-213

Ordinance No. 2012-462  
(Int. No. 498)

**Authorizing An Amendatory 2004-05 Community Development Program Plan For The Home Buyer Assistance Program, Appropriating Funds And Authorizing Agreements**

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

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation of the HOME Program, \$91,000 shall be transferred from the Employer Assisted Housing Program Account to a new Home Buyer Assistance Program Account to fund the Home Buyer Assistance Program.

Section 2. The sum of \$91,000 is hereby reappropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 HOME Program to fund the Home Buyer Assistance Program.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Home Buyer Assistance Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-463  
Re: Amending the 2009-10 and 2011-12 Consolidated Community Development Plans - Demolition and FIS

Transmitted herewith for your approval is legislation amending the 2009-10 and 2011-12 Consolidated Community Development Plans, and related Ordinances to replace funds previously appropriated for Focused Investment Strategy programs with 2012-13 Cash Capital. Specifically, this legislation will:

1. Amend the 2009-10 and 2011-12 Consolidated Community Development Plans, establish a Demolition Account in the 2009-10 Housing Development Fund, and transfer and reappropriate a total of \$1,912,000 from FIS

Accounts of the Neighborhood and Asset-Based Planning Fund to the Demolition Accounts of the Housing Development Fund as summarized below:

Amount To Transfer	Con Plan Year	Ordinance No.
\$1,000,000	2011-12	2012-93
\$ 262,358	2009-10	2012-92
\$ 649,642	2011-12	2012-92

Original Purpose  
Exterior Rehab/Landlords  
Exterior Rehab/Owner-Occupants  
Exterior Rehab/Owner-Occupants

2. Amend the cited ordinances above to reduce the amounts authorized and appropriated therein by the transferred amounts. These amounts will instead be funded from 2012-13 Cash Capital originally targeted for demolitions.
3. Appropriate \$250,000 from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund (Demolition Account) of the 2012-13 Community Development Block Grant for the City of Rochester's demolition program; and
4. Authorize agreements necessary to implement the programs.

These CDBG funds had previously been identified for FIS programs. However, the FIS programs can be accomplished through funding from Cash Capital, thereby gaining greater flexibility and increasing the City's ability to fund investor-owner and owner-occupant rehabilitation programs. Since the \$1,912,000 for demolition is available in Cash Capital, this "swap" in funds will not affect the amounts available for demolition or FIS programs.

The appropriation of the \$250,000 of 2012-13 CDBG funds will provide additional funding for the continuation of the City of Rochester's demolition program.

A public hearing on the Consolidated Plan amendments is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-463  
(Int. No. 499, As Amended)

**Authorizing Amendatory 2009-10 And 2011-12 Community Development Program Plans For The Focused Investment Strategy And Demolition Programs, Appropriating Funds And Amending Ordinances No. 2012-92 And 93**

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

Section 1. The Council hereby approves amendments to the 2009-10 and 2011-12 Community Development Program Plans whereby, within

the Improving the Housing Stock and General Property Conditions Objective of the Community Development Block Grant, the following funds shall be transferred:

By Councilmember Scott  
December 18, 2012

<u>Amount</u>	<u>CDBG Plan</u>	<u>Ordinance</u>
<u>Transfer from</u>		
<u>Transfer to</u>		
\$1,000,000	2011-12 Neighborhood and Asset-Based Planning Alloc./FIS Account	2012-93 Housing Development Alloc./Demolition Account
\$ 262,358	2009-10 Neighborhood and Asset-Based Planning Alloc./FIS Account	2012-92 Housing Development Alloc./Demolition Account (new account)
\$ 649,642	2011-12 Neighborhood and Asset-Based Planning Alloc./FIS Account	2012-92 Housing Development Alloc./Demolition Account

Section 2. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart, which amounts are reappropriated herein. Said amounts shall instead be funded from the 2012-13 Cash Capital allocation.

Section 3. The sum of \$250,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Demolition Account), of the 2012-13 Community Development Block Grant, to fund the Demolition Program. The sum of \$1,649,642 is hereby reappropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Demolition Account), of the 2011-12 Community Development Block Grant, to fund the Demolition Program. The sum of \$262,358 is hereby reappropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Demolition Account), of the 2009-10 Community Development Block Grant, to fund the Demolition Program.

Section 4. [The Mayor is hereby authorized to enter into such agreements as may be necessary to implement these Programs.

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

Section 6.] This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

To the Council:

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

Int. No. 500 - Authorizing An Agreement For The Disposal Of Non-Hazardous Special Solid Waste

Int. No. 501 - Establishing Maximum Compensation For An Amendatory Agreement For Crow Management Services, As Amended

Int. No. 502 - Authorizing An Agreement With The Rochester Housing Authority For The Fueling And Maintenance Of Vehicles

Int. No. 514 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 515 - Resolution Approving Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 530 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$5,151,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of The Midtown Redevelopment Project In The City And Amending The Funding In Bond Ordinance No. 2012-154

Int. No. 531 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Midtown Redevelopment Project And Amending Ordinance No. 2011-149

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

Int. No. 503 - Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street Improvement Project And Repealing Local Improvement Ordinance No. 1610

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-464  
Re: Agreement - Waste Management, Inc., Special Solid Waste Disposal

Transmitted herewith for your approval is legislation authorizing an agreement with Waste Management, Inc. for non-hazardous special solid waste disposal services. The costs of such disposal services will be financed from the annual budgets of the departments using the services or from capital funds appropriated for specific environmental, construction and redevelopment projects.

Non-hazardous special solid waste streams include wastes such as petroleum contaminated soil, cinders, ash, foundry sands, railroad ties, and soil mixed with such wastes that are routinely generated from City construction and environmental cleanup projects. In the past, these materials have been disposed of at the County-operated Mill Seat Landfill in Riga under the terms and conditions of the City's agreement with Monroe County for management and disposal of solid wastes. The Mill Seat Landfill is now operated directly by Waste Management Inc. (WMI), requiring a separate agreement with WMI.

The need for non-hazardous special solid waste disposal services will be determined by the Department of Environmental Services, Division of Environmental Quality.

WMI will provide disposal services for City-generated non-hazardous special solid waste. Wastes to be managed under this agreement must be eligible for disposal at the Mill Seat Landfill. For each waste stream, the City will submit analytical testing data to WMI for review. If the waste stream is acceptable, WMI will provide a specific unit rate price, the maximum quantity of waste approved, waste scheduling information, and an expiration date of the testing data. The wastes covered under this agreement will be limited to those that are explicitly covered by the multi-year agreement for solid waste management between the City and Monroe County.

Waste Management, Inc. was selected to provide disposal services because it operates the only permitted solid waste disposal facilities in Monroe County that can accept non-hazardous special solid waste. A justification statement for the award of this agreement without a request for proposal is attached.

The term of the proposed agreement with WMI will be two years with the option of two one-year extensions. WMI has been informed of the Living Wage requirements and the Department of Environmental Services will ensure compliance.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-214

Ordinance No. 2012-464  
(Int. No. 500)

**Authorizing An Agreement For The Disposal Of Non-Hazardous Special Solid Waste**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Waste Management, Inc. for the disposal of non-hazardous special solid waste at the Mill Seat Landfill. The agreement shall extend for a term of two years, with two one-year renewal options.

Section 2. The agreement shall obligate the City to pay unit rates specific to each approved waste stream. The costs of said agreement shall be funded from the annual budgets of the departments using the services or from funds for capital projects.

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. 2012-465  
Re: Agreement - USDA, Crow Management Services

Transmitted herewith for your approval is legislation establishing \$21,000 as maximum compensation for an agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services Division for non-lethal crow management services. The cost of the agreement will be funded from the 2012-13 Budget of the Department of Environmental Services.

Urban winter crow roosts have become an increasingly common phenomenon. It is believed that crows are drawn to the lighting, slightly warmer temperatures, and lack of predators found in urban environments. In Rochester last year, a roost was discovered near Washington Square Park that is reestablishing itself. The area of particular concern is Washington Square Park and south along the river trail. The roost in this area poses a nuisance to people and property, as well as a potential health threat.

The USDA will employ non-lethal means to disperse the roost using scare tactics over five consecutive nights, and then will return for up to five additional nights as needed. The scare tactics to be employed include distress calls, lasers, pyrotechnics, effigies, and spotlights.

An agreement was approved last year to disperse the roost, which was successful (Council Ordinance No. 2012-23). This agreement will follow up with the effort expended last year in order to ensure the long-term success of the program. This service has been successful in other municipalities in New York State including Auburn, Utica, Watertown,

Albany, and Troy.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-465  
(Int. No. 501, As Amended)

**Establishing Maximum Compensation For An Amendatory Agreement For Crow Management Services**

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

Section 1. The sum of \$[21,000] 14,010, 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 United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services Division, for non-lethal crow management services. Said amount shall be funded from the 2012-13 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-466  
Re: Agreement - Rochester Housing Authority, Vehicle Fueling and Maintenance Services

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Housing Authority (RHA) for Vehicle Fueling and Maintenance Services. This agreement will have an initial term of three years, with the option of two one-year renewals.

The City has provided routine vehicle fueling and maintenance and repair services for RHA since 2007. RHA will be charged according to the schedule below:

Hourly labor rate for Automotive Shop	\$75.85
Hourly labor rate for Heavy Equipment Shop	81.96
Fuel markup per gallon	\$0.15
Parts markup	32.95%
Vendor Services administrative fee	\$10.00
Towing - light vehicle - up to 3/4 ton	\$113.78
Towing - heavy vehicles - in excess of 3/4 ton	\$204.90
Prev. Maintenance (A): Flat rate + parts and fluids	\$94.81
Prev. Maintenance (C): Flat rate + parts and fluids	\$35.41

New York State inspection \$21.00

*Preventive Maintenance A: oil/filter change; 60 point safety inspection.*

*Preventive Maintenance C: PM-A plus recommended manufacturer's services.*

During 2011-12, the City received revenue of \$56,391.30 for fuel and \$37,493.68 for maintenance. The City estimates future annual revenues of \$40,000 for fuel and \$25,000 for maintenance as RHA continues to right-size its fleet.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-466  
(Int. No. 502)

**Authorizing An Agreement With The Rochester Housing Authority For The Fueling And Maintenance 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 Housing Authority (RHA) for the fueling and maintenance of RHA vehicles at the City Operations Center at 945 Mt. Read Boulevard. The agreement may extend for a term of three years, with two one-year renewal options. The agreement shall obligate RHA to reimburse the City for the actual cost of the fuel and pay an administrative and service charge of \$.15 per gallon. For maintenance services, RHA shall pay the City in accordance with a schedule approved by the Commissioner 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. 2012-467  
Re: Amendatory Agreement - Clark, Patterson, Lee, RPR Services, Broad Street East/Chestnut Street/Court Street Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Clark, Patterson, Lee (CPL) for additional resident project representation services (RPR) for the Broad Street East/Chestnut Street/Court Street Improvement Project. Maximum compensation was originally established at \$600,000 (Ord. No. 2011-164); this amendment will increase that amount by \$74,000 for a total of \$674,000. The additional

cost will be funded from prior years' Cash Capital (\$10,300), Bond Ord. No. 2011-165 (\$54,800) and Bond Ordinance No. 2011-166 (\$8,900).

The Broad Street East/Chestnut Street/Court Street Improvement Project includes the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains; construction of a new roundabout at the Broadway/East Broad Street/Court Street/Manhattan Square Drive intersection; and tree planting.

Utility conflicts, additional work, and contractor delays combined to extend the original completion date two months from September 2012 to November 2012. The longer construction period results in the need for additional construction phase design and RPR services to complete the work and project close-out.

Utility conflicts with existing RG&E facilities required a redesign of the new roundabout and caused a one month delay to project work. This results in additional design and RPR costs of \$46,000. The City will seek reimbursement from RG&E for the additional costs attributable to the utility conflict.

The City's contractor also extended the project work one month beyond the required contract completion date. This delay and other miscellaneous changes and delays results in additional RPR costs of \$28,000, and those charges will be offset by liquidated damages to be assessed against the contractor.

The additional funding results in the creation/retention of the equivalent of 0.8 full-time jobs.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-467  
(Int. No. 514)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project**

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

Section 1. The sum of \$74,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Clark Patterson Lee for resident project representation services for the East Broad Street/Chestnut Street/Court Street Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$54,800 shall be funded from Bond Ordinance No. 2011-165,

\$8,900 shall be funded from Bond Ordinance No. 2011-166, and \$10,300 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-30  
Re: Appointments - Downtown  
Enhancement District Advisory  
Committee

Transmitted herewith for your approval is legislation confirming the reappointment of the following six members, whose terms will expire on December 31, 2012, to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>
Chris Hill	I. Gordon Corporation 28 East Main Street, 14614
Lawrence Davies	JP Morgan Chase Bank One Chase Square, 14604
James Costanza	Temple Building 45 E. Main Street, 14604
Eileen Broderick	Conifer Realty 183 East Main Street, 14604
Wes Plant	Thompson Legal Regulatory 50 Broad Street East, 14694
Richard Calabrese	Times Square Building 45 Exchange Blvd., 14614

The new term for each of these members will be for two years, expiring on December 31, 2014.

The committee, established in 1989, is responsible for monitoring the performance of district services, reviewing the annual budget for the district prepared by the Mayor, and recommending the budget to the City Council. The eleven members equitably represent owners and tenants of small and large properties. The district is comprised of properties in the area roughly bounded by Plymouth on the west, Chestnut on the east, Broad to the south, and Church to the north.

Attached is a full description and list of current members.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-215

Resolution No. 2012-30  
(Int. No. 515)

**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:

<u>Name</u>	<u>Expiration</u>
<u>Affiliation</u>	
Chris Hill	12/31/14
I. Gordon Corporation	
Lawrence Davies	12/31/14
JP Morgan Chase Bank	
James Costanza	12/31/14
Temple Building	
Eileen Broderick	12/31/14
Conifer Realty	
Wes Plant	12/31/14
Thompson Legal Regulatory	
Richard Calabrese	12/31/14
Times Square Building	

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2012-468 and

Ordinance No. 2012-469

Re: Midtown Redevelopment Project - Phases 1 and 2 Financing Adjustments; and Amendatory Agreement- LaBella Associates, Phase 2 RPR Services

Transmitted herewith for your approval is legislation related to the financing for Phases 1 and 2 of the Midtown Redevelopment Project required by certain constraints on the use of previously identified funds; and resident project representation (RPR) services for Phase 2. This legislation will:

1. Authorize the issuance of \$5,151,000 in bonds and the appropriation of the proceeds thereof to finance portions of the Midtown Redevelopment Project costs. A portion of the bond proceeds will replace previously appropriated grant funds and Cash Capital allocations.
2. Amend Ordinance No. 2011-149 to change the source of funding for the final design agreement with Labella Associates as described below.
3. Authorize an amendatory agreement with LaBella Associates for additional RPR services required for Phase 2. The original agreement, authorized via Ordinance 2012-155, established maximum compensation of

\$950,000 for Phase 1 RPR services (Ord. No. 2012-155). This amendment will increase compensation by \$1,150,000 for a maximum of \$2,100,000. The additional cost will be funded from the Empire State Development Corporation grant (Ord. No. 2011-392).

Background

The agreement with Windstream regarding the Midtown Garage facility provides a percentage of the parking spaces for private use, which limits the City's ability to use debt to finance that portion of the project. This aspect of the project will instead be financed from sources originally slated for other aspects of the project and replaced by debt.

Also, the City has been advised by New York State Department of Transportation that use of Federal funds for construction would require NYSDOT review and approval of the Project Labor Agreement that has been negotiated for the Midtown Project. In order to avoid delays that would result from such a review, it is necessary to remove the Federal funds from the construction portion of the project.

The actions requested herein represent a redistribution of funding available for the Project; total amounts of City cash and debt remain the same as originally planned.

Ordinance No. 2012-154

The transmittal accompanying this ordinance set forth the funding for Phase 1, construction of the tunnel, and included a portion of the \$11 million ESDC grant appropriated via Ord. No. 2011-392. That portion will be transferred to the Phase 2 Garage Improvements, and will be replaced by the bonds requested herein. The previous and proposed funding sources for the construction of the tunnel are as follows:

<u>Source</u>	<u>Original</u>	<u>Proposed</u>	<u>Change</u>
Bonds (Ord. No. 2012-154)	\$3,046,000	\$3,046,000	\$ -0-
Federal (Ord. No. 2011-64)	340,900	340,900	-0-
ESDC (Ord. No. 2011-392)	4,000,000	-0-	(4,000,000)
Additional bonds requested herein	N/A	4,038,400	4,038,400
Total	\$7,386,900	\$7,425,300	\$ 38,400

The total cost for the tunnel construction has increased by \$38,400 due to additional waterproofing and other work added via change orders by the City to the Crane-Hogan construction contract.

Ordinance No. 2011-149

This ordinance authorized an amendatory agreement with LaBella Associates for the final design services, and added \$2,085,000 to the original amount of \$950,000 authorized (Ord. 2010-19) for scoping and preliminary design. Financing for that additional amount included Cash Capital, which will be instead allocated to the Garage portion of the project, and replaced by debt appropriated

herein (\$591,600) and by funds from the Federal Transportation Community and System Preservation (TCSP) grant authorized in Ord. No. 2011-64. The original and proposed funding sources for the agreement with LaBella are as follows:

<u>Source</u>		
<u>Original</u>	<u>Proposed</u>	<u>Change</u>
Federal TCSP		
\$ 840,000	\$1,363,600	\$ 523,600
Prior Years' Cash Capital		
1,126,300	11,100	(1,115,200)
Prior Years' CC (Water)		
118,700	118,700	-0-
Additional bonds requested herein		
N/A	591,600	\$ 591,600
<u>Total</u>		
\$2,085,000	\$2,085,000	-0-

Additional Debt Authorization

The total bond authorization requested herein includes \$4,038,400 for the tunnel construction and \$591,600 to fund a portion of the amendatory agreement with LaBella. The remaining \$521,000 of bonding is being requested for weatherproofing and preparation of the Midtown tower for redevelopment, contingency, and other costs associated with the Midtown Redevelopment Project.

Phase 2 - Midtown Parking Garage Improvements

The amendatory agreement with LaBella Associates will provide RPR and construction phase design services for the garage improvements. The original agreement for Phase 1 RPR services included costs for the field office, web cam, and material testing for all four phases of the project, with amendatory agreements planned for subsequent phases to ensure continuity of services for the project.

Phase 2 Parking Garage Improvements include: concrete demolition and repairs; removal and relocation of the Chestnut Street exit ramp; strengthening and waterproofing portions of the roof slab; abatement of asbestos in select areas; constructing a new security room on Level A; a new revenue control system; signage and painting of select areas; fire suppression improvements; ventilation improvements; replacement of the lighting system and controls; and a new security system.

Three bids for Phase 2 construction were received on December 4, 2012. The apparent low bid was submitted by Crane-Hogan Structural Systems, Inc., in an amount of \$11,836,340.10, which is 28% less than the engineer's estimate. An additional \$350,485 will be allocated for project contingencies. The funding sources for project costs, based upon the bid amount, are summarized below:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Total</u>
New York State	\$ 6,655,065	\$1,150,000	
	\$ -0-		\$ 7,805,065
Parking cash capital	727,000		
	-0-		-0-
			727,000

City cash capital		
4,454,275		-0-
<u>350,485</u>		<u>4,804,760</u>
Total	\$11,836,340	\$1,150,000
	\$350,485	\$13,336,825

The New York State amount, \$7,805,065, was previously appropriated via Ordinance No. 2011-392.

Phase 2 will result in the creation or retention of the equivalent of 128.7 full-time jobs and will begin in February 2013 with scheduled completion in February 2014.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-216

Ordinance No. 2012-468  
(Int. No. 530)

**Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$5,151,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of The Midtown Redevelopment Project In The City And Amending The Funding In Bond Ordinance No. 2012-154**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction of the Midtown Redevelopment Project, including the reconstruction of the Midtown Service Tunnel below the site of the Midtown Redevelopment Project, from Atlas Street to the eastern face of the former Seneca Building, as well as repairs and rehabilitation of certain elements of the Tunnel westerly to beneath Stone Street, the construction of streets, open space and utilities, planning and design services, and incidentals thereto, in order to effectuate the Midtown Urban Renewal Plan, in the City (the "Project"). The currently estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,537,900. The plan of financing includes the issuance of \$5,151,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$3,046,000 bonds appropriated in Ordinance No. 2012-154 and \$340,900 from Federal funds appropriated in Section 3 of Ordinance No. 2011-64, 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. Ordinance No. 2012-154, a bond ordinance funding the construction of the Midtown Redevelopment Project, is hereby amended by increasing the estimated maximum cost of said purpose by \$38,400, from \$7,386,900 to \$7,425,300, by changing the source of funding by

replacing \$4,000,000 funded from New York State funds appropriated in Section 1 of Ordinance No. 2011-392 with \$4,000,000 from the bond funds appropriated herein, and by funding the increased cost of \$38,400 from the bond funds appropriated herein.

Section 2. Bonds of the City in the principal amount of \$5,151,000 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 \$5,151,000. 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. 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. 2012-469  
(Int. No. 531)

**Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Midtown Redevelopment Project And Amending Ordinance No. 2011-149**

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

Section 1. The sum of \$1,150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates for resident project representation services for the Midtown Redevelopment 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 New York State funds appropriated in Section 1 of Ordinance No. 2011-392.

Section 2. Ordinance No. 2011-149, relating to an agreement for design services for the Midtown Redevelopment Project, is hereby amended by changing the source of funding for the maximum amount of \$2,085,000 to read: \$1,363,600 shall be funded from the appropriation of United States Department of Transportation funds in Section 5 of Ordinance No. 2011-64, \$591,600 shall be funded from a Bond Ordinance adopted for the Project, \$118,700 shall be funded from the Cash Capital allocation (Water) from prior years, and \$11,100

shall be funded from the Cash Capital allocation from prior years.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1660  
Re: Local Improvement Ordinance for  
50 Chestnut Street

Transmitted herewith for your approval is legislation related to an areaway at 50 Chestnut Street. This legislation will:

1. Rescind Local Improvement Ordinance 1610 which was authorized in September 2009 as part of the Lawn Street Improvement Project.
2. Establish a new Local Improvement Ordinance by appropriating \$3,720 from the Local Improvement Fund to finance the cost to maintain the same underground areaway, and authorizing the subsequent assessment of this amount against the property to replenish the Local Improvement Fund.

There is an areaway located at 50 Chestnut Street under the sidewalk along the Lawn Street frontage that is integral to the use of the property. As part of the Lawn Street Improvement Project, the owner, 50 Chestnut Plaza LLC, elected to retain the areaway. In order to protect the areaway, the project was to include installation of planters along the curb to prevent vehicles, other than sidewalk plows, from access to the sidewalk.

However, the bid cost of the planters (and the original amount of the LIO assessment) was \$37,400, which was more than the owner could afford. Less costly concrete pylons were installed instead. After completion of the project, the City and the property representative continued to negotiate the number and spacing of the pylons, and finally agreed to reduce the number of pylons from 15 to 10 by lengthening the spacing and including the parking meters as part of the barrier layout. The City will retain for its use the extra five pylons.

The City proposes to finance the property owner's areaway repair costs through a Local Improvement Ordinance (LIO) pursuant to the City's Areaway Policy as established by Ordinance No. 81-104. The LIO for this work will be paid back at 1% over the City's borrowing rate in one payment at the next LIO billing.

A public hearing on the establishment of the new local improvement ordinance is required.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Local Improvement Ordinance No. 1660  
(Int. No. 503)

**Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street Improvement Project And Repealing Local Improvement Ordinance No. 1610**

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

Section 1. As part of the Lawn Street Improvement Project, the Council hereby authorizes the special treatment of the areaway at 50 Chestnut Street in the form of the placement of barriers to protect said areaway, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

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

Section 3. The limits of the District of Assessment for the improvements and work shall be the following property, in amounts not to exceed the following:

Address:	50 Chestnut Street
SBL No.:	121.24-2-37
Owner:	50 Chestnut Plaza LLC
Amount:	\$3,720

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 \$3,720, plus interest at a rate 1% above the City's "latest borrowing rate", shall be assessed on the property described above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed after the completion of the improvements and work described, and shall be due in one installment. Any assessment not paid by May 15 after its due date may be added to the subsequent annual tax bill for the property.

Section 6. The total cost of said improvements and work, up to \$3,720, 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. Local Improvement Ordinance No. 1610, relating to 50 Chestnut Street, is hereby repealed.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden  
December 18, 2012

To the Council:

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

Int. No. 504 - Authorizing An Agreement For The Teenage Pregnancy Prevention Program And Amending Ordinance No. 2012-353 And The 2012-13 Budget

Int. No. 505 - Authorizing An Agreement For The Selective Traffic Enforcement Program And Amending The 2012-13 Budget

Int. No. 506 - Authorizing An Agreement For A Violence Against Women Grant And Amending The 2012-13 Budget

Int. No. 507 - Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2012-13 Budget

Int. No. 508 - Authorizing An Agreement For The STOP Violence Against Women Program

Int. No. 509 - Authorizing An Agreement For A Child Passenger Safety Grant And Amending The 2012-13 Budget

Int. No. 512 - Authorizing An Agreement For Medical Services For The Police And Fire Departments

Int. No. 470 - Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2012-13 Budget

The following entitled legislation is being held in Committee:

Int. No. 513 - Appropriating Funds For The Rochester Youth Leadership Council And Amending The 2012-13 Budget

Respectfully submitted,  
Adam C. McFadden  
Matt Haag  
Loretta C. Scott  
Lovely A. Warren  
Dana K. Miller  
PUBLIC SAFETY, YOUTH & RECREATION  
COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-470  
Re: Amendatory Agreement - Federal  
Teenage Pregnancy Prevention (TPP)  
Program

Transmitted herewith for your approval is legislation related to the current round of funding for the Federal Teenage Pregnancy Prevention (TPP) Program, also known as the THRIVE program. This legislation will:

1. Amend Ordinance No. 2012-353 to reduce the compensation authorized therein for Charles Settlement House (CSH) to deliver THRIVE services by \$117,919, from \$176,878 to \$58,959.
2. Establish a portion of the recovered funds above, \$90,882, as maximum compensation for an agreement with Coordinated Care Services, Inc. (CSSI) for delivery of THRIVE services.
3. Amend the 2012-13 Budget of the Department of Recreation and Youth Services by \$27,100 to reflect the balance of the recovered amount. These funds will cover administrative costs associated with hiring part-time staff to support the project.

Ordinance No. 2012-353 appropriated funds from year three of the grant received from the U.S. Department of Health and Human Services, Office of Adolescent Health, and authorized agreements for implementation of the THRIVE program for year three, which runs September 1, 2012 - August 31, 2013. Since then, the grant provider, US Dept. of Health and Human Services, Office of Adolescent Health, has issued new guidelines mandating that service providers randomize the areas they serve each year. CSH has withdrawn from the project, since serving youth outside their primary catchment area is not in keeping with their core mission.

However, CSH agreed to work with the City so that the project could be implemented while a transition plan was developed. The staff who were certified and trained under CSH will transition to CSSI, thereby remaining with the project as required by the funder.

Below is a summary of the funding changes required by the withdrawal of CSH from the program:

<u>Agency</u>	<u>Ord. No. 2012-353</u>	<u>Revised</u>
Charles Settlement House	\$176,878	\$ 58,959
Coordinated Care Services, Inc.	0	90,882
City of Rochester	0	27,037
<b>Total</b>	<b>\$176,878</b>	<b>\$176,878</b>

Respectfully submitted,  
Thomas S. Richards  
Mayor

Attachment No. AL-217

Ordinance No. 2012-470  
(Int. No. 504)

**Authorizing An Agreement For The Teenage**

**Pregnancy Prevention Program And Amending Ordinance No. 2012-353 And The 2012-13 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 Coordinated Care Services, Inc. for services under the Federal Teenage Pregnancy Prevention Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$90,882, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the funds to be received from the United States Department of Health and Human Services for the Federal Teenage Pregnancy Prevention Program.

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

Section 4. Ordinance No. 2012-229, the 2012-13 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 \$27,100, which amount is hereby reappropriated from funds to be received from the United States Department of Health and Human Services for the Federal Teenage Pregnancy Prevention Program.

Section 5. Ordinance No. 2012-353, relating to agreements for the Federal Teenage Pregnancy Prevention Program, is hereby amended by reducing the amount authorized and appropriated therein for the agreement with Charles Settlement House by the sum of \$117,919, which amount is reappropriated herein.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-471  
Re: Governor's Traffic Safety Committee,  
Selective Traffic Enforcement Program

Transmitted herewith for your approval is legislation related to the Selective Traffic Enforcement Program. This legislation will:

1. Authorize an agreement with the New York State Governor's Traffic Safety Committee (GTSC) for receipt and use of a \$23,220 grant under the Selective Traffic Enforcement Program (STEP) Aggressive Driving Program;

and

2. Amend the 2012-13 Budget of the Police Department by \$17,500 to reflect a prorated portion of the new award for the current fiscal year. The balance of the award will be appropriated in the 2013-14 Budget.

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. The funds will be used to reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents.

This is the eleventh year of GTSC funding to the City and covers the period October 1, 2012 through September 30, 2013. The program was most recently authorized via Ordinance No. 2012-45. During the previous funding period, 868 citations were issued to motorists for infractions related to speeding and unsafe or aggressive driving. Of these, 181 were for speeding, 186 were specifically for aggressive driving, and 501 were for other traffic violations.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-471  
(Int. No. 505)

**Authorizing An Agreement For The Selective Traffic Enforcement Program And Amending The 2012-13 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 Governor's Traffic Safety Committee for funding for the Selective Traffic Enforcement Program (STEP).

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$17,500, 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. 2012-472  
Re: Agreement - Monroe County, Grant  
To Encourage Arrest Policies and  
Enforcement of Protection Orders  
Related to Domestic Violence

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of a grant in the amount of \$111,539, and amending the 2012-13 Budget of the Police Department by \$55,800 to reflect a prorated portion of the new award for this fiscal year. The balance of the award, \$55,739, will be appropriated in the 2013-14 Budget.

Monroe County received a \$650,000 US Department of Justice Grant for the Violence Against Women, Grant to Encourage Arrest Policies and Enforcement of Protection Order Program (GTEA), which is for implementation of a comprehensive collaboration among agencies dealing with domestic violence. As a participant in the collaboration, the County has awarded the Rochester Police Department this sub-grant.

The funds will be used to support a part-time staff member in the RPD Family and Victim Services Section, who will work with other members of RPD assigned to this grant to provide enhanced domestic violence victim's services. The grant will also be used for overtime for a Domestic Violence Response Team (DART), comprised of police officers and police supervisors as needed, to respond to targeted domestic violence situations.

RPD has had ongoing participation with the domestic violence consortium. This is the second year using this enhanced approach with this grant and it covers the period October 1, 2012 through September 30, 2014. A grant for the previous GTEA program was approved under Ordinance No. 2009-393.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-472  
(Int. No. 506)

**Authorizing An Agreement For A Violence Against Women Grant And Amending The 2012-13 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Monroe County for a Violence Against Women Grant to Encourage Arrest Policies and Enforcement of Protection Order Program.

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

Section 3. Ordinance No. 2012-229, the 2012-13 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 \$55,800, 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. 2012-473 and  
Ordinance No. 2012-474  
Re: Police Grants, New York State  
Division of Criminal Justice Services

Transmitted herewith for your approval is legislation authorizing applications to and agreements with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of two grants described below, and amending the 2012-13 Budget by \$21,200 to reflect a portion of one of the grants.

Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) January 1 - December 31, 2013

MVTIFP provides \$42,176 for the reduction of auto theft and insurance fraud and supports Police Department deployment in high theft areas and increased investigations of insurance fraud. The grant also will be used to train police officers in specialized anti-theft techniques and technology. The previous MVTIFP award was authorized by City Council in January 2012 (Ord. No. 2012-42). During the last grant period there were approximately 1,600 investigations of auto theft opened, with over 500 arrests made and approximately \$500,000 in stolen vehicles recovered. No local match is required for this grant.

An amendment to the 2012-13 Budget of the Police Department of \$21,200 is required to reflect the prorated amount of the grant for this fiscal year. The remaining funds, \$20,976, will be appropriated in the 2013-14 Budget of the Police Department.

STOP Violence Against Women Act (VAWA) January 1 - December 31, 2013

The STOP VAWA award, not to exceed \$76,000, will partially reimburse the salaries of staff in the Family and Victim Services Section of the Police Department who help ensure the immediate safety of victims of domestic violence and help them find safe housing. Services include contacting victims prior to the arraignment of the perpetrators, and offering legal advocacy and follow-up services to ensure their continued safety. Over 500 domestic violence victims in high-risk targeted police patrol areas and over 150 domestic violence victims who are identified by reviewing Domestic Violence Incident Reports have been helped during the past year. This is the City's 14th year of funding under VAWA. The previous award was authorized in January 2012 (Ord. No. 2012-44). There is no match for this grant. The funding under this pro-

gram was anticipated and included in the 2012-13 Budget.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-473  
(Int. No. 507)

**Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2012-13 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for the 2013 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. 2012-229, the 2012-13 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 \$21,200, 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.

Ordinance No. 2012-474  
(Int. No. 508)

**Authorizing An 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 enter into an agreement with the New York State Division of Criminal Justice Services for funding for the 2013 STOP Violence Against Women 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. 2012-475  
Re: Agreement - New York State  
Governor's Traffic Safety Committee,  
Child Passenger Safety Grant Award

Transmitted herewith for your approval is legislation authorizing an award from the New York State Governor's Traffic Safety Committee for the receipt and use of a \$5,000 Child Passenger Safety grant, and amending the 2012-13 Budget of the Police Department by \$3,000 to reflect a portion of the funds. The remaining funds will be included in the 2013-14 Budget of the Police Department.

The Governor's Traffic Safety Committee provides this funding to allow the Rochester Police Department to run child safety seat inspections in the city during the period of October 1, 2012 through September 30, 2013. The goal of this award is to increase the proper use and installation of child safety seats in New York State. Funding will be used for the re-certification of officers; to purchase equipment, such as a tent, scale, traffic cones, and child passenger seats; and to run inspection stations. Any child safety seats purchased will be donated to city residents who may need them, but cannot afford them.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Ordinance No. 2012-475  
(Int. No. 509)

**Authorizing An Agreement For A Child Passenger Safety Grant And Amending The 2012-13 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 Governor's Traffic Safety Committee for a Child Passenger Safety Grant.

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

Section 3. Ordinance No. 2012-229, the 2012-13 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 \$3,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2012-476  
Re: Agreement - Strong Occupational  
And Environmental Medicine, Medical  
Services for Uniformed Employees

Thomas S. Richards  
Mayor

Attachment No. AL-218

Ordinance No. 2012-476  
(Int. No. 512)

**Authorizing An Agreement For Medical Ser-  
vices For The Police And Fire Departments**

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

Transmitted herewith for your approval is legisla-  
tion authorizing an agreement with Strong Occupa-  
tional and Environmental Medicine (OEM) for  
medical examinations and occupational medical  
services for sworn employees and disabled retirees  
of the Rochester Police and Fire Departments (RPD  
and RFD). The term of this contract will be for a  
period of three years beginning January 1, 2013  
with renewal options for two additional one-year  
periods.

Section 1. The Mayor is hereby authorized to  
enter into an agreement with Strong Health Occu-  
pational & Environmental Medicine for medical  
services for sworn employees and disabled retirees  
of the Rochester Police and Fire Departments for a  
term of three years, with two one-year renewal  
options. The agreement shall provide for all regu-  
lar medical services and for additional special  
services, the fees for which shall be established in  
the agreement and which shall not exceed funds  
available in the 2012-13 and subsequent budgets of  
the Rochester Police and Fire Departments and  
Undistributed Expense for this purpose, contingent  
upon adoption of subsequent budgets.

The initial costs under this agreement will be fund-  
ed from the 2012-13 Budgets of RPD and RFD.  
The agreement shall provide for all regular medical  
services and for additional special services, the fees  
for which shall be established in the agreement and  
which shall not exceed funds available for this  
purpose in the annual budgets for the Fire Depart-  
ment, Police Department, and Undistributed, con-  
tingent upon approval by City Council. There is no  
base contract amount; this is a fee-for-service con-  
tract.

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

Medical services will include but are not limited to:

- Pre-employment medical examinations and assessments
- Annual physicals for current employees
- Evaluation, treatment (acute care and emergency care), and case management for on-duty injuries and illnesses
- Return to work and/or fitness for duty examinations for off-duty injuries or illnesses
- Fitness for duty examinations
- Required miscellaneous examinations and immunizations
- Provision of referrals to specialists as needed
- Provision of the services of a Medical Review Officer
- Other care and/or examinations as deemed appropriate

Section 3. This ordinance shall take effect im-  
mediately.

Passed unanimously.

Introductory No. 470 was introduced November 19,  
2012 and appears in its original form with its  
transmittal letter on page 470 of the current Council  
Proceedings.

Attachment No. AL-219

Ordinance No. 2012-477  
(Int. No. 470)

**Authorizing Agreements For The Compre-  
hensive Adolescent Pregnancy Prevention Pro-  
gram And Amending The 2012-13 Budget**

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 513  
Re: Rochester Youth Leadership Council

The current contract with Strong OEM for these  
services will expire December 31, 2012. Strong  
OEM was unanimously re-selected through a Re-  
quest for Proposal process, which is described in  
the attached summary. The amount paid to Strong  
OEM for these services was \$276,162 in 2010-11,  
and \$268,501 in 2011-12.

Transmitted herewith for your approval is legisla-  
tion authorizing funding for the Rochester Youth  
Leadership Council, a new initiative which will run  
from January - December 2013. This legislation  
will:

The consultant has been informed of the Living  
Wage requirements and the Office of Management  
and Budget will work with RPD and RFD to ensure  
compliance.

1. Appropriate \$36,840 from the General Com-  
munity Needs allocation of the 2010-2011  
Community Development Block Grant for the

Respectfully submitted,

Rochester Youth Leadership Council (RYLC).

- 2. Amend the 2012-13 Budget of the Department of Recreation and Youth Services (DRYS) by \$12,200 to reflect the portion of CDBG funds that will support personnel costs in the current fiscal year (January - June 2013). The balance of the CDBG funding for personnel (\$12,200) will be included in the 2013-14 Budget.

The program will begin in January 2013; the funding proposed herein will support operation through December 2013.

The Rochester Youth Leadership Council is a new program. Fifteen youth will be recruited to serve as members of the RYLC, representing the young people of Rochester. DRYS staff will provide the training and resources necessary for members to successfully research and identify key issues facing Rochester's youth, and to engage in discussions with City government and community leaders to plan solutions. Each of the council members will receive an annual stipend of \$600.

This project was developed as a critical strategy to increase youth voice and involvement in City government. As a result of experience with the Mayor's Youth Advisory Council (2007-2010), staff researched best practices for engaging youth in government activities. RYLC has been structured based on information provided by the National League of Cities, the Forum for Youth Investment, and multiple local partners and stakeholders. The program will be directed and operated by DRYS staff.

This will be the first year of funding. A project description and budget are attached.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Introductory No. 513

**APPROPRIATING FUNDS FOR THE ROCHESTER YOUTH LEADERSHIP COUNCIL AND AMENDING THE 2012-13 BUDGET**

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

Section 1. The sum of \$36,840 is hereby appropriated from the Responding to General Community Needs Objective, Job Creation/Youth Development allocation, of the 2010-11 Community Development Block Grant, to fund the Rochester Youth Leadership Council.

Section 2. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$12,200, which amount shall be funded from the

appropriation made in Section 1.

Section 3. This ordinance shall take effect immediately.

Held in Committee.

By President Warren  
December 18, 2012

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 510 - Resolution Confirming The Appointment Of The Fire Chief

Respectfully submitted,  
Carolee A. Conklin  
Matt Haag  
Adam C. McFadden  
Dana K. Miller  
Jacklyn Ortiz  
Carla M. Palumbo  
Loretta C. Scott  
Elaine M. Spaul  
Lovely A. Warren  
COMMITTEE OF THE WHOLE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2012-31  
Re: Confirmation - Fire Chief

Transmitted herewith for your approval is legislation confirming, as required by the Charter of the City of Rochester, the appointment of Salvatore Mitrano III as Fire Chief.

Mr. Mitrano's resume is available in the City Clerk's Office for your review.

Respectfully submitted,  
Thomas S. Richards  
Mayor

Resolution No. 2012-31  
(Int. No. 510)

**Resolution Confirming The Appointment Of The Fire Chief**

WHEREAS, the Mayor has appointed Salvatore Mitrano III to the position of Fire Chief, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Salvatore Mitrano III as Fire Chief.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:14 p.m.

DANIEL B. KARIN  
City Clerk

\* \* \* \* \*

**ITEMS HELD IN COMMITTEE AS OF  
DECEMBER 31, 2012**

Held January 24, 2012

Int. No. 4 - Local Law Amending The City Charter With Respect to Parking Finance Committee

Int. No. 33 - Establishing Maximum Compensation For A Professional Services Agreement For Fitness For Duty Evaluation Services For The Rochester Police Department Public Safety, Youth & Recreation Committee

Held April 24, 2012

Int. No. 148 - Establishing Maximum Compensation For A Professional Services Agreement For GIS Services Neighborhood & Business Development Committee

Held July 24, 2012

Int. No. 345 - Authorizing The Reacquisition Of 33 Bartlett Street Finance Committee

Held August 21, 2012

Int. No. 389 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect to Special Permit And Area Variance Standards Neighborhood & Business Development Committee

Held December 18, 2012

Int. No. 513 - Appropriating Funds For The Rochester Youth Leadership Council And Amending The 2012-13 Budget Public Safety, Youth & Recreation Committee

INDEX 2012  
ABBREVIATIONS

Acq. - Acquire, Acquisition	L.L. - Local Law
Admin. - Administration	Lftd. - Lifted
Adpt. - Adopt, Adopted	Litig. - Litigation
Amend. - Amending, Amendment	Maint. - Maintenance
Appl. - Application	Max. - Maximum
Approp. - Appropriate, Appropriating	Mgr. - Manager
Approv. - Approving	Mun. - Municipal
Appt(s). - Appoint, Appointments(s)	Ofc. - Office
Assist. - Assistance	Off. - Official
Auth. - Authority, Authorize	Ord. - Ordinance
Bldg. - Building	Pav. - Pavement
CHDO - Community Housing Development Organization	Pk. - Park
Class. - Classification	Proj. - Project
Comm. - Commercial, Commission, Committee, Community	Pssd. - Passed
Comp. - Compensation	Pub. - Public
Constr. - Construction	Purch. - Purchase
Ctr. - Center	R.E. - Real Estate
Dedica. - Dedicate, Dedication	R.O.W. - Right-of-Way
Demon. - Demonstration	Rec. - Recreation
Designa. - Designate	Rehab. - Rehabilitate, Rehabilitation
Dev. - Development	Rej. - Reject
Est(s). - Estimate(s)	Renew. - Renewal
Ext. - Extension	Resi. - Residential
Facil. - Facilities	Reso. - Resolution
FY - Fiscal Year	Rev. - Revenue
Gar. - Garage	Roch. - Rochester
Hear. - Hearing	Svs. - Services
Incr. - Increase	Tbld. - Tabled
Indus. - Industrial	Tech. - Technology
Int. - Introduced, Introductory	Tr. - Transmittal
L.I.O. - Local Improvement Ordinance	Var. - Various
	Wid. - Width
	Zon. - Zoning

**40 JAY STREET, LLC**

Approv. loan agreement for 350 State St., Tr. letter, 429, Held, 430, Pssd., 459

**67-89 CANAL STREET LLC**

Auth. lease agreement for 25-37 Canal St., Tr. letter, 501, Pssd., 501

**175 NORTH CLINTON ASSOCIATES, L.P.**

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#### **BERGMANN ASSOCIATES, P.C.**

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#### **BRIGHTON, TOWN OF**

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#### **BROOKLYN SPORTS MANAGEMENT**

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#### **BROOKS LANDING**

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#### **BROWNCROFT BOULEVARD**

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#### **BRYANT & STRATTON COLLEGE**

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#### **BUCKINGHAM PROPERTIES, LLC**

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#### **NEW YORK STATE DIVISION OF HOMELAND SECURITY**

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 2012-17 - Reso. approv. 2012-13 debt limit for general mun. purposes, Tr. letter, 275, Adpt., 276  
 2012-18 - Reso. approv. appts. to Roch. Economic Dev. Corp., Tr. letter, 281, Adpt., 282  
 2012-19 - Reso. endorsing grant appl. for New York Main St. Program, Tr. letter, 285, Adpt., 286  
 2012-20 - Reso. endorsing grant appl. for NYS Urban Initiatives Program, Tr. letter, 285, Adpt., 286  
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 2012-22 - Reso. confirming appt. of Chief Information Officer, Tr. letter, 393, Adpt., 393  
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 2012-24 - Reso. confirming appt. of Budget Director, Tr. letter, 423, Adpt., 423  
 2012-25 - Reso. approv. appts. to Zoning Board of Appeals, Tr. letter, 458, Adpt., 459  
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 2012-27 - Reso. establishing max. number of Commissioners of Deeds, Tr. letter, 476, Adpt., 476  
 2012-28 - Reso. auth. exception to City debt limit for acceleration of capital proj., Tr. letter, 484, Adpt., 485  
 2012-29 - Approv. 2011-12 debt reso. for City School District, Tr. letter, 496, Adpt., 497  
 2012-30 - Reso. approv. reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 507, Adpt., 508  
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#### **RICHARDS HOUSE**

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#### **RIGHT-OF-WAY**

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#### **RIVER HARBOR TRANSPORTATION PROJECT**

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#### **RIVER STREET**

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#### **RIVERSIDE CEMETERY**

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#### **RIVERSIDE FESTIVAL SITE**

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#### **ROCHESTER AFTER SCHOOL ACADEMY PROGRAM**

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#### **ROCHESTER AND SOUTHERN RAILROAD, INC.**

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#### **ROCHESTER AREA COMMUNITY FOUNDATION**

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#### **ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK, INC.**

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#### **ROCHESTER BICYCLE ENHANCEMENT PROJECT**

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#### **ROCHESTER BICYCLE TRAILS PROJECT**

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#### **ROCHESTER BUSINESS ALLIANCE**

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#### **ROCHESTER CITY SCHOOL DISTRICT**

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#### **ROCHESTER DISTRICT HEATING COOPERATIVE, INC.**

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#### **ROCHESTER ECONOMIC DEVELOPMENT CORPORATION**

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#### **ROCHESTER FLOWER CITY CHALLENGE**

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#### **ROCHESTER GAS & ELECTRIC CORPORATION**

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#### **ROCHESTER GENERAL HOSPITAL**

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#### **ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY**

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#### **ROCHESTER HISTORIC RIVER HARBOR TRANSPORTATION IMPROVEMENT PROJECT**

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**ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION**

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**ROCHESTER ICE HOCKEY OFFICIALS, INC.**

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**ROCHESTER INSTITUTE OF TECHNOLOGY**

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**ROCHESTER INTERMODAL TRANSPORTATION CENTER**

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**ROCHESTER INTERNATIONAL JAZZ FESTIVAL, LLC**

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**ROCHESTER LAND BANK CORPORATION**

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**ROCHESTER-MONROE COUNTY YOUTH BUREAU**

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**ROCHESTER PLAZA HOTEL**

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**ROCHESTER PRESERVATION BOARD**

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**ROCHESTER RHINOS STADIUM PROJECT**

Establishing max. comp. for amend. agreement for Roch. Rhinos Stadium Proj. and amend. Ord. No. 2009-61, Tr. letter, 40, Pssd., 41

**ROCHESTER RIVERFRONT PROPERTIES, L.P.**

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**ROCHESTER SUMMERFEST**

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**ROCHESTER'S CHILD, INC.**

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**ROCHESTERWORKS, INC.**

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**SALVATION ARMY, THE**

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**SALVATORE'S PIZZERIA**

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**SAM ASHER COMPUTING SERVICES, INC.**

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#### **SELECTIVE TRAFFIC ENFORCEMENT PROGRAM**

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#### **SENECA AVENUE**

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#### **SENECA BUILDING**

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#### **SEXUAL HEALTH PROMOTION FOR YOUNG PEOPLE**

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#### **SIDEWALKS**

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Establishing max. comp. for professional svcs. agreement for Cultural District Sidewalks Proj., Tr. letter, 38, Pssd., 40

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#### **SISTER CITIES PARKING GARAGE**

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#### **SMALL CLAIMS BOARD**

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#### **SMART POLICING**

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#### **SMITH STREET**

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#### **SMOKE DETECTORS**

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#### **SNOW AND ICE REMOVAL**

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#### **SOCCER STADIUM**

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#### **SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN**

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#### **SOFTBALL**

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#### **SOJOURNER HOUSE AT PATHSTONE, INC.**

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#### **SOLID WASTE**

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#### **SON HOUSE HOUSING PROJECT**

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#### **SOUTH CLINTON AVENUE**

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#### **SOUTH GOODMAN STREET**

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#### **SOUTHWEST AREA NEIGHBORHOOD ASSOCIATION**

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#### **SPAULL, ELAINE M., COUNCILMEMBER**

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#### **SPIRIT OF SERVICE**

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#### **SPIRITUS CHRISTI PRISON OUTREACH, INC.**

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#### **STANDARD WORKDAY**

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#### **STANTEC CONSULTING SERVICES, INC.**

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