

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2003**

ROCHESTER, NEW YORK

Officials 2003

William A. Johnson, Jr.
Mayor

Jeffrey T. Carlson
Deputy Mayor

Marisol O. Lopez
Chief of Staff

Thomas R. Argust⁽¹⁾
Commissioner of Community Development

Linda M. Stango⁽²⁾
Commissioner of Community Development

William J. Ansbrow
Director of Budget & Efficiency

John M. Merklinger
Director of Emergency Communications

Wendell L. Bellamy
Director of Human Resource Management

Linda S. Kingsley
Corporation Counsel

Richard Panz⁽³⁾
Library Director

Carol J. Joyce⁽⁴⁾
Interim Library Director

Richard W. Hannon
Assistant to the Mayor

R. Fashun Ku
Commissioner of Economic Development

Edward J. Doherty
Commissioner of Environmental Services

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

Bridgette Burch White
Director of Communications

Vincent J. Carfagna
Director of Finance

Rodric C. Cox-Cooper
Neighborhood Empowerment Team Director

Floyd A. Madison
Fire Chief

Robert J. Duffy
Police Chief

(1) Retired January 10, 2003.

(2) Effective January 13, 2003.

(3) Retired January 17, 2003.

(4) Effective January 20, 2003.

Members of Council 2003

Members	Residence
Lois J. Giess President, Councilmember, East District	15 East Boulevard, 14610
Gladys Santiago Vice President, Councilmember-at-Large	1850 Culver Road, 14609
Brian F. Curran..... Councilmember-at-Large	56 Elmwood Avenue, 14611
Benjamin L. Douglas Councilmember, Northeast District	135 Rutledge Drive, 14621
Nancy K. Griswold* Councilmember-at-Large	90 Browncroft Boulevard, 14609
Tim O. Mains Councilmember-at-Large	10 The Highlands, 14622
Wade S. Norwood Councilmember-at-Large	74 Appleton Street, 14611
William F. Pritchard** Councilmember-at-Large	674 Broadway, 14607
Robert J. Stevenson..... Councilmember, Northwest District	77 Albemarle Street, 14613
Tony M. Thompson..... Councilmember, South District	105 Depew Street, 14611

* Retired July 26, 2003.

** Appointed August 21, 2003.

City Clerk's Office 2003

Carolee A. Conklin..... City Clerk

Daniel B. Karin Deputy City Clerk

Georgia S. DeBever⁽¹⁾ Senior Legislative Assistant

Birth A. Manigault Legislative Assistant

Rebecca M. McNamara Legislative Assistant

Geraldine Agnello⁽²⁾ Administrative Assistant

Bernard J. Christopher Legislative Aide Part-time

Candice A. Bianchi Clerk III

Michael Ann Flynn⁽³⁾ Clerk III

Betsy P. Indivino Receptionist

Dorothy A. Sullivan Legislative Clerk Part-time

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

(1) Hired July 9, 2003.

(2) Retired June 27, 2003.

(3) Hired January 6, 2003.

Standing Committees of The City Council January 1 - August 20, 2003

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

Public Services and the Arts
Griswold, Mains, Thompson

Housing and Economic Development
Norwood, Douglas, Griswold

Finance and Public Safety
Douglas, Curran, Stevenson

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

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

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

Standing Committees of The City Council August 21 - December 31, 2003

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

Public Services and the Arts
Thompson, Mains, Pritchard

Housing and Economic Development
Norwood, Douglas, Pritchard

Finance and Public Safety
Douglas, Curran, Stevenson

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

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

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

REGULAR MEETING
JANUARY 14, 2003

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

Absent - none - 0.

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

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

Recognition Ceremony

Retirement:

- Department of Community Development
 - Thomas R. Argust
- Economic Development Department
 - *Anthony E. Hubbard
- Emergency Communications Department
 - *Candace E. Petroski
 - William R. Weilert
- Rochester Fire Department
 - Mildred Johnson
 - Charles E. Sibley
- Rochester Police Department
 - *Cheryl P. Franks
 - *Richard J. Quataert
 - *Lewis T. Singleton
- Rochester Public Library
 - *Ligaya Nocon
 - Richard Panz
- *Will not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Norwood

RESOLVED, that the minutes of the Regular Meeting of December 17, 2002, be approved as published in the official sheets of the proceedings.

Passed unanimously.

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

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

- The Mayor submits the following:
 - Professional Service Agreements - Quarterly Report. 3708-7
 - Appointment to the Board of Ethics. 3709-7
 - CHDO Status Report. 3710-7

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

By President Giess - Petition from over 900 citizens requesting that Council make a memorializing resolution against the proposed Iraq war. Petition No. 1600

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Abandonment Of A Portion Of Stillson Street And Lease Of Real Estate Int. No. 9 No speakers.

Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street From Institutional Planned Development (IPD) To R-1 Single Family Residential Int. No. 22 Six speakers: Margaret Hayes, Tom Halbrooks, Grace Girsch, Kevin Fager, Michael Haines, and Joanne Lang.

Authorizing Changes In The Pavement Width Of Chili Avenue And Thurston Road As A Part Of The Chili Avenue Improvement Project Int. No. 15 Four speakers: Dave Bonis, Donna Kutia, Joe Kutia, and a business owner of 555 Chili Ave.

Authorizing A Decrease In The Pavement Width Of Monroe Avenue East Of Wilmer Street As A Part Of The Monroe Avenue Pedestrian Improvement Project Int. No. 16 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
January 14, 2003

To the Council:

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

Int. No. 1 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 2 - Amending Ordinance No. 2002-348 Relating To The Sale Of Real Estate

Int. No. 3 - Approving The Acquisition Of Parcels For The Brown Street Improvement Project

Int. No. 4 - Authorizing Agreements For The Development Of Affordable Housing And Designating A CHDO

Int. No. 5 - Appropriation Of Funds For Homeownership Program Promotion

Int. No. 6 - Resolution Approving Reappointments To The Elevator Examining Board

Int. No. 7 - Authorizing An Agreement For Fair Housing Monitoring Services - \$70,000

Int. No. 8 - Approving An Agreement For The Targeted Business Assistance Program

Int. No. 23 - Authorizing An Option For The Sale Of Parcels For The New Soccer Stadium

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

Int. No. 9 - Abandonment Of A Portion Of Stillson Street And Lease Of Real Estate

Int. No. 22 - Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street From Institutional Planned Development (IPD) To R-1 Single Family Residential

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Gladys Santiago (Voted on Introductory No. 9

through Introductory No. 23.)
HOUSING & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-1 And
Ordinance No. 2003-2
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation
approving the sale of 35 properties and the amendment
of a prior ordinance.

Sales

The first 27 properties were sold at either the July
1, 2002 Public Auction or the November 14, 2002
Public Auction. The properties will be rehabilitated
in accordance with their legal uses, and the purchasers
will be required to complete the rehabilitation within
nine months after the conditional closing.

The next three properties were sold at the September
20, 2002 Request for Proposal Sale. The property
located at 293 Clarissa Street will be rehabilitated as a
tavern, dependent upon receipt of necessary approvals.
The property located at 804 Hudson Avenue will be
rehabilitated as two stores and three apartments. The
property at 6 Madison Park N. will be rehabilitated as
one apartment and one in-home art studio.

The next two properties are being sold to the former
owners. The purchase prices include all delinquent
taxes, interest and penalties.

The last three properties are unbuildable vacant
lots that are being sold to the adjoining owners for
\$1.00. The parcels are considered unbuildable due
to their size.

Amendment

On November 19, 2002, Council authorized the sale
of 21 Bloss Street to Upstate Farms Cooperative, Inc.
as an unbuildable vacant lot for a price of \$1.00. In
reality, the sale was a negotiated sale for the appraised
amount of \$100.00. In the same ordinance, Council
authorized the sale of the west half of 75 Hemple
Street to Angel & William Sullivan; the correct names
should be Angel Sullivan & Reatha Williams. The
proposed amendment will correct the errors.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-1

Councilmember Norwood moved to amend Introductory
No. 1

The motion was seconded by Councilmember
Mains.

The motion was adopted unanimously.

Ordinance No. 2003-1
(Int. No. 1, As Amended)

Authorizing The Sale Of Real Estate

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

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

Address S.B.L.#	Legal Use Purchaser	Price
310 Ames St 120.25-3-73	2 Family Michael L. Jones	\$11,000
127 Bartlett St. 120.68-3-24	1 Family Reginald Pierce	1,900
405-407 Champlain St. 120.59-2-70	2 Family Lue Stith-Grannum	8,000
327 Clifford Ave. 106.30-3-61	1 Family Brett Sheffield	1,000
419-421 Columbia Ave. 120.75-1-20	2 Family Lue Stith-Grannum	9,900
714 Dewey Ave. 105.26-2-72	2 Family Todd Priest	13,800
81 Eiffel Pl. 091.80-4-46	1 Family Ismal Barthelemy	5,900
325 First St. 106.43-2-8	1 Family Ernesto Borrego	2,700
215 Glenwood Ave. 105.34-1-24	2 Family Marvin R. Webb	6,000
853-857 Goodman St. N. 106.52-3-20	2 Family Apothinar Medina	17,700
370-372 Hayward Ave. 106.68-3-43	2 Family Brenis Bostick	5,200
405 Hayward Ave. 106.76-1-30	2 Family Domax Corp.*	12,200
410 Hayward Ave. 106.68-3-34	1 Family Tony Wall	7,200
310 Jay St. 105.84-1-32	3 Family Albert Tomlin, Jr.	9,000
1-1.5 Lang St. 091.70-3-5	2 Family Dontest Hunt	400
18-24 Lee Pl. 121.69-2-33.1	2 Family Brett Sheffield	3,100
11 Lincoln St. 106.41-3-47	2 Family Martina Orange	2,900
21 Merrimac St. 106.40-4-41	2 Family Shirley Hardwick	1,400
96-100 Remington St. 106.23-4-45 & 46	1 Family Talavia Kelley	2,800
119 Scrantom St. 106.38-2-7	1 Family Doron Turner	2,600
181 Sherman St. 105.58-1-20	1 Family David Turner	1,300
2-2.5 Short St. 106.60-2-57	2 Family Brett Sheffield	3,500
332 Tremont St. 120.52-2-56	2 Family Matthew Miller	3,300
265-267 Webster Ave. 107.53-1-23	2 Family Walter B. Dutcher II	15,000
9-11 Woodrow St. 105.58-2-33 & 32	1 Family Annette L. Walker	6,000
[102 Woodward St. 106.66-2-48	2 Family Hubart Simmons]	5,500
29 Wright St. 120.34-1-56	1 Family Keith W. Miles	4,200

* Officer: Ion Ritterman

Section 2. The Council further approves the sale
of the following improved properties by request for
proposal sale:

Address S.B.L.#	Purchaser	Price
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293 Clarissa St. John Starr \$14,000
 121.37-2-10
 804 Hudson Ave. Manuel Reyes 4,000
 091.81-3-58
 6 Madison Pk. N. Pepsy Kettavong 1,000
 120.36-1-9

Section 3. The Council further approves the sale of the following improved properties to the former owners:

Address S.B.L.#	Purchaser	Price
126 Cady St. 120.60-1-62	Lisa B. Nelson	\$1,706.18
195 Fourth St. 106.59-2-39	Jerome Tisdale	5,081.66

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

Address S.B.L.#	Sq. Ft.	Purchaser
[EH 120 Bartlett St. Pt. of 120.68-1-72	2326.5	Cordelia E. Wade-Beasley]
[WH 120 Bartlett St. Pt. of 120.68-1-72	2326.5	Southwest Area Neighborhood Association, Inc.*]
41 Brayer St. 107.74-1-15	4174±	Steve King

[* Officers: Betty Bowman Turner; Calvin Lee, Sr.; Linda Terrell]

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

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

Ordinance No. 2003-2
(Int. No. 2)

Amending Ordinance No. 2002-348 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2002-348, relating to the sale of real estate, as amended, is hereby further amended by changing the names of the purchasers of the west half of 75 Hempel Street, as approved in Section 3 thereof, from Angel & William Sullivan to Angel Sullivan & Reatha Williams.

Section 2. Ordinance No. 2002-348, relating to the sale of real estate, as amended, is hereby further amended by changing the sale of 21 Bloss Street to Upstate Farms Cooperative, Inc. (Officer: Ann Marie Suttell), as approved in Section 3 thereof, to a negotiated sale of vacant land with proposal for the sum of \$100.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-3
Re: Acquisitions - Brown Street Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation, of two properties in conjunction with the Brown Street Improvement Project. The properties are:

Property Address Owner	Lot Size	Acquisition Amount
628 Brown Street George & Dorothy Prior	49.5' x 200'	\$22,500
632 Brown Street Raymond & Frances Padilla	40.5' x 140'	8,000
Total		\$30,500

The acquisition amounts were established through independent appraisal prepared by Kevin Bruckner, MAI. The total acquisition amount, including closing costs, will not exceed \$37,500 and will be funded from a bond ordinance previously approved by Council for the Brown Street Improvement Project. There are no relocation costs required since both structures are vacant.

Once acquired, the structures will be demolished and the lots reserved for residential development by one of the participating developers in the project: Flower City Habitat for Humanity, the Urban League of Rochester Economic Development Corporation, ULREDC or Providence Housing Development Corporation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-2

Ordinance No. 2003-3
(Int. No. 3)

Approving The Acquisition Of Parcels For The Brown Street Improvement Project

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

Section 1. The Council hereby approves the acquisition of the following parcels from the current owners for amounts not to exceed the following as a part of the Brown Street Improvement Project:

Address Reputed Owner	S.B.L. # Lot Size	Amount
628 Brown St. George & Dorothy Prior	120.35-2-39 49.5' x 200'	\$22,500

632 Brown St. 120.35-2-40 8,000
Raymond & Frances 40.5' x 140'
Padilla

Section 2. The acquisition and closing costs shall obligate the City to pay an amount not to exceed \$37,500, and said amount, or so much thereof as may be necessary, shall be funded from Bond Ordinance No. 2000-58.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-4
Re: Home Rochester Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

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

1. Appropriate \$250,000 from the Home Rochester allocation of the 2002 HOME Program;
2. Designate the Northside Church of Christ Housing Development Fund Company located at 834 Hudson Avenue as a Community Housing Development Organization (CHDO); and
3. Authorize agreements with organizations that have been designated as CHDO's or other approved developers in the Home Rochester Program for the development of affordable housing.

The Home Rochester Program is designed to acquire and rehabilitate vacant homes for resale as an component of the City's Housing Initiative.

Since the inception of the Rochester Housing Development Fund Corporation (RHDFC), the development of a new and more efficient development system; availability of NYS subsidies and the availability of more suitable structures for the program, the Home Rochester Program has soared. Prior to the RHDFC, the average annual number of vacant structures being addressed was approximately 30. After one year, the RHDFC has acquired 94 structures for the program. With the increase in inventory there is a need for additional subsidy over and above the initial allocation for this purpose.

The organizations that will have access to these funds will be both designated CHDOs and non CHDO developers participating in the program. The designated CHDOs are listed below:

1. Group 14621

2. Housing Opportunities, Inc., HOP
3. Ibero Development Corporation
4. ISLA Housing Development Corporation
5. Marketview Heights Association
6. Northwest Community Services, NCS
7. North East Area Development, NEAD
8. North East Block Club Alliance, NEBCA
9. Neighborhood Housing Services, NHS
10. Northside Church of Christ Housing Development Fund Company, Inc.
11. South East Area Coalition, SEAC
12. South West Area Development Corporation, SWADCO

Currently, the Urban League Economic Development Corporation is the only non-CHDO developer.

The Greater Rochester Housing Partnership was recently awarded \$500,000 from the NYS Affordable Housing Corporation to help fund the Home Rochester Program. The City funds are proposed to be used as the required match to receive this NYS award.

The proposed funds will be used to assist income-eligible home buyers purchase renovated vacant homes through the HOME Rochester program. It is estimated that approximately 22 buyers will be assisted through the proposed appropriation. The average subsidy is expected to be approximately \$25,000.

The rehabilitated properties will be marketed through the HOME Store to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre-and post-purchase home buyer education classes. A residency period of 10 years is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-4
(Int. No. 4)

Authorizing Agreements For The Development Of Affordable Housing And Designating A CHDO

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

Section 1. The Mayor is hereby authorized to enter into agreements with Community Housing Development Organizations (CHDO's) or other approved developers in the HOME Rochester Program for the development of affordable housing under the HOME Program. The agreements shall obligate the City to pay amounts not to exceed the sums appropriated for this purpose.

Section 2. There is hereby appropriated from 2002 HOME Program Funds the sum of \$250,000, or so much thereof as may be necessary, to fund the development of affordable housing under the HOME Program.

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

Section 4. The Council hereby designates the Northside Church of Christ Housing Development Fund Company as a Community Housing Development Organization (CHDO).

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

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

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-5
Re: Homeownership Investment Program
Promotion

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$65,000 from revenue received from the Homeownership Investment Program (HIP) to be used for advertising expenses. These funds will be used to replenish CDBG funds that paid for a portion of the annual HIP advertising budget for 2002.

The reimbursed funds will be reserved to pay for advertising for the "Marketing Assistance" program, the City Living Sundays 2003 initiative, and for the cost of development and production of housing program brochures.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-5
(Int. No. 5)

Appropriation Of Funds For Homeownership Program Promotion

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

Section 1. There is hereby appropriated from the Homeownership Investment Program (HIP) revenue account the sum of \$65,000, or so much thereof as may be necessary, to fund the promotion of the City's real estate activities.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL:
Ladies and Gentleman:

Resolution No. 2003-1
Re: Reappointments - Elevator Examining
Board

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the reappointments of the following people to the Elevator Examining Board:

Timothy R. Carges, Chair
National Elevator Inspection Services
1411 Chili Avenue

David W. Cooper
Riedman Corporation
45 East Avenue

John Dyryanka
Millar Elevator Service
2285 Ridgeway Avenue

Michael Ferris
Eastman Kodak Company
1669 Lake Avenue

Glenn Goodlein
Access Lifts & Ramps
15 Marway Drive

Dean LaDelfa
Access Lifts & Ramps
15 Marway Drive

Richard J. Riedman, Vice Chair
Local Union #27
1740 Penfield Road

Randal Sickler
SWBR Architects PC
387 E. Main Street

Mr. Carges' original appointment was confirmed by the City Council on April 14, 1992, and his last reappointment occurred on January 18, 2000. Of 27 meetings held during this period, he attended 25.

Mr. Cooper's original appointment was confirmed by the City Council on January 14, 1997 and his last reappointment occurred on January 18, 2000. Of 27 meetings held during this period, he attended 18.

Mr. Dyryanka's original appointment was confirmed by the City Council on April 14, 1992 and his last reappointment occurred on January 18, 2000. Of 27 meetings held during this period, he attended 10.

Mr. Ferris' original appointment was confirmed by the City Council on January 18, 2000. Of 27 meetings held during this period, he attended 16.

Mr. Goodlein's original appointment was confirmed by the City Council on December 6, 1994, and his last reappointment occurred on January 18, 2000. Of 27 meetings held during this period, he attended 19.

Mr. LaDelfa original appointment was confirmed by the City Council on April 14, 1992, and his last reappointment occurred January 18, 2000. Of 27 meetings held during this period, he attended 23.

Mr. Reidman's original appointment was confirmed by the City Council on April 14, 1992, and his last reappointment occurred on January 18, 2000. Of 27 meetings held during this period, he attended 23.

Mr. Sickler's original appointment was confirmed by the City Council on October 13, 1998. Of 27 meetings held during this period, he attended 20.

The terms of Mr. Cooper and Mr. Dyryanka will expire January 31, 2004. The terms of Mr. Carges, Mr. LaDelfa and Mr. Reidman will expire January 31, 2005. The terms of Mr. Ferris, Mr. Goodlein, and Mr. Sickler will expire January 31, 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-3

Resolution No. 2003-1
(Int. No. 6)

Resolution Approving Reappointments To The Elevator Examining Board

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

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

<u>Name</u>	<u>Expiration of Term</u>
Timothy Carges 1411 Chili Avenue	January 31, 2005
David Cooper 45 East Avenue	January 31, 2004
John Dyryanka 2285 Ridgeway Avenue	January 31, 2004
Michael Ferris 1669 Lake Avenue	January 31, 2006
Glenn Goodlein 15 Marway Drive	January 31, 2006
Dean LaDelfa 15 Marway Drive	January 31, 2005
Richard Reidman 1740 Penfield Road	January 31, 2005
Randal Sickler 387 East Main Street	January 31, 2006

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No., 2003-6
Re: Agreement - Fair Housing/ Lending
Monitoring, Public Interest Law
Office of Rochester, Inc.

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Public Interest Law Office of Rochester, Inc., (PILOR) for the continued monitoring of mortgage lending activity. The maximum cost of this agreement will be \$70,000, which will be funded from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant. The cost of the proposed agreement is the same as the cost of the

prior agreement.

The Community Choice Action Plan was developed by the City, Monroe County, Towns of Greece and Irondequoit and Rochester Housing Authority, as recipients of federal housing assistance funding. The City's participation in the development of the plan was authorized by the City Council on February 20, 1996.

The plan involves 80 strategies to address the impediments to fair housing in the county. A summary of these strategies, and their implementation status, is included in the 1999-2000 Consolidated Community Development Program.

One of these strategies provides for the monitoring and analysis of lending activity of local financial institutions. PILOR has performed this monitoring since 1998 pursuant to periodic agreements; the most recent agreement was authorized by the City on September 25, 2001. During the current agreement term, PILOR continued participation in the Community Advisory Committee for the Federal Reserve Board. Loans of banks including Chase, Citigroup, Charter One, HSBC and M & T continued to be monitored. Negotiation with Citigroup succeeded in the lender's adding dedicated loan officers to increase home mortgage lending in Rochester. Mapping of loans in the City was completed for January-December, 2000. In addition sub-prime lending in 2000, has been mapped and made available on the web site: housingchoice.org.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-6
(Int. No. 7)

Authorizing An Agreement For Fair Housing Monitoring Services - \$70,000

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Public Interest Law Office of Rochester for continued services relating to the Community Choice (Fair Housing) Action Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-7
Re: Targeted Business Assistance Program

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban

Neighborhoods

Transmitted herewith for your approval is legislation relating to the pre-financing component of the Targeted Business Assistance Program. This legislation will authorize an agreement with Scott Associates Consulting, Inc., 30 Arvine Heights, Rochester, NY 14611 to provide training and program facilitation for an Entrepreneur Development Program at a maximum cost of \$35,000, which will be funded from a prior ordinance approved for this program.

This program will recruit and train individuals interested in owning and operating their own businesses. The goal is to develop educated, capable and informed business people who will establish sustainable businesses - providing needed jobs, services and investment in Rochester.

The successful graduates of this program will become part of a four-step process:

1. Intensive and rigorous entrepreneurial training, including on-the-job internships with established city businesses with brand value that can provide real-life industry experience.
2. Access to capital funding sources including local bank partners.
3. Incentives and assistance to locate businesses in targeted commercial districts. This program will also facilitate the acquisition of established city businesses as a part of their succession planning.
4. Post-financing technical assistance including monthly reviews of financial statements and periodic advisory meetings.

The scope of services of the Consultant include:

1. Program marketing and recruitment
2. Participant application and selection
3. Schedule and delivery of training curriculum
4. Post-graduation guidance
5. Program monitoring

A Request for Proposals (RFP) was issued on September 6, 2002. It was sent to seven organizations. Two proposals were received; Scott Associates was chosen because of their qualifications, experience and understanding of the project. The principal of Scott Associates is Ruth Scott.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-4

Ordinance No. 2003-7
(Int. No. 8)

Approving An Agreement For The Targeted Business Assistance Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Scott Associates Consulting,

Inc. to provide training and program facilitation for an Entrepreneur Development Program as a part of the Targeted Business Assistance Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$35,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Ordinance No. 98-99.

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. 2003-8
Re: Soccer Stadium Option

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an option for the sale of land for the development of a new soccer stadium for the Rochester Raging Rhinos.

The proposed location of the new stadium is on three parcels owned by the City, and it includes an portion of Oak Street that would need to be abandoned. As you know, City Council designated the site for urban renewal on December 17, 2002. The proposed option to the Rochester Rhinos Stadium, LLC, for the purchase of the City parcels at 900 West Broad Street, 524 Oak Street, 480 Smith Street and a portion of Oak Street to be abandoned, will allow the Rhinos to proceed with their development plans and to seek the required financing.

The option will extend for a term of 90 days with a 60-day extension, and a second 60-day extension only for purposes of finalizing financing of the purchase. The price for the parcels will be determined by City Council when the actual approval of the sale is proposed.

All required environmental, zoning and Urban Renewal reviews must be completed, and the street abandonment approved, if necessary, before final action approving the sale is taken by the City Council.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-5

Ordinance No. 2003-8
(Int. No. 23)

Authorizing An Option For The Sale Of Parcels For The New Soccer Stadium

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

Section 1. The Council hereby approves an option for the sale of 900 West Broad Street, SBL #105.75-02-06.1; 524 Oak Street, SBL #105.76-01-057; and

480 Smith Street, SBL #105.76-01-50.1; and a portion of Oak Street to be abandoned, to the Rochester Rhinos Stadium, LLC, for the development of a new soccer stadium. The option may extend for a term of ninety days with a sixty-day extension, and a second sixty-day extension only for purposes of finalizing financing of the purchase. The price for the parcels shall be determined by City Council when it approves the sale and shall be based on fair market value, taking into account environmental and subsurface factors, or the price shall be established by the City Council pursuant to Urban Renewal procedures. Necessary SEQRA, zoning and Urban Renewal requirements must be met, and the street abandonment approved, if necessary, before final action approving the sale is taken by the City Council.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-9
Re: Stillson Street Abandonment

R2010: Campaign 10 - Center City
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the abandonment of Stillson Street. This legislation will modify previous legislation submitted regarding the abandonment. The legislation will:

1. Amend the Official Map to provide for the abandonment;
2. Authorize a lease agreement for the abandoned property to Triangle Building Associates, LLC; and
3. Authorize the lease of 61 Chestnut Street (Parking Lot #18) to Triangle Building Associates, LLC.

The abandonment was requested by Triangle Building Associates, LLC (a subsidiary of Flaum Management) to permit development of a parking lot at 21 Stillson Street, the site of the former Stillson Street garage, and 61 Chestnut Street, which is presently City Parking Lot #18. The area to be abandoned contains .175 acres; the legislation proposes that the City lease both the abandoned property and 61 Chestnut Street to the developer to allow the creation of a larger parking lot to support the redevelopment of the Triangle Building.

Legislation to effect this abandonment was originally submitted to City Council on June 26, 2001. Prior to Council consideration of the item, the developer requested deferral of consideration to permit completion of the financing plan. The application was renewed this year.

The Planning Commission held an informational hearing on the request on October 7, 2002. The Commission recommended approval of the abandonment by a vote of 8-0-0.

Parking Lot #18, which contains 25 spaces, is currently leased to Jalynn, Inc., on a monthly basis to provide parking for residents at Chestnut Square Apartments located at 328 East Main Street. The City receives an annual lease payment of \$7,200. Under

the proposed lease, Triangle Building Associates will be responsible for the operation of the lot, including maintenance, utilities, special assessments, taxes and insurance. They will provide for improvements estimated at \$82,000 including landscaping, repaving, drainage and lighting. The lot capacity will be increased to 39 spaces by including the proposed abandonment area. The parking lot will continue to support residential parking for both Chestnut Square Apartments and the Triangle Building.

The lease will be for \$1 in lieu of improvements and the term will be five years with option for an additional five-year term. The City will have the right to terminate the lease with a 90-day notice, after year 3, if the property is needed for a Center City project where the public sector is involved. The lease amount was determined by an appraisal performed by Midland Appraisal Associates, Inc.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as Lead Agency, has determined that the proposal will not result in any significant effects. A negative declaration has been issued.

A public hearing on the abandonment is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-6

Ordinance No. 2003-9
(Int. No. 9)

**Abandonment Of A Portion Of Stillson Street
And Lease Of Real Estate**

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following parcel, heretofore dedicated to street purposes and constituting a portion of Stillson Street:

All that tract or parcel of land situate in the Phelps and Gorham Purchase, City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "21 Stillson Street, Subdivision Plan", prepared by Costich Engineering, P.C., having drawing number 1890-SUB, last dated 2/6/2001, and being more particularly bounded and described as follows:

Commencing at a point at the northeast corner of Stillson Street (43' R.O.W.) and East Main Street (90' R.O.W.); thence

- A. N21°41'51"E, a distance of 63.31 feet to a point, said being the point and place of beginning; thence
 1. N71°13'59"W, a distance of 43.06 feet to a point; thence
 2. N21°41'51"E, a distance of 106.95 feet to a point; thence
 3. Continuing N21°41'51"E along the aforesaid line, a distance of 25.12 feet to a point; thence

4. N69°15'59"E, a distance of 48.00 feet to a point; thence
5. N19°14'02"E, a distance of 20.94 feet to a point; thence
6. S12°06'33"E, a distance of 0.13 feet to a point; thence
7. S11°04'10"E, a distance of 79.28 feet to a point; thence
8. N70°53'30"W, a distance of 15.01 feet to a point; thence
9. S84°04'02"W, a distance of 22.03 feet to a point; thence
10. S21°41'51"W, a distance of 105.51 feet to the point and place of beginning. Containing 0.175 acres of land, more or less.

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 October 7, 2002.

Section 3. Upon abandonment of said street, the Council hereby approves the lease of the City-owned abandonment area and the parking lot at 286 East Main Street and 21 Stillson Street to Triangle Building Associates, LLC for a term of five years, with an option for an additional five years, for the sum of \$1.00. Triangle Building Associates, LLC shall be required to improve the parcel as a parking lot meeting Municipal Code requirements and to continue the current lease for spaces for the use of tenants of the Chestnut Square Apartments. The City shall have the right to terminate the lease upon ninety days notice after year three if the property is needed for development or municipal purposes.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 22
Re: Zoning Map Amendment -
1100 S. Goodman Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning a portion of the property at 1100 S. Goodman Street from Institutional Planned Development (IPD) to R-1 Single Family Residential district. The rezoned portion of 1100 S. Goodman Street will be combined with the adjoining parcel at 117 Highland Parkway, which is currently located in an R-1 Single Family Residential district.

The property at 1100 S. Goodman Street consists of the Colgate Rochester Divinity School Campus. There are several buildings on the Divinity School Campus, including two structures at the northeast corner of the campus known as Beaven and Axling Halls. The property at 117 Highland Parkway consists of a secondary access driveway to the Divinity School Campus.

The intent of the proposed rezoning is to enable the applicant to subdivide the property at 1100 S. Goodman Street into two lots and to combine one of the resultant lots, which contains Beaven and Axling Halls, with the lot at 117 Highland Parkway.

Beaven Hall, which is also known as 121 Highland Parkway, was built as a twelve-unit apartment building, whereas Axling Hall, which is known as 125 Highland Parkway, was built as a seven-unit apartment building. Both structures were built as student apartment buildings and can only be used for student housing purposes if they are maintained in the IPD district.

The rezoning of the IPD lot to R-1 Residential will enable the applicant to sell the two affected structures to a private investor and will permit the existing uses to be maintained as constructed.

The rezoning of the IPD parcel to R-1 Residential was suggested because the adjoining district is also R-1 Residential. A proposal to establish a high density Residential district on a single parcel could constitute spot zoning. By extending the R-1 district, any changes to increase the intensity of use of the two buildings will be prohibited.

On December 9, 2002, the Planning Commission held an informational hearing. One person supported the rezoning proposal; five people spoke in opposition to the application. By a vote of 7-1, the Commission recommended approval of the requested rezoning of a portion of the property at 1100 S. Goodman Street from IPD district to R1 Residential district.

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

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to return Introductory No. 22 back to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 22

CHANGING THE ZONING CLASSIFICATION OF A PORTION OF 1100 SOUTH GOODMAN STREET FROM INSTITUTIONAL PLANNED DEVELOPMENT (IPD) TO R-1 SINGLE FAMILY RESIDENTIAL

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting a portion of 1100 South Goodman Street, from Institutional Planned Development (IPD) to R-1 Single Family

Residential:

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

Commencing at a point in the centerline of Greenview Drive at its intersection with the easterly line of Lot 57 of the Highland Parkway Tract projected northerly, as shown on a map of the Highland Parkway Tract being recorded in the Monroe County Clerk's Office and filed in Liber 55 of maps at page 19, thence S 2° 54' 56" E along said projection and the easterly line of Lot 57 a distance of 145.71 feet to the southerly line of the Highland Parkway Tract and the true point or place of beginning;

Thence 1) N 87° 04' 44" E along said southerly line a distance of 115 feet to a point;

Thence 2) S 17° 45' 57" W a distance of 154.93 feet to a point;

Thence 3) S 89° 42' 26" W a distance of 243.00 feet to a point;

Thence 4) N 27° 54' 06" W a distance of 147.60 feet to the southerly line of the Highland Parkway Tract;

Thence 5) N 87° 04' 44" E along the southerly line of the Highland Parkway Tract a distance of 244. 81 feet to the southeast corner of said Lot 57 and the point of beginning.

Section 2. This ordinance shall take effect immediately.

Item held.

By Councilmember Griswold
January 14, 2003

To the Council:

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

Int. No. 10 - Authorizing Agreements For Human Services Projects

The following entitled legislation is being held in committee:

Int. No. 11 - Establishing Maximum Compensation For A Professional Services Agreement With FHF Management, Inc. For The Operation And Management Of The High Falls Facilities

Respectfully submitted,
Nancy K. Griswold
Tim O. Mains
Tony M. Thompson
Lois J. Giess
Gladys Santiago
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-10
Re: Agreements - Human Services Projects

R2010: Campaign 7 - Quality Service
Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation authorizing agreements for the following human services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Cornell Cooperative Extension of Monroe County Logic Model Training	\$ 2,000

Net Office, Area A Maplewood Edgerton Toy library	5,000
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Southwest Area Neighborhood Assn. Southwest Community Center/ JMSE Wellness Center	41,000
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The above projects are considered projects with matching funds, and are eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June 1981. The Logic Model Training and Maplewood Edgerton Toy Library projects are in their third year of CDBG funding, and the Southwest Community Center/JMSE Wellness Center is in its fifth year of CDBG funding.

The cost of the agreements will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

The Project Information/Budget forms are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-7

Ordinance No. 2003-10
(Int. No. 10)

Authorizing Agreements For Human Services Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for Human Services Projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Cornell Cooperative Extension of Monroe County Logic Model Training	\$ 2,000

NET Office, Area A Maplewood Edgerton Toy Library	5,000
--	-------

Southwest Area Neighborhood
Association

Southwest Community Center/ JMSE Wellness Center	41,000
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Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$48,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 11
Re: Management of Centers at High Falls Facility

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the operation and management agreement for the High Falls Facility. This legislation will authorize a three-year agreement with FHF Management, Inc., 39 State Street, for continued operation of the facility. The maximum cost of the agreement will be \$703,300, the same cost as the current agreement. The costs of the agreement will be funded from the 2002-03, and subsequent budgets of the Department of Parks, Recreation and Human Services (\$689,100 for management services) and the Department of Economic Development (\$14,200 for the laser display on the High Falls Garage). The terms of the agreement remain the same as the current agreement with FHF Management, Inc.

The High Falls facilities include the Center at High Falls, Brown's Race Market, Tripphammer Forge, Granite Mills Common, Brown's Raceway, the Festival Site, and the sound, light and laser show.

FHF Management, Inc. has managed the High Falls Facility since 1997 under an agreement authorized by the City Council on February 11, 1997. FHF has overseen the development of two clubs and one restaurant, created a gift shop, art gallery, managed the interpretive center and the Tripphammer Restaurant. Additionally, it manages the festival site, the sound, light and laser show and the laser show on the top of the High Falls Garage. FHF Management annually saves the City an estimated \$208,600 in operating costs.

Prior to FHF Management, Rochester Riverside Convention Center Management Corporation had operated the facility from 1992-97. The termination of that agreement was based on the plan presented in May 1996 for the conversion of the High Falls area to an entertainment district. Proposals for management and operation of the Center and Market, sound light and laser show and the other outdoor facilities were solicited in December, 1996. One proposal, from Flaum Management (FHF) was received.

The most recent agreement for provision of these services by FHF Management, Inc. was authorized

by the City Council on February 11, 1997.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 11

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT WITH FHF MANAGEMENT, INC. FOR THE OPERATION AND MANAGEMENT OF THE HIGH FALLS FACILITIES

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

Section 1. The amounts set forth in the City budgets for activities and facilities at High Falls, or so much thereof as may be necessary, are hereby established as the maximum amounts to be paid under a professional services agreement between the City and FHF Management, Inc. for the operation and management of the High Falls Facilities. The agreement shall provide for payment by the City of an annual sum of \$100,000 as the basic management fee and an initial amount not to exceed \$603,300 for expenses, 50% of all expense reductions annually in excess of \$200,000 from the base amount of \$911,900, and 50% of all incremental revenues annually above the base amount of \$215,663. The agreement shall extend for a term of five years. Of said amounts, or so much thereof as may be necessary, \$689,100 shall be funded from the 2002-03 and subsequent Budgets of the Department of Parks, Recreation and Human Services and \$14,200 shall be funded from the 2002-03 and subsequent Budgets of the Department of Economic Development, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Stevenson
January 14, 2003

To the Council:

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

Int. No. 12 - Establishing Maximum Compensation For A Professional Services Agreement For Project Management And Resident Project Representation Services

Int. No. 13 - Establishing Maximum Compensation For A Professional Services Agreement For The Residential Streets Curb Replacement And Reconstruction Improvement Project

Int. No. 14 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training And Consulting Services

Int. No. 342 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project And Amending Ordinance No. 2002-342, As Amended

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

Int. No. 15 - Authorizing Changes In The Pavement Width Of Chili Avenue And Thurston Road As A Part Of The Chili Avenue Improvement Project

Int. No. 16 - Authorizing A Decrease In The Pavement Width Of Monroe Avenue East Of Wilmer Street As A Part Of The Monroe Avenue Pedestrian Improvement Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 16.)
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-11
Re: Agreement - Resident Project
Representation and Project
Management Services

R2010: Campaign 7 - Quality Service

Transmitted here for your approval is legislation to authorize an agreement with Bergman Associates, 28 East Main Street, Rochester, New York 14614, for project management and resident project representation service at a maximum cost of \$600,000, which will be funded from the 2002-03 Cash Capital allocation for street projects in (\$295,000) and water projects (\$60,000) and the proceeds of a prior bond ordinance (\$245,000).

Typically, project management services for construction projects are provided by City Architectural Engineering Services Bureau personnel. At times of peak City project construction, City project management personnel are not able to manage the construction of all City projects. To address this problem, the Department of Environmental Services utilizes temporary project management services to supplement City staff in the management of various City projects. This provides a more manageable workload for the City project managers and avoids having to delay projects due to lack of adequate staff.

The consultant will furnish a project manager as needed to manage various City projects and to perform the duties of the City project managers. The agreement also includes the provision of resident project representation services as needed on the projects managed by the consultant project manager to expedite and better coordinate project management and inspection. The project management portion of the agreement is estimated to cost \$180,000; the remaining cost of \$420,000 is for provision of resident project representation services for these projects. The consultant project manager may also manage projects with resident project representatives furnished under the resident project representation agreements authorized with other consultants.

Bergmann Associates was selected because of the experience and availability of their personnel. They have performed successfully on City projects completed during the 2001 and 2002 construction season under a similar agreement. The majority of these projects involved curb replacement work on various streets throughout the City. This work requires an ability to perform rapid field design changes and to interact

with numerous street residents and businesses. A significant number of new curb replacement projects are planned for the 2003 and 2004 construction seasons. Estimated construction cost for the work is \$10 million. These contracts will be managed and inspected by Bergmann Associates under the new agreement to take advantage of the expertise they developed for the curb replacement work during the 2001 and 2002 construction.

Under the terms of the agreement, project management and resident project representation services will be provided at specified hourly rates for a variety of projects as required by DES. The hourly rate range for Bergmann Associates will be \$14.00 to \$30.00. The agreement has an initial term of two years with a provision for an additional one-year renewal. Adjustment of the rates during the third year will be permitted, subject to approval by the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-11
(Int. No. 12)

Establishing Maximum Compensation For A Professional Services Agreement For Project Management And Resident Project Representation Services

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 Bergmann Associates for project management and resident project representation services. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Projects. Of said amount, \$295,000 shall be funded from the 2002-03 Cash Capital Allocation, \$245,000 shall be funded from Bond Ordinance No. 2002-51 and \$60,000 shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-12
Re: Residential Streets Curb Replacement
And Reconstruction Improvement
Project Agreement

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation relating to Residential Streets Curb Replacement and Reconstruction Improvement project. This legislation will authorize the City to enter into a professional services agreement with Passero Associates, P.C., for design services for the project at a maximum cost of \$180,000. The cost of the proposed agreement will be funded from 2000-01 Cash Capital allocation.

The Residential Streets Curb Replacement and Reconstruction Improvement Project includes:

Street Name & Limit

Improvement

- Abbott Street (Emerson Street to Bergen Street)
Rehabilitated or Reconstructed
- Isabelle Street (Emerson Street to Bergen Street)
Rehabilitated or Reconstructed
- Northampton Street (Emerson Street to Bergen Street)
Rehabilitated or Reconstructed
- Bergen Street (McNaughton Street to Glide Street)
Curbs Only
- Canton Street (Waldo Street to Otis Street)
Curbs Only
- Ellsinore Street (Bergen Street to Otis Street)
Curbs Only
- Palmyra Street (McNaughton Street to east end)
Curbs Only
- Rutter Street (Lyeil Avenue to Haloid Street)
Curbs Only
- Sunset Street (north end to curve at Lyell Avenue)
Curbs Only
- Trento Street (Otis Street to the south end)
Curbs Only
- Waldo Street (Glide Street to McNaughton Street)
Curbs Only

The above rehabilitation or reconstruction streets will have new granite curbing, sidewalks, replaced as needed, and landscaping. Also included will be new water main, new water services and hydrants, and new catch basins. The "curbs only" streets will have hazardous sidewalks and asphalt covered sidewalks replaced.

The current estimated cost of the project is \$2,387,800. The distribution of this cost is shown below:

Source	Estimated Cost
City	\$2,004,500
Water	283,300
Sewer	88,000
Traffic	12,000
Total	\$2,387,800

The cost of the street improvements will be financed from the 2001-02 Cash Capital allocation and from a bond ordinance approved for this purpose. The cost of sewer improvements will be financed from the 2000-01 Sewer Bond. The cost of the Water improvements will be financed from the 2000-01 Cash Capital allocation of DES. The cost of the Traffic Share will be financed from the anticipated reimbursements from Monroe County.

Design of the project is scheduled to be completed in Summer 2003. Construction is expected to begin in Summer 2003 and be completed in Fall 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-8

Ordinance No. 2003-12
(Int. No. 13)

Establishing Maximum Compensation For A Professional Services Agreement For The Residential Streets Curb Replacement And Reconstruction Improvement Project

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

Section 1. The sum of \$180,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates, P.C. for design services for the Residential Streets Curb Replacement and Reconstruction Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentleman:

Ordinance No. 2003-13
Re: Amendatory Agreement with
J.W. Consultant

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with J.W. Consultant (principal: Jacqueline Cooper), 240 Kirk Road, Rochester, NY 14612 for continued assistance in the identification and organization of leadership and field employees' interrelationships among Department of Environmental Services (DES) employees. The maximum cost of the amendatory agreement will be \$9,975, which will be financed from the 2002-03 Budget of DES.

J.W. Consultant has provided training and assistance to DES since 2002 under periodic agreements. The most recent agreement for identification and organization of leadership and field employees' interrelationships was \$9,975, and thus not subject to authorization by City Council. It was executed in September, 2002. The proposed amendment of \$9,975 would increase this amount to \$19,950.

Under this agreement, J.W. Consultant has provided the following services:

Phase 1: Identification of the Key Drivers Work-group Behavior

1. Individual interview sessions (up to 10 field employees, 2 supervisors and 2 managers). Interviews will take approximately 30 to 60 minutes each (Jackie and John meet with each team member to explore beliefs, attitudes and behaviors).
2. How the organization actually operates vs. the way it officially is supposed to.
3. Prevalent attitudes and what re-enforces them.
4. Drivers of individual and group behaviors.

Under the proposed amendatory agreement, J.W. Consultant will provide the following services:

Phase II: Construction of System Model

1. Construct systems model of how the work environment actually operates.
2. Facilitate leader and employee meetings.

3. Coach sub-teams and facilitators with development of action plans and timetables.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-13
(Int. No. 14)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training And Consulting Services

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

Section 1. The sum of \$9,975, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and J.W. Consultant for training and consulting services for the Department of Environmental Services. Said amount shall be funded from the 2002-03 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 342 was introduced September 17, 2002, and appears in its original form with its transmittal letter on page 284 of the 2002 Council Proceedings.

Attachment No. AC-9

Ordinance No. 2003-14
(Int. No. 342, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project And Amending Ordinance No. 2002-342

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

Section 1. The Council hereby approves the acquisition of the following parcels for the construction and maintenance of municipal improvements as a part of the West Ridge Road Improvement Project as follows:

Property Address Reputed Owner	SBL# Type	Amount
(PT) 1540-1550 Lake Ave	090.44-1-38	\$ <u>1,000</u>
Irving Starr	Commercial	
(PT) 81 Lapham St	090.44-1-49.1	<u>1,800</u>
Carol Winters	1 Family	
(PT) 145 West Ridge Rd	090.43-3-4.2	<u>197,800</u>
Eastman Kodak Co.	Commercial	
(PT) 1525 Lake Ave	090.43-3-33.1	<u>42,400</u>
Tim Donut US Limited Inc	Commercial	
(PT) 1520 Lake Ave	090.44-2-1	<u>7,375</u>
City of Rochester	Vacant Land	
(PT) 279 West Ridge Rd	090.34-2-78.1	<u>100</u>
City of Rochester School District	School	
(PT) 192 Desmond St	090.34-2-13.1	<u>400</u>
Chris Conners	Commercial	
[(PT)] (PE) 200 West		

Ridge Rd	090.35-1-2.4	<u>540</u>
Eastman Kodak Co.	Industrial	
(PT) 211 West Ridge Rd	090.35-1-21	<u>8,500</u>
Rubino Italian Submarine	Commercial	
(PT) 157 Lapham St	090.44-1-64	<u>15,000</u>
Linda M Stiles	1 Family	
(PT) 115 West Ridge Rd	090.43-3-8	<u>12,900</u>
Irving Starr	Commercial	
(PT) 101-111 West Ridge Rd	090.43-3-9	<u>132,000</u>
Irving Starr	Commercial	
(PT) 72 West Ridge Rd	090.44-1-39	<u>499,000</u>
		(total)
Michael J Piehler Trustee	Commercial	
(PT) 60 West Ridge Rd	090.44-1-84	
Michael J Piehler Trustee	Commercial	
(PT) 39 Redwood Rd	090.44-1-02	
Michael J Piehler Trustee	Commercial	
(PT) 1560 Lake Ave	090.44-1-1	
Michael J Piehler Trustee	Commercial	
45 Redwood Rd	090.44-1-3	
Michael J Piehler Trustee	Commercial	

(PT) = Partial Taking
(PE) = Permanent Easement

Section 2. The acquisition [and closing] costs shall obligate the City to pay an amount not to exceed \$[678,000] 918,815, and said amount, and necessary closing costs, shall be funded from the appropriations made in Ordinance No. 2002-342. [To partially fund said amount, relocation, demolition, and \$136,000 in City and State administrative costs, \$392,000 is hereby appropriated from anticipated reimbursements from the Federal Government and \$98,000 is hereby appropriated from anticipated reimbursements from New York State. Additional funding shall be provided in an ordinance approving additional acquisitions for this Project.]

Section 3. In the event that any or all of said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section 4. Ordinance No. 2002-342, relating to the acquisition of parcels for the West Ridge Road Improvement Project, as amended, is hereby further amended by deleting authorization for the full acquisition of the parcel at 101-111 West Ridge Road, which authorization is replaced by the partial acquisition authorized herein.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-15
Re: Chili Avenue Improvement Project
(Canal Bridge to W. Main Street)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Chili Avenue Improvement Project. This legislation will amend Ordinance No. 2002-207 as follows:

1. Install recessed parking areas along Chili Avenue at the following locations:
 - a. South side beginning 40' east of Turner Street, easterly for 170'; and
 - b. South side beginning 40' east of Chili Terrace, easterly for 110'.
2. Install a recess parking area along the east side of Thurston Road, beginning 40' south of Chili Avenue, southerly for 72'.

As a result of further coordination with the Chili Avenue residents and business owners, these additional recessed parking areas are proposed to accommodate additional on-street parking.

The recessed parking areas along the south side of Chili Avenue will provide additional on-street parking for the businesses and residents in the vicinity of Turner and Salina Streets. The recessed parking area on Thurston Road will provide additional on-street parking in the vicinity of the Chili/Thurston/Gardiner intersection. The proposed recessed parking areas will be installed within the existing right-of-way.

Construction of the project is anticipated to begin in 2003, and be completed in 2004.

Public informational meetings were held on April 29 and December 10, 2002. Copies of the April meeting minutes were previously forwarded. Minutes for the December 10, 2002 meeting are attached.

The Traffic Control Board endorsed the proposed recessed parking areas on December 17, 2002.

A public hearing on these changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-10

Ordinance No. 2003-15
(Int. No. 15)

Authorizing Changes In The Pavement Width Of Chili Avenue And Thurston Road As A Part Of The Chili Avenue Improvement Project

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

Section 1. The Council hereby approves the following changes in the pavement width of Chili Avenue as a part of the Chili Avenue Improvement Project in order to install recessed parking areas:

1. South side, beginning 40 feet east of Turner Street, easterly for 170 feet; and
2. South side, beginning 40 feet east of Chili Terrace, easterly for 110 feet.

Section 2. The Council hereby further approves the installation of a recessed parking area along the east side of Thurston Road, beginning 40 feet south of Chili Avenue, southerly for 72 feet.

Section 3. Such changes and additional changes as a part of the Chili Avenue Improvement Project shall

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-16
Re: Monroe Avenue Pedestrian
Improvement Project

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Monroe Avenue Pedestrian Improvement Project. The legislation will authorize the following changes in the pavement width of Monroe Avenue:

A decrease from the existing 44-foot width to a proposed 28-foot width, beginning at Wilmer Street and extending for a distance to the east of 89 feet.

The Monroe Avenue Pedestrian Improvement Project extends from Wilmer Street to Boardman Street. The project involves traffic calming control measures to slow traffic and improve pedestrian safety. The proposed legislation authorizes the narrowing of Monroe Avenue using curb bump-outs to create two 14-foot travel lanes. New curbs and new sidewalk will be installed where the pavements will be narrowed.

The cost of the street improvements will be financed from the 2002-03 Cash Capital allocation (\$20,500). Traffic improvements will be financed with anticipated reimbursements from Monroe County (\$1,100).

Public Informational Meetings concerning the project were held on July 16, 2002 and on November 14, 2002. Copies of the minutes of the meeting are attached.

The proposed pavement width changes will be presented to the Traffic Control Board on January 7, 2003, for their endorsement.

Construction of the project is scheduled for Spring 2003.

A public hearing on the proposed changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-11

Ordinance No. 2003-16
(Int. No. 16)

Authorizing A Decrease In The Pavement Width Of Monroe Avenue East Of Wilmer Street As A Part Of The Monroe Avenue Pedestrian Improvement Project

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

Section 1. The Council hereby approves a decrease of 16 feet in the pavement width of Monroe Avenue, from 44 feet to 28 feet, from Wilmer Street easterly for 89 feet.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Curran - 1.

By Councilmember Douglas
January 14, 2003

To the Council:

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

Int. No. 17 - Cancellation Of Taxes And Charges

Int. No. 18 - Authorizing An Agreement For A Pilot Drug Control Project And Appropriating Funds

Int. No. 19 - Establishing Maximum Compensation For A Professional Services Agreement With Rochester Area Crimestoppers, Inc. And Amending The 2002-03 Budget By Appropriating Forfeiture Funds

Int. No. 20 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Litigation Services

Int. No. 21 - Establishing Maximum Compensation For Professional Services Agreements For State Lobbying Services

Int. No. 24 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago

FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-17

Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$5,299.61.

The amount of \$2,705.30, or 51.05% of the total,

relates to one property that was purchased by a tax exempt organization and used primarily for a tax exempt purpose as of February 1, 2001. The property should have been 75% tax exempt from general taxation commencing with the 2001 Final Assessment Roll.

The amount of \$2,594.31 or 48.95% of the total, relates to one property that was acquired by Monroe County on April 11, 2000. It should have been totally exempt from general taxation starting with the 2001 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2002-03 will be \$ 154,548.97.

	<u>Accounts</u>	<u>Amounts</u>
City Council	26	\$123,293.17
Administrative	95	31,255.80
Total	121	\$154,548.97

These cancellations represent .074% of the tax receivables as of July 1, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-17
(Int. No. 17)

Cancellation Of Taxes And Charges

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

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

(a) This property was purchased and used for a qualifying tax exempt purpose as of February 1, 2001. It should have been 75% tax exempt commencing with the 2001 Final Assessment Roll.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount</u>
<u>Address</u>	<u>Tax Year</u>	<u>Canceled</u>
105.410-0002-019	NH	\$2,705.30
395 Emerson St	2002	

(b) The property below was acquired by Monroe County on April 11, 2000. This property should have been exempt from general taxation starting with the 2001 Final Assessment Roll.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount</u>
<u>Address</u>	<u>Tax Year</u>	<u>Canceled</u>
121.300-0001-041.001	NH	\$1,273.08
129 S. Plymouth Ave	2002	1,321.23
	2003	
	Total	\$5,299.61

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. 2003-18
Re: Controlling Drug Markets, Pilot
Project

R2010: Campaign 3 - Health, Safety
And Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with David M. Kennedy, of Concord, Massachusetts, for consultant services relative to establishing a pilot project to control drug markets in a targeted area in Rochester. The maximum cost of the agreement will be \$50,000, which will be funded from the federal Weed and Seed Grant. The legislation also proposes appropriating an additional \$10,000 for data analysis and mapping services.

Under this agreement, Mr. Kennedy will develop a pilot program in a neighborhood or area to be selected, and begin to work through the strategies, culminating in an evaluation of the project. The project will be designed to take place over a period of four to six months.

Mr. Kennedy is a senior researcher at the Program in Criminal Justice Policy and Management, at the Kennedy School of Government, Harvard University. His work focuses on strategies for assisting troubled communities. He is an expert on the focused deterrence strategy developed in Boston as the backbone of Operation Ceasefire, which dramatically reduced homicide in Boston. The strategy relies on direct and repeated communication of enforcement commitments, which produces results, while avoiding some of the costs associated with traditional enforcement efforts.

If the proposed legislation is approved, Mr. Kennedy will begin his work in February.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-18
(Int. No. 18)

Authorizing An Agreement For A Pilot Drug Control Project And Appropriating Funds

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

Section 1. The Mayor is hereby authorized to enter into an agreement with David M. Kennedy for establishment of a pilot project to control drug markets in a targeted area of the City.

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 Weed & Seed Grant Program Funds.

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

Section 4. There is hereby appropriated from Weed & Seed Grant Program Funds the sum of \$10,000, or so much thereof as may be necessary, to fund technical support related to the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-19
Re: Appropriation of Forfeiture Funds

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation to authorize the following actions:

1. Appropriate \$26,700 from forfeited property revenues, and amend the 2002-03 budget of the Police Department by that amount; and
2. Authorize an agreement with Rochester Area Crimestoppers, Inc., at a maximum cost of \$20,000, to be funded by above appropriation.

As you are aware, the City has supported the efforts of the Crimestoppers program for several years. The proposed agreement is \$30,000 less than the prior agreement.

The additional \$6,700 of forfeiture funds will be used to obtain consultant services relative to training for Police Department employees. These funds will augment the training already provided in the 2002-03 operating budget.

According to guidelines established by the Attorney General, forfeiture funds may not be used to supplant existing budget appropriations. The expenditures recommended herein will augment existing services. The only previous appropriation of forfeiture funds during the current fiscal year was \$100,000 that is appropriated annually to the Police budget to provide an enhanced level of covert evidence purchases and overtime for drug enforcement by the Special Investigation Section (SIS).

The balance available in the fund before this transaction was \$215,568.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-19
(Int. No. 19)

Establishing Maximum Compensation For A Professional Services Agreement With Rochester Area Crimestoppers, Inc. And Amending The 2002-03 Budget By Appropriating Forfeiture Funds

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Area Crimestoppers, Inc. for public information on serious crimes and aid in solving such crimes. Said amount shall be funded from the 2002-03 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2002-194, the 2002-

03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$26,700, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the agreement authorized herein and additional police training.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-20
Re: Agreements - Litigation Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement for the provision of services and assistance relating to certain litigation involving the City. The maximum cost will be \$40,000, which will be financed from 2002-03 budget for Undistributed Expense.

The Law Department often requires various professional services and assistance in conjunction with claims and litigation involving the City. For this reason, the City Council periodically authorizes agreements with private investigators, medical experts or others.

The most recent agreements for engineering and technical services were authorized in the amount of \$60,000 by the Council on November 20, 2001. The proposed legislation will authorize an amendatory agreement for additional engineering and technical services and assistance for a claim that is currently being litigated.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-20
(Int. No. 20)

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

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement for engineering and technical consulting services as required by the Law Department in conjunction with claims made by or against the City. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-21
Re: Agreement - Kevin Cleary Government

Relations, State Lobbying Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Kevin Cleary Government Relations, LLC, of Albany, for continued provision of state lobbying services. The maximum cost of this agreement will be \$36,000, plus reimbursement for extraordinary travel and communication expenses authorized by the City, which will be financed from the 2002-03 budget of the Office of the Mayor. This legislation also authorizes an amendment to Mr. Cleary's 2002 agreement to increase the fee for services by \$5,000 to reflect unanticipated work on the ferry project beyond the scope of the contract.

Mr. Cleary has provided lobbying services for the City since 1995. The most recent agreement for such services was authorized by the City Council on December 18, 2001.

Under the proposed agreement, Mr. Cleary will continue to provide lobbying services during 2003. Specifically, he will:

1. Present and explain the City's legislative proposals to the City's representatives, committee chairpersons and Senate and Assembly leaders;
2. Arrange for the introduction of specific bills, their consideration by the appropriate committees and the Senate and Assembly and their approval by the Governor;
3. Identify and review all other bills that could affect the City and, as directed by the City, present comments concerning these bills;
4. Review the annual State budget with respect to its effect upon the City;
5. Arrange and coordinate any necessary meetings between State and City officials;
6. Coordinate the above activities with the NYS Conference of Mayors and other "Big 6" cities, as necessary; and
7. Provide general advice on legislative matters.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-21
(Int. No. 21)

Establishing Maximum Compensation For Professional Services Agreements For State Lobbying Services

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

Section 1. The sum of \$36,000, plus reimbursement for extraordinary travel and communications expenses authorized by the City, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Kevin Cleary Government Relations, LLC, for the continued provision of State lobbying services. Said amount shall be funded from the 2002-03 Budget of the Office of the Mayor.

Section 2. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Kevin Cleary Government Relations, LLC, for the provision of State lobbying services relating to the Fast Ferry Project. Said amount shall be funded from the 2002-03 Budget of the Office of the Mayor.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-22
Re: Authorization - Tax Cancellations
And Refunds

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous ad valorem taxes, charges and fees during 2003.

Each year, approximately 64,300 tax bills are issued by the City. In 2002-03 the most recently completed fiscal year, these bills contained City and School taxes, charges and fees totaling \$160,731,647.

Of this amount, taxes and charges totaling \$1,453,655 or .90% of the total levy, subsequently were determined to be erroneous and were canceled. These cancellations involved 1,268 accounts or 1.97% of the total number.

Pursuant to Section 556 of the N.Y.S Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions.

Such delegation was initially approved by the Council on March 24, 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on January 15, 2002. During calendar year 2002, the Director of Finance authorized cancellations totaling \$44,695.71 for 163 accounts.

Reapproval of this delegation of authority is requested for 2003. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to be applicable:

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

delinquent amounts) established by the Council for that year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-22
(Int. No. 24)

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 2003.

Passed unanimously.

The meeting was adjourned at 9:45 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
FEBRUARY 11, 2003

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

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.
Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

- Retirement:
 - RFD
 - John H. Vanderlinden
 - RPD
 - *Claudette B. Duguay
 - *Peter C. L'Abbate
 - DES
 - *Jim Kupecz
 - *Will not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Thompson

RESOLVED, that the minutes of the Regular Meeting of January 14, 2003, 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:
 - Schedule of Revenues and Expenditures. 3708-7
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3709-7
 - Owner-Occupant Auction - April 2, 2003. 3710-7
 - Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3711-7

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

None presented.

PUBLIC HEARINGS

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

Authorizing Amendatory Community Development Program Plans, Appropriating Funds And Authorizing Agreements For The Lead Hazard Reduction Program And Amending Ordinance No. 2001-348 Int. No. 37 No speakers.

Amending The 2002-03 Community Development Program Plan And Approving A Loan Agreement For The Unity Health System Senior Housing Project At Their Genesee Street Campus Int. No. 38 No speakers.

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2003 Int. No. 42 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
February 11, 2003

To the Council:

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

Int. No. 25 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 26 - Authorizing Sale Of Additional Parcels For The 2002 Home Expo Program

Int. No. 27 - Appropriating Funds And Authorizing Agreements For The Home Reoccupation/Vacant Grant/Homesteading Programs

Int. No. 28 - Approving Loan Agreements For Rental Projects

Int. No. 29 - Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For HOP Rental Projects

Int. No. 30 - Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For Providence Housing Development Corporation Rental Projects

Int. No. 31 - Authorizing An Application And Agreements Relating To The Housing Opportunities For Persons With AIDS Program

Int. No. 32 - Approving A Property Tax Exemption And In-Lieu-Of-Tax Agreement For Cedarwood Towers, As Amended

Int. No. 33 - Bond Ordinance Of The City Of Rochester, New York Amending And Consolidating Prior Authorizations In Furtherance Of The City's East End Development Project

Int. No. 34 - Establishing \$7,700 As Maximum Compensation For An Amendatory Professional Services Agreement For A Media Outreach Campaign

Int. No. 35 - Resolution Approving Appointments And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 36 - Authorizing Extension Of Agreements For Operation Of The Sister Cities And Court Street Parking Garages (*Substituted in its entirety for the earlier one: Authorizing An Agreement With Allright New York Parking, Inc. For Operation Of The Sister Cities, Genesee Crossroads And Court Street Parking Garages - Int. No. 36*)

Int. No. 52 - Authorizing An Agreement With The Town Of Gates For Building Inspection Services

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

Int. No. 37 - Authorizing Amendatory Community Development Program Plans, Appropriating Funds And Authorizing Agreements For The Lead Hazard Reduction Program And Amending Ordinance No. 2001-348

Int. No. 38 - Amending The 2002-03 Community Development Program Plan And Approving A Loan Agreement For The Unity Health System Senior Housing Project At Their Genesee Street Campus

Respectfully submitted,
 Wade S. Norwood
 Benjamin L. Douglas
 Nancy K. Griswold
 HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
 Ladies and Gentlemen:

Ordinance No. 2003-23
 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of 37 properties. The first 15 properties were sold at the November 14, 2002 Public Auction. The properties will be rehabilitated in accordance with their legal uses and the purchasers will be required to complete the rehabilitation within nine months after the conditional closing.

The next five properties were sold at the November 14, 2002 Public Auction, subject to the acceptance of a proposal. The property at 162-164 Avenue D will be rehabilitated as an eight-family; 549 Averill Avenue as a three-family; 555 Averill Avenue as a two-family; and 239 Selye Terrace as a five-family. The property at 347 Webster Avenue will be rehabilitated as an office with a storage area.

The next two properties are vacant lots that were sold at the November 14, 2002 Public Auction, subject to the acceptance of a development proposal. The property at 1299-1321 Clifford Avenue will be fenced and landscaped and combined with the purchaser's adjoining property. The property at 325-331 Genesee Street will accommodate the construction of an ice cream and doughnut shop.

The next property consists of four parcels that were sold at the September 20, 2002 Request for Proposal sale. The properties will be developed as a parking lot, a storage facility, an office and one apartment.

The next two properties are structures that were negotiated sales with the purchase prices established by independent appraisals. The property at 23 Brayer Street is being sold to resolve a title problem. A large storage facility spans the properties at 15,19 and 23 Brayer Street. The purchaser owns the adjoining parcels at 15 and 19 Brayer Street, and all three properties will be combined. The property at 144 Norton Street will be rehabilitated as a two-family structure.

The next four properties are unbuildable vacant

lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

The last eight properties are vacant lots that are being sold to Flower City Habitat for Humanity to accommodate the construction of single-family homes. The homes will subsequently be sold to owner occupants with incomes not to exceed 80% of the median income for the area.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AC-12

Councilmember Griswold moved to amend Introductory No. 25.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2003-23
 (Int. No. 25, As Amended)

Authorizing The Sale Of Real Estate

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

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

Address S.B.L.#	Legal Use Purchaser	Price
418 Alphonse St 106.26-3-32	2 Family Rodney Terry	\$9,000
206 Atkinson St 120.44-2-59.1	2 Family Central City Properties, Inc.	4,500
473 Clifford Ave 106.31-4-9	1 Family Darin Proctor	2,300
31 Durgin St 106.37-1-10.1	2 Family Gloria Steward	2,500
92 Evergreen St 106.30-3-71	1 Family Rodney Terry	4,600
14 Frederick St 106.49-1-30	1 Family Teresa M. Brown	2,100
627 Goodman St N. 106.67-1-10	2 Family Timothy John Jones	11,200
64 Ketchum St 106.23-1-35	2 Family Lucille Rodgers & Mary Mosley	4,700
[17 Merrimac St 106.40-4-40	1 Family Terry Langley]	800
151 Merrimac St 106.49-1-14	1 Family Terry Langley	1,700
56 Potomac St 120.32-1-43	2 Family Napier Enterprises, LLC*	7,000
241 Union St N. 106.66-1-20	1 Family Teresa M. Brown	2,800
36-38 Wadsworth St 106.41-4-66&65	1 Family Central City Properties, Inc.**	2,500
491 Wilkins St 106.25-2-64	1 Family Sherri Sprague	4,400
37 Woodward St 106.65-3-15.1	1 Family George Maciuska	8,000

* Officers: Robert Napier

** Officers: Maria Mason

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

Address S.B.L.#	Purchaser Price
162-164 Avenue D 091.77-5-24	Richard Phipps \$12,500
549 Averill Ave 121.57-3-13	Gary Nemi 30,500
555 Averill Ave 121.50-3-10	Alex Massachi 36,000
239 Selye Ter 090.82-2-52	Clifton Seaman 33,500
347 Webster Ave 107.45-2-28	Christine Cataldo 10,000

Section 3. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address S.B.L.#	Purchaser Price
1299-1321 Clifford Ave 106.35-3-5&6	Timothy Siebert \$ 500
325-331 Genesee St 120.66-1-24&25	Violet Givens 3,500

Section 4. The Council hereby further approves the sale of the following parcels of improved property by request for proposal sale:

Address: 1046 & 1064 E. Main St/28 Bragg Al/
4 Railroad St
S.B.L.#: 106.75-1-14.1&13.1, 106.76-1-3&2
Price: \$20,000
Purchaser: Frank Guido

Section 5. The Council hereby further approves the negotiated sale of the following parcels of improved property:

Address S.B.L.#	Purchaser Price
23 Brayer St 105.74-1-17	Lorie Palumbo \$1,500
144 Norton St 091.61-1-90	Klemens Leskovics 1,500

Section 6. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Purchaser Sq.Ft.
151 Atkinson St 121.37-1-17	James Hampton, Jr. 4195+/-
EH 315 Cottage St Pt of 135.27-2-13	Kathy A. Hopson-Members 1416+/-
W H 315 Cottage St Pt of 135.27-2-13	Dorothy Williams 2978+/-
82 Prospect St Inc.* 120.44-3-7	Church of God by Faith, 2561+/-

*Officers: David Rourk, Eddie Johnson

Section 7. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

Address Purchaser	S.B.L.#	Price
73 Emerson St Flower City Habitat for Humanity*	105.43-2-20	\$450
105-111 Fulton Ave Flower City Habitat for Humanity*	105.43-2-58	425
118 Fulton Ave Flower City Habitat for Humanity*	105.43-2-35	450
139-141 Fulton Ave Flower City Habitat for Humanity*	105.43-2-43	475
207 Fulton Ave Flower City Habitat for Humanity*	105.35-4-36	450
212 Fulton Ave Flower City Habitat for Humanity*	105.35-2-53	450
215-217 Fulton Ave Flower City Habitat for Humanity*	105.35-4-32	450
50 Phelps Ave Flower City Habitat for Humanity*	105.43-2-65	450

* Officers: Kevin Prinzing, Dick Sprenkle, Elizabeth Stewart, Peter Price, Arthur Woodward

Section 8. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 9. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-24
Re: Additional Home Expo Lots

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale of an additional 42 parcels for the Home Expo 2002 program. On September 17, 2002, City Council approved the sale of 211 vacant city-owned parcels to be sold through Home Expo 2002. The additional parcels are to be added to this list to expand the selection of lots available to Home Expo buyers. These parcels became available through recent housing demolition activities and City tax foreclosure.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-24
(Int. No. 26)

Authorizing Sale Of Additional Parcels For The 2002 Home Expo Program

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

Section 1. The Council hereby approves the addition of the following parcels of land to the parcels approved for sale as a part of the 2002 Home Expo Program in Ordinance No. 2002-74 and Ordinance

No. 2002-288:

Address	SBL
154 Alphonse St.	106.33-1-80
1120 Avenue D	91.82-2-80
210 Bay St.	106.43-2-30
321 Bay St.	106.51-2-07
432 Bay St.	106.44-4-26
205 Baycliff Dr.	107.29-2-57
21 Berlin St.	106.23-3-16
251 Berlin St.	106.25-1-01
563 Clifford Ave.	106.31-4-26
24-24.5 Concord St.	106.49-2-28
97 Conkey Ave.	106.29-4-20.1
218 Conkey Ave.	106.21-3-27
258 Conkey Ave.	106.21-3-47
284 Conkey Ave.	106.21-3-68
17 Council St.	106.42-2-02
73 Evergreen St.	106.38-1-1.1
93 Evergreen St.	106.38-1-11
114 Fillmore St.	120.48-2-33
368 Fourth St.	106.51-3-50
22 Harris St.	106.29-1-82
45 Hoeltzer St.	106.39-2-21
143 Hollenbeck St.	91.78-1-40
402 Lakeview Pk.	90.73-3-65
96 Mason St.	90.82-3-73
21 Mazda Terr.	91.70-2-58
290 Melville St.	107.54-2-55
24 Merrimac St.	106.40-4-37
428 Murray St.	105.57-4-68
17 Oakman St.	106.46-2-01
19 Oakman St.	106.46-2-02
127 Rohr St.	106.43-1-17
650 Scio St.	106.50-3-50
123 Second St.	106.51-1-18
55 Sixth St.	106.60-2-66
269 Sixth St.	106.44-4-18
828 Smith St.	105.74-2-33
190 Spencer St.	105.68-1-16
198 Spencer St.	105.68-1-17
192 Turpin St.	91.66-3-27.1
375 Webster Ave.	107.45-2-25
261 Wilkins St.	106.24-2-18
20 Woodbine Ave.	120.57-1-51
140 Woodbury St.	106.57-1-3.1

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-25
Re: Homesteading Programs

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$250,000 from the Community Development Block Grant Home Reoccupation/Vacant Grant/Homesteading allocation of the 2002-03 Consolidated Community Development Plan.

The program provides grants of up to \$15,000 to prospective owner/occupants of vacant one- and two-family residential structures. The program is available citywide to applicants whose incomes are below 80% of median family income for the Rochester area. The program will be utilized in conjunction with the City's Homesteading Program. Recipients must rehabilitate the properties, obtain Certificates of Occupancy, retain

ownership and occupy the properties for five years.

On October 23, 2001, City Council appropriated a total of \$300,000 from the CDBG program for the Homesteading Program; all of the \$300,000 has been disbursed or committed for the rehabilitation of 20 properties.

It is expected that the proposed \$250,000 will fund the renovation of an additional 17 properties.

The proposed appropriation will provide a grant of up to \$15,000 to owner/occupants for the rehabilitation of those properties that have been deemed suitable for participation in the "Dollar and a Dream" Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-13

Ordinance No. 2003-25
(Int. No. 27)

Appropriating Funds And Authorizing Agreements For The Home Reoccupation/Vacant Grant/Homesteading Programs

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 appropriated from the Home Reoccupation/Vacant Grant/Homesteading Allocation of the 2002-03 Community Development Program to fund the Home Reoccupation/Vacant Grant/Homesteading Programs.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Home Reoccupation/Vacant Grant/Homesteading Programs.

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 Nos. 2003-26,
2003-27, and 2003-28

Re: Affordable Rental Projects

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the development of two affordable rental housing projects. This legislation will:

1. Authorize a loan agreement with Housing Opportunities, Inc. (HOP), or corporation to be formed by HOP, in an amount not to exceed \$358,000;
2. Authorize a loan agreement with Providence Housing Development Corporation (Providence), or corporation to be formed by Providence, in an amount not to exceed \$363,000;

- 3. Appropriate or reappropriate the following funds to finance said agreements: \$106,003 from the 2000-01 City Development Fund; \$203,000 from the 2002-03 City Development Fund; and \$411,997 from the 2002 HOME Program (Rental Housing Fund); and
- 4. Approve the exemption of the projects from property taxes and authorize agreements for payments in lieu of taxes (PILOT) for the following properties:
 - A. HOP Project:
 - [1] 370 Alexander Street (four 1-bedroom apartments)
 - [2] 109 Devonshire Court (four 2-bedroom apartments)
 - [3] 264 Sawyer Street (one 2-bedroom and one 3-bedroom apartment)
 - B. Providence Project:
 - [1] 519 Driving Park Avenue (two 3 -bedroom units)
 - [2] 289 Lakeview Park (two 2 -bedroom units)
 - [3] 656 Parsells Avenue (four 2 -bedroom units)
 - [4] 674 Parsells Avenue (two 2-bedroom units)

The City has worked with the Rochester Housing Development Fund Corporation, the Greater Rochester Housing Partnership, the Enterprise Foundation, and the Community Preservation Corporation to develop a rental rehabilitation program that would return to productive use properties acquired by the City through the Asset Control Area Program (ACAP) or through tax foreclosure. This rental program was approved by City Council on August 20, 2002.

As noted at that time, HOP and Providence were expected to be among the first developers to undertake projects through this new program. It was originally expected that their proposed projects would receive Low-Income Housing Tax Credit (LIHTC) allocations from the State of New York, which would serve as the principal source of financing. Unfortunately, neither developer was successful in obtaining an LIHTC allocation and the projects have now been restructured, reducing the number of properties to be renovated from 18 (41 units) to seven (20 units).

The HOP project has a total budgeted cost of \$708,000 financed from the following sources:

GRHP/NYS HOME	\$100,000
CPC/US Treasury CDFI	250,000
City Loan	<u>358,000</u>
Total	\$708,000

The Providence project has a total budgeted cost of \$837,744 financed from the following sources:

GRHP/NYS HOME	\$100,000
CPC/US Treasury CDFI	250,000
City Loan	363,000
Private mortgage	<u>124,744</u>
Total	\$837,744

In addition, five of the units in each project would utilize Section 8 project-based assistance awarded by the Rochester Housing Authority to the Greater Rochester Housing Partnership. Project rents would be affordable to households with incomes below 50% of median income, with the Section 8 units creating affordability for households with incomes at or below 30%.

PILOT agreements of 10% of shelter rents for periods of 15 years are proposed.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-14

Ordinance No. 2003-26
(Int. No. 28)

Approving Loan Agreements For Rental Projects

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Housing Opportunities, Inc. or a housing development fund company affiliated with Housing Opportunities, Inc. whereby the City shall provide an amount not to exceed \$358,000 to partially finance the costs of the development of rental units. The loan shall be for a term not to exceed 15 years with a 1% interest rate. The borrower shall make annual payments of 1% interest, with the principal deferred until year 15.

Section 2. The Mayor is hereby further authorized to enter into a loan agreement with Providence Housing Development Corporation or a housing development fund company affiliated with Providence Housing Development Corporation whereby the City shall provide an amount not to exceed \$363,000 to partially finance the costs of the development of rental units. The loan shall be for a term not to exceed 15 years with a 1% interest rate. The borrower shall make annual payments of 1% interest, with the principal deferred until year 15.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$721,000, and of said amount, or so much thereof as may be necessary, \$411,997 is hereby appropriated from 2002 HOME Program Funds, \$106,003 shall be funded from the 2000-01 City Development Fund and \$203,000 shall be funded from the 2002-03 City Development 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.

Ordinance No. 2003-27
(Int. No. 29)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For HOP Rental Projects

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 15 years, the following HOP properties, to be owned by a housing development fund company affiliated with Housing Opportunities, Inc. and to be used for low income rental housing:

Address	S.B.L.#
370 Alexander Street	106.82-2-27
109 Devonshire Court	120.63-2-21
264 Sawyer Street	135.26-1-53

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-28
(Int. No. 30)

Approving A Property Tax Exemption And Authorizing An In Lieu-Of-Tax Agreement For Providence Housing Development Corporation Rental Projects

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 15 years, the following Providence properties, to be owned by a housing development fund company affiliated with Providence Housing Development Corporation, and to be used for low income rental housing:

Address	S.B.L.#
519 Driving Park Avenue	90.81-3-08
289 Lakeview Park	90.82-1-02
656 Parsells Avenue	107.56-2-59
674 Parsells Avenue	107.56-2-55

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-29
Re: Housing Opportunities for Persons With AIDS Program

R2010: Campaign 3 - Health, Safety, and Responsibility

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

1. Authorize an application and agreement with the U.S. Department of Housing and Urban Development for receipt of a grant of \$566,000;
2. Authorize agreements with the following organizations for housing assistance services:

Organization	Amount
AIDS Rochester, Inc.	\$297,568
Catholic Charities, Inc.	191,608
The Health Association, Inc.	59,844

3. Appropriate \$16,980 to finance administrative expenses.

The cost of the agreements will be funded from the HOPWA allocation included in the 2002-03 Consolidated Community Development Action Plan. The HOPWA program was established in 1990. It is intended to provide "...states, localities and non-profit organizations with resources and incentives for meeting the housing needs of persons with AIDS and related diseases."

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

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

The review resulted in the recommendation that the annual grants to the aforementioned organizations be continued. Agreements for the 2002-03 allocations were authorized by the City Council on February 12, 2002. Under the proposed agreements, these three organizations will continue to provide long term rental subsidies, emergency rental and utility assistance, and transportation.

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

Organization	Number of Households
AIDS Rochester	106
Catholic Charities	67
The Health Association	10

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

of the aforementioned organizations are included in the report.

The City's 2002-03 HOPWA allocation is \$30,000 more than its 2001-2002 allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-15

Ordinance No. 2003-29
(Int. No. 31)

Authorizing An Application And Agreements Relating To The Housing Opportunities For Persons With AIDS Program

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Housing and Urban Development for funding under the Housing Opportunities for Persons With AIDS Grant Program.

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

Organization	Amount
AIDS Rochester, Inc.	\$297,568
Catholic Charities, Inc.	191,608
The Health Association, Inc.	59,844

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$549,020, and said amount, and \$16,980 to fund administrative expenses, or so much thereof as may be necessary, is hereby appropriated from Housing Opportunities for Persons With AIDS Grant Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-30
Re: PILOT Agreement - Cedarwood Towers

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Cedarwood Towers Apartments. This legislation will:

1. Grant a new tax exemption for the property located at 2052 East Main Street for a maximum period of 30 years; and
2. Authorize an agreement for payments in lieu of taxes with the owner of the property for the period of the exemption.

Cedarwood Towers is a 206-unit affordable housing project for the elderly and disabled at 2052 East Main Street that was developed by the New York State Urban Development Corporation in 1973. The project received a tax exemption and PILOT at that time. The 30-year old project is now in the process of being sold to the Related Companies, L.P., of New York City, which was selected through a competitive bid process by the current owner.

The project is in need of modernization and the new owner will undertake \$1.5 million in renovations. The rehabilitation will include new roofs, new kitchens and appliances, new bathrooms and fixtures, carpeting, and added security measures. The total cost of acquisition and renovation is approximately \$12.5 million. The buyer will finance the project through the New York State Housing Finance Agency, utilizing a combination of tax-exempt bonds and low-income housing tax credits.

The buyer intends to maintain the current affordable nature of the property, with tenant incomes limited to 60% of the area median income. The project has an allocation of 200 Section 8 housing assistance certificates which limit a tenant's out of pocket rent cost to 30% of his or her income. The property will be purchased and renovated without impacting the tenants' rent payments. No current tenants will be involuntarily displaced.

The requested PILOT would replace the existing agreement which requires an annual payment in lieu of taxes equal to 10% of shelter rents. The proposed PILOT would establish a payment of either 12% of shelter rents or a 4% increase above the prior year's payment, whichever is greater, for each of the first 15 years of the agreement, with an increase to 15% of shelter rents from years 16 through the expiration of the agreement. In addition, a lump sum payment of \$100,000 will be made to the City upon completion of the renovations.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-30
(Int. No. 32, As Amended)

Approving A Property Tax Exemption And In-Lieu-Of-Tax Agreement For The Cedarwood Towers

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

Section 1. Pursuant to Section 577 of the New York Private Housing Finance Law, the Council authorizes an exemption from real property taxes, for a period not to exceed [30] 40 years, for the real property of the Cedarwood Towers, identified as 2052 East Main Street, SBL #107.73-1-78, provided such property is acquired and owned by a housing development fund company to be formed by The Related Companies, L.P. under Article XI of the New York Private Housing Finance Law, and provided that payments in lieu of taxes are made as follows. Annual payments in lieu of taxes shall initially be equal to 12% of annual "shelter rent", defined as gross rents less utility costs, or 4% higher than the previous year's PILOT payment, whichever is greater. Beginning in year 16 of the Agreement, annual payments in lieu of taxes shall be equal to 15% of annual "shelter rent", and annual payments in lieu of taxes shall increase to 16% of annual "shelter rent" beginning in year 31. In addition,

a lump-sum payment of \$100,000 shall be made to the City [after completion of the rehabilitation of the project] upon transfer of title to the housing development fund company.

Section 2. The Mayor is authorized to enter into an agreement with the housing development fund company incorporating these terms.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-31
Re: Use of Bond Funds - East
End Development Project

R2010: Campaign 9 -Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation that will authorize the use of bond funds adopted to fund the acquisition of 80-100 Charlotte Street to be used as well to fund the acquisition of 26-42 Charlotte Street as part of the East End Development Project.

The legislation will amend Bond Ordinance No. 2002-266, relating to the acquisition of 80-100 Charlotte Street and Bond Ordinance No. 99-117, relating to the acquisition of 26-42 Charlotte Street, to allow the bond funds to be used for both acquisitions. This exchange of funds is required as a result of an arbitration award that increased the acquisition amount of 26-42 Charlotte Street by \$93,448.

The availability of bond funds from the acquisition of 80-100 Charlotte Street was made possible by the identification of other funding sources for environmental remediation on that parcel.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-16

Ordinance No. 2003-31
(Int. No. 33)

Bond Ordinance Of The City Of Rochester, New York Amending And Consolidating Prior Authorizations In Furtherance Of The City's East End Development Project

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

Section 1. By Ordinance No. 99-117, duly adopted on April 15, 1999, the City of Rochester, New York (the "City") authorized expenditure of an amount not to exceed \$150,000 to acquire 26, 28, 32-34, 36 and 42 Charlotte Street in the City as a portion of the City's East End Development Project (the "Project").

Section 2. By Ordinance No. 2002-266, duly

adopted on August 23, 2002, the City authorized expenditure of an amount not to exceed \$790,000 (\$413,000 of which was to be bonded by the City) for purposes of acquiring, demolishing and remediating property located at 80-100 Charlotte Street in the City as a portion of the Project.

Section 3. The period of probable usefulness for each such portion of the Project, according to Section 11.00 a. 21 of the State Local Finance Law, is thirty (30) years.

Section 4. In order to accommodate certain cost savings relative to Ordinance No. 2002-266 and certain unanticipated additional costs relative to Ordinance No. 99-117, the City hereby amends Ordinances No. 99-117 and 2002-266 by consolidating the respective undertakings, the estimated maximum costs and the respective plans of financing for each, including issuance of \$413,000 of the City's bonds to pay Project costs. No additional indebtedness is authorized by the terms hereof and no additional actions or undertakings are authorized pursuant to the provisions hereof. Each Ordinance was adopted in furtherance of undertaking a phased segment or portion of a single project being developed by the City.

Section 5. Provisions of the respective Ordinances not specifically amended by the terms hereof are hereby ratified and confirmed.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-32
Re: Agreement - Media Outreach Campaign

R2010: Campaign 9 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Saphar & Associates, Inc., 185 Gibbs Street, for completion of a media outreach campaign. The maximum cost of this agreement is \$7,700, which will be financed from the 2002-03 budget for Undistributed Expense.

In May 2000, the City began a pilot campaign to enhance the visibility of Rochester in the national media. This campaign involves the preparation and dissemination of news releases, written articles and essays and "pitch" letters to national newspapers, magazines and wire services. Saphar & Associates was retained to provide these services at a cost of \$10,000. On March 20, 2001, City Council authorized an additional \$20,000 to expand and continue the initiative.

As a result of this campaign, articles about Rochester have been published in such magazines as Inc. and Newsday, and such newspapers as *The Wall Street Journal* and *Tallahassee Democrat*. Reports about Rochester also have been broadcast on National Public Radio.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2003-32
(Int. No. 34)

Establishing \$7,700 As Maximum Compensation For An Amendatory Professional Services Agreement For A Media Outreach Campaign

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

Section 1. The sum of \$7,700, 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 Saphar & Associates, Inc. for the completion of a media outreach campaign. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-2
Re: Downtown Enhancement District
Advisory Committee

R2010: Campaign 10 - Center City

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

Establishment of the committee was specified by the local improvement assessment legislation that was approved by the City Council on May 16, 1989. The prescribed responsibilities of the committee are to "... monitor the performance of district services (and)... to review the annual budget for the district prepared by the Mayor, and to make a recommendation to the City Council with respect to that budget."

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

The two-year terms of committee members are "staggered" to prevent expiration of all terms in any one year. The terms of six members of the Committee (two of whom have resigned) expired in December, 2002. The new terms of the six members will expire on December 31, 2004. The terms of the remaining seven members are scheduled to expire on December 31, 2003. In this group, three of the seven members have retired or left the area. The proposed legislation, therefore, also requests appointments for one year to fill the remainder of those terms.

Appointment:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
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James Costanza Temple Building 14 Franklin Street	Temple Building	12/31/04
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Emeterio Otello Damon City Campus 228 East Main St	Damon City Campus	12/31/03
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Luis Aloma Hyatt Regency Rochester 125 East Main St	Hyatt	12/31/03
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Jennifer Hessley I. Gordon Corporation 1530 First Federal Plaza	First Federal	12/31/04
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Michael Steele Bennigans 120 East Main Street	Bennigans	12/31/03
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Reappointment:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
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Wes Plant	West Group	12/31/04
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Rodney Larsen	Barrister's Pub	12/31/04
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Rosemarie Sprague	Executive Office Building	12/31/04
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Joseph Wierzbowski	Plymouth Photo Studio	12/31/04
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Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-2
(Int. No. 35)

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

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

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

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
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James Costanza Temple Building 14 Franklin Street	Temple Building	12/31/04
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Emeterio Otello Damon City Campus 228 East Main St	Damon City Campus	12/31/03
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Luis Aloma Hyatt Regency Rochester 125 East Main St	Hyatt	12/31/03
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Jennifer Hessley I. Gordon Corporation 1530 First Federal Plaza	First Federal	12/31/04
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Michael Steele Bennigans 120 East Main Street	Bennigans	12/31/03
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Section 2. The Council hereby approves the reappointment of the following persons to the Downtown Enhancement District Advisory Committee:

Name	Affiliation	Expiration
Wes Plant	West Group	12/31/04
Rodney Larsen	Barrister's Pub	12/31/04
Rosemarie Sprague	Executive Office Building	12/31/04
Joseph Wierzbowski	Plymouth Photo Studio	12/31/04

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-33
Re: Agreement - Municipal Parking Garages

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Allright New York Parking, Inc., 36 West Main Street, for the operation of the Court Street, Genesee Crossroads, and Sister Cities parking garages.

The Court Street Garage contains 1,018 spaces, the Genesee Crossroads Garage contains 611 spaces, and the Sister Cities Garage contains 1,001 spaces and all three garages are currently operated by Allright New York Parking, Inc. The Court Street Garage and Sister Cities Garage agreements were authorized by the City Council on February 17, 1998, and the Genesee Crossroads Garage agreement was authorized by the City Council on January 19, 1999.

The three garage agreements will expire on February 28, 2003. To prepare for operation of the three garages after that date, the Economic Development Department solicited proposals from twenty organizations.

Proposals from the following companies were received with annual remittances of net revenue as follows:

	Percentage	Estimated Net Revenue
Current Net Revenue:	45%	\$1,168,698
Proposed Net Revenue:		
Allright Parking Inc.	53.35%	\$1,499,000
Ralph Parking Company	51.71	1,377,600
Pro Park, LLC	47.47	1,359,500
MAPCO Auto Parks Ltd.	40.80	1,206,700
Parkway Corporation	31.685	740,000
AMPCO System Parking	30.01	803,100

The RFP required that operators indicate additional enhancements in the areas of customer service, security coverage and quality maintenance assurance program. The review criteria involved how well the

proposal addressed and demonstrated additional enhancements in the proposed operation of the garages and the annual financial return to the City.

Under the agreement, Allright New York Parking, Inc., will provide full-time managers and all other personnel required for operation of the three garages, including cashiers, security guards and maintenance staff. It will also be responsible for the costs of materials and supplies, maintaining service agreements on major equipment, insurance, and a performance bond for the three garages. The City will be responsible for paying all utility costs, Pure Waters capital charges / assessments, Downtown Enhancement District charges, Downtown Guides charges, and reimbursement of elevator services.

The agreement will have an initial term of two years with provision for two additional one-year terms.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-33
(Int. No. 36)

Authorizing Extension Of Agreements For Operation Of The Sister Cities And Court Street Parking Garages

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

Section 1. The Mayor is hereby authorized to enter into extensions of the agreements with Allright New York Parking, Inc. for the operation of the Sister Cities and Court Street Parking Garages for terms not to exceed ninety days, upon the same terms and conditions as contained in the current agreements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentleman:

Ordinance No. 2003-34
Re: Agreement with Town of Gates - Plan Review and Inspection Services

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an agreement with the Town of Gates for the City to provide certain building plan review, zoning review and inspection services.

Annually, the Town of Gates issues approximately 150 permits for building and plumbing improvements. At present, one person is assigned the responsibility for reviewing the related plans and conducting the required inspections.

Under the proposed agreement, the City will perform the following services:

1. Review the plans submitted for building and zoning code compliance with all applications for building and plumbing permits.
2. Provide a written report on the results of all reviews, to permit the Town to determine if a permit should be issued.

- 3. For all projects for which permits are issued, perform the related inspections to ensure compliance with the provisions of the applicable building and zoning codes and regulations and the terms and conditions of the permits.
- 4. Based on these inspections, recommend to the Town whether certificates of occupancy or letters of completion should be issued.
- 5. Attend and provide technical support at the monthly Zoning Board of Appeals meetings.

The plan review services will not include sign, fence or electrical permits. The inspection services will not include electrical work.

Charges to the Town of Gates will be billed at \$36.00 per hour; bills will be sent monthly. It is estimated that the average service level to the Town will be approximately 20 hours per week.

The agreement will have an initial term of six months. At the option of the Town of Gates, it may be renewed for an additional one-year period. Upon such renewal, the required hourly charges will be adjusted by an amount equivalent to any increase in the annual compensation rate for non-uniformed employees of the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-34
(Int. No. 52)

Authorizing An Agreement With The Town Of Gates For Building Inspection Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Gates to provide plan review and building/plumbing inspection services. The agreement shall have an initial term not to exceed six months, and may contain a one-year renewal option. The agreement shall obligate the Town of Gates to pay the City at the hourly rate of \$36. for such services. During any renewal term, the payment rates shall increase by the percentage of compensation increase granted to the City's full-time non-uniformed employees for that renewal term.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-35
Re: Lead-Based Paint Hazard Reduction

R2010: Campaign 4 - Environmental Stewardship
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation related to the City's lead-based paint hazard reduction efforts. This legislation will:

- 1. Reappropriate \$300,000 in 2001 HOME Program funds to be used in financing lead hazard reduction activities through the HOME Rochester Program;
- 2. Reappropriate \$387,000 in 2001-02 CDBG funds to be used through the City's new Lead Hazard Reduction Program;
- 3. Amend the 2001-2002 Community Development Program to establish the Lead Hazard Reduction and HOME Rochester programs as eligible activities;
- 4. Authorize an agreement with the Housing Council in the Monroe County Area, Inc. at a maximum cost of \$30,000 to be funded from the CDBG reappropriation; and
- 5. Authorize any agreements necessary to implement these program efforts.

On January 11, 2002 new regulations became effective which govern the use of federal housing funds when disturbing lead-based paint. These regulations are designed to control or eliminate lead hazards and they will have an impact on each of the City's housing programs, particularly those involving rehabilitation.

The cost of undertaking renovations has increased because of these requirements. Rehabilitation projects are now subject to a series of testing regimens (risk assessments and clearance tests), and work must be performed in a lead-safe manner. Increased costs reflect the need for worker training and supervision, as well as for insurance costs and laboratory analysis.

The City's decision to establish a Lead Hazard Reduction Program on October 15, 2002 was an acknowledgment that childhood lead exposure remains a pervasive problem, with housing that is in poor condition serving as a primary exposure route. The program is designed to address those components of the home that present the greatest likelihood of posing lead hazards. This targeted approach is fundamentally different than the traditional housing rehabilitation program designs of the past.

The Rehab Rochester Program provides grants to income eligible (<= 60% median income) home owners and has been a popular and over-subscribed program for many years. Typically, 200 or fewer home owners are served per year. The maximum grant was adjusted from \$15,000 to \$24,000 for the 2001- 2002 program year in anticipation of the new lead regulations becoming effective in September 2001. The City accepted 564 pre-applications at the outset of the 2001-2002 program year, which represented a 40% reduction from prior years, anticipating that larger grants would mean fewer home owners being served.

When the lead-hazard regulation effective date was delayed to January 2002, the City was able to serve a greater number of applicants at the \$15,000 grant amount. This fact, coupled with a significant applicant drop-out rate (60%), has resulted in the program currently having an uncommitted balance of \$687,000. It is proposed that this balance be reprogrammed to address lead hazard reduction efforts through the Lead Hazard and HOME Rochester Programs.

HOME Rochester is the program utilized to acquire and rehabilitate vacant houses for resale to owner-occupants. The system to carry out HOME Rochester was significantly revamped in 2001 with the formation of the Rochester Housing Development Fund Corporation (RHDFC). The revised system was designed to address a much higher volume of such properties than had previously been possible, utilizing houses acquired through the HUD Asset Control Area Partnership (ACAP) program as the primary supply. The RHDFC efforts have proven successful and the twelve participating CHDO's and CDC's are demonstrating adequate capacity to achieve the program goals of addressing up to 120 vacant houses.

Since HOME Rochester houses are substantially rehabilitated, lead hazard reduction and abatement are significant cost items. With increased production and the costs associated with controlling lead hazards, the available City subsidy sources have largely been consumed. The Greater Rochester Housing Partnership and RHDFC, working in collaboration with HPD, have been successful in securing other sources of funding, specifically from the NYS Affordable Housing Corporation (\$1,000,000) and from NYS DHCR (\$580,000). These funds require a local match and it is proposed that \$300,000 in City HOME funds be made available for this purpose.

Recognizing that the Lead Hazard Reduction Program will become a primary means of delivering housing rehabilitation funds over the next several years, it is proposed that \$387,000 in CDBG funds be reprogrammed for use through that program. The proposed agreement with the Housing Council would enlist that agency in Lead Hazard Reduction Program outreach efforts and in conducting safe work practice and property maintenance training for program participants. This is viewed as a natural extension of the landlord training program currently operated by the Housing Council.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-35
(Int. No. 37)

Authorizing Amendatory Community Development Program Plans, Appropriating Funds And Authorizing Agreements For The Lead Hazard Reduction Program And Amending Ordinance No. 2001-348

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 \$300,000 in 2001 HOME Program Funds shall be transferred from the Rehab Rochester Program Account to a new account for lead hazard reduction through the HOME Rochester Program, and whereby within the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program the sum of \$387,000 shall be transferred from the Rehab Rochester Program Account to a new account for the Lead Hazard Reduction Program. Ordinance No. 2001-348, relating to the Rehab Rochester Program, is hereby amended by changing the year of the HOME Program funds authorized and appropriated in Section 1 from year 2000 to year 2001, reducing

the amount authorized and appropriated from 2001 HOME Program funds by the sum of \$300,000, and reducing the amount authorized and appropriated in Section 2 from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program by the sum of \$387,000.

Section 2. There is hereby appropriated from 2001 HOME Program funds the sum of \$300,000, or so much thereof as may be necessary, to fund lead hazard reduction through the HOME Rochester Program.

Section 3. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program the sum of \$387,000, or so much thereof as may be necessary, to fund the Lead Hazard Reduction Program.

Section 4. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the Lead Hazard Reduction Program. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3 hereof.

Section 5. The Mayor is hereby authorized to enter into such further agreements as may be necessary to implement the Lead Hazard Reduction Program.

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 unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-36
Re: Senior Housing Project -
St. Mary's Campus

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the development of an affordable rental project for senior citizens by Unity Health System at the former St. Mary's Hospital campus. This legislation will:

1. Amend the 2002-03 Community Development Program in order to receive and appropriate additional program income in the amount of \$500,000;
2. Authorize a maximum loan of \$500,000 from that appropriation to Unity Housing Development Fund Company, Inc. or Unity Housing Associates, L.P., or another limited partnership or HDFC to be formed for the purpose of developing the project, to partially finance the project; and
3. Authorize adjustment of the interest rate and other terms and conditions of the loan, if necessary, in order to conform to legal requirements for tax credits and for the project.

Unity Health System proposes to convert the former Professional Office Building (POB) at their Genesee Street campus (formerly St. Mary's Hospital) into 33 units of supportive housing for the elderly. The project has a cost of \$3.2 million. This project will complete the redefinition of the former hospital campus into a specialty care facility, with community and aging services. Unity has worked over the past decade to convert the underutilized hospital property into a continuum of care facility, with a goal of providing long-term care and related services to residents, neighbors, and patients.

The POB is a three-story masonry structure originally designed for physicians' offices and other related medical uses. The proposed project will provide 30 one-bedroom and 3 two-bedroom apartments for seniors and frail elderly. The rents will be affordable to households with incomes at or below 39% of the area median income.

Parking for residents and visitors will be provided in the existing parking garage, which is directly connected on the second floor. The parking garage will be improved and updated in conjunction with this housing project, but as a separate capital project financed by Unity. Required zoning approvals have been granted for both projects.

The POB is also connected to a wing of the former hospital and the residents will have access to the cafeteria for meals, as well as adult day care and other social services. A long-term care facility is located on the second floor of the former hospital, providing options for the residents as they age and become more frail.

The project has a projected cost of \$3,203,484 with the following uses and sources of financing:

Uses:	
Acquisition	\$ 225,000
Soft costs	348,390
Construction	2,105,000
Contingency	66,000
Developer fee	380,000
Working capital	47,850
Operating reserve	31,244
Total	\$3,203,484
Sources:	
NYS HOME	\$ 793,000
City CDBG	500,000
Tax credit & developer equity	1,910,484
Total	\$3,203,484

It is proposed that the City's funding be provided as part of the permanent financing in the form of a 1% loan with a 30-year term.

Unity is also seeking an exemption from property taxes and an agreement for payments in lieu of taxes (PILOT). However, the POB must be subdivided from the main campus before such a request can be considered. Such legislation will be introduced at a later date.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-17

Ordinance No. 2003-36

(Int. No. 38)

Amending The 2002-03 Community Development Program Plan And Approving A Loan Agreement For The Unity Health System Senior Housing Project At Their Genesee Street Campus

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

Section 1. The Council hereby approves an amendment to the 2002-03 Community Development Program Plan whereby the sum of \$500,000 shall be added to the Improving the Housing Stock and General Property Conditions Allocation for a loan for the development of rental units as a part of the Unity Health System Senior Housing Project at their Genesee Street Campus.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with Unity Housing Development Fund Company, Inc., Unity Housing Associates, L.P., or a limited partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide an amount not to exceed \$500,000 to partially finance the costs of the development of rental units as a part of the Unity Health System Senior Housing Project at their Genesee Street Campus. The funding shall be provided as a 30 year loan at an interest rate of 1%, provided that the Mayor is authorized to adjust the interest rate and other terms and conditions of the loan agreement if required in order to conform to legal requirements for tax credits and for the Project.

Section 3. The agreement shall obligate the City 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 Allocation of the 2002-03 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Griswold
February 11, 2003

To the Council:

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

Int. No. 39 - Authorizing An Agreement For The 14621 Community Technology Center Project

Int. No. 40 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 41 - Establishing \$30,000 As Maximum Annual Compensation For A Professional Services Agreement For The Employee Assistance Program

Respectfully submitted,
Nancy K. Griswold
Tim O. Mains
Tony M. Thompson
Gladys Santiago

PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-37

Re: Agreement - Human Services Project

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with the following organization for a Human Services project:

Organization: Group 14621 Community Association
Project: 14621 Community Technology Center
Amount: \$60,000

The above project is considered a Project with Matching Funds and is eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreement represents the second year of CDBG funding.

The cost of this agreement will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

The project description and budget are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-18

Ordinance No. 2003-37
(Int. No. 39)

Authorizing An Agreement For The 14621 Community Technology Center Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Group 14621 Community Association, Inc. for the 14621 Community Technology Center Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$60,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-38

Re: Agreements - CONECTS Program

R2010: Campaign 3 - Health, Safety,

and Responsibility

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

- 1. Authorize agreements with:
a. New York State Office of Children and Family Services for the receipt of a grant of \$319,700;
b. The following agencies that comprise the CONECTS consortium:

Table with 2 columns: Agency Name, Amount. Includes Charles Settlement House, Inc. (\$34,480), Junior Achievement (2,800), Society for the Protection and Care of Children (60,000), Urban League of Rochester, Inc. (75,000), YWCA of Rochester and Monroe County (60,000), and Total (\$232,280).

- 2. Appropriate the grant funds to finance the cost of the agreements and the costs associated with administration of the grant.

The CONECTS program, which was initiated in 1984, involves a consortium of the above agencies. The Metro Council on Teen Potential provides program coordination and direction to the consortium, while the City serves as the lead agency. CONECTS is designed to reduce the rate of initial and repeat teen pregnancies and to provide various services to pregnant or parenting teenagers. A summary of these services is included in the attached project description.

The Metro Council on Teen Potential and the NYS OCFs reserves the right to allocate funds between subcontractors as needed during the contract year.

The City will retain \$87,420 from the State for administrative costs.

Respectfully submitted
William A. Johnson, Jr.
Mayor

Attachment No. AC-19

Ordinance No. 2003-38
(Int. No. 40)

Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

Table with 2 columns: Organization, Amount. Includes Charles Settlement House, Inc. (\$34,480).

Junior Achievement	2,800
Society for the Care & Protection of Children	60,000
Urban League of Rochester, Inc.	75,000
YWCA of Rochester & Monroe County	60,000

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$232,280. The sum of \$319,700, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services to fund the agreements and the cost of administration.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-39
Re: Employee Assistance Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Health Association of Rochester and Monroe County, Inc., One Mt. Hope Avenue, for continuation of the Employee Assistance Program (EAP). The maximum annual cost of the agreement will be \$30,000, which will be funded from the 2002-03 and future budgets for Undistributed Expense.

The program, which was initiated in 1978, is designed to provide professional assistance to employees whose job performance is affected by causes such as legal, financial and marital difficulties, or illnesses such as emotional instability, alcoholism and drug addiction. All City employees and their families except uniformed police and fire personnel, for whom there are separate programs, are eligible to participate.

The Health Association has operated the City's EAP since its inception. The most recent agreement for such service was authorized by City Council on June 18, 2002. During 2001-02, the program served 270 clients, which included new cases and follow-up/assessment of existing cases. In addition, 521 City employees received training conducted by Health Association staff.

Proposals for the provision of EAP Services were solicited from seven organizations. Four proposals were received. These proposals were evaluated by a committee consisting of representatives from the Bureau of Human Resource Management, Department of Environmental Services, Law Department, Rochester Public Library and Emergency Communications Department. Upon review of submitted proposals the committee interviewed two providers, the Health Association and the Employee Assistance Program of Rochester. Subsequently, the committee recommended the Health Association as best meeting the criteria outlined in the Request for Proposal.

The agreement will have an initial term of three years with an option to renew for two additional one-year periods.

Under the proposed agreement, which will extend retroactively to January 1, 2003, the Health Association will continue to provide counseling and referral services to eligible employees, as appropriate, and to conduct training programs for City supervisory personnel, as required. The fee for these services will be the same as the present fee, \$13.50 per employee, during the first year of the agreement, \$13.75 per employee during the second year and \$14.00 per employee the third year. At present 1,800 employees are eligible for participation in the program. In addition, in each year, \$3,000 will be allocated for 30 hours of wellness training.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-20

Ordinance No. 2003-39
(Int. No. 41)

Establishing \$30,000 As Maximum Annual Compensation For A Professional Services Agreement For The Employee Assistance Program

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Health Association of Rochester and Monroe County, Inc. for the continuation of the Employee Assistance Program for a term of three years, with an option to renew for two additional one-year periods. Said amount shall be funded from the 2002-03 and subsequent Budgets for Undistributed Expense, contingent upon the adoption of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
February 11, 2003

To the Council:

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

Int. No. 48 - Authorizing Agreements And Appropriating Funds For The Port Of Rochester Public Improvements Project And Amending Ordinance No. 2002-395, As Amended

Int. No. 49 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of Not To Exceed \$1,100,000 Principal Amount Bonds Of Said City To Finance A Portion Of The Costs Of Certain Pier And Shoreline Improvements Within The Port Of Rochester Public Improvements Project

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

Int. No. 42 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2003

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-40 And
Ordinance No. 2003-41

Re: Port Of Rochester Improvements -
Fast Ferry Terminal Facilities

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation
which will:

1. Authorize an amendatory agreement with LaBella Associates for additional design services to increase the maximum amount of that agreement by \$160,000, from \$3,575,000 to \$3,735,000, which will be funded from the 1999-2000 Cash Capital allocation;
2. Authorize a new agreement with LaBella Associates for construction phase services related to selective demolition of the north warehouse and marine improvements including the reconstruction of the river wall. The maximum cost of the agreement will be \$332,000, which will be financed from Federal funds and bonds;
3. Appropriate \$2,981,000 in anticipated Federal Highway Administration funds (TEA-21) for construction of the fast ferry terminal facilities; and
4. Authorize issuance of \$1,100,000 in bonds and appropriate the proceeds thereof to finance a portion of the construction cost of ferry terminal facilities.

As you are aware, construction of the fast ferry terminal facilities includes renovation of the north warehouse, improvements to the river wall to provide vessel berthing, and construction of site improvements required for vehicular embarkation and debarkation and for the United States border patrol inspection facilities. The public improvements will also provide utility and building systems connections and services to future commercial space, which will be developed by Canadian American Transportation Systems for retail shops, restaurant/cafes, and other amenities appropriate to a transportation terminal.

The proposed amendatory agreement with LaBella Associates will provide for additional final design services, which include preparation of bid packages, building expansion, telephone-data systems, security systems, pre-construction estimating, scheduling and project management services.

The proposed new agreement with LaBella Associates for the provision of construction phase services relates specifically to selective demolition within the north warehouse and installation of marine and site improvements required for re-use of the structure as a fast ferry terminal and port of entry.

Bids for the reconstruction of the river wall were received on January 21, 2003. The apparent low bid for the marine improvements was submitted by Crane Hogan, Inc. in the amount of \$3,144,263. An additional 19% is being allocated for contingency and elements not included in the contract.

	Federal	Bonds	Total
Construction	\$2,515,410	\$ 628,853	\$3,144,263
Inspection	251,540	80,460	332,000
Contingency	201,240	387,410	588,650
Admin.	12,810	3,277	16,087
Total	\$2,981,000	\$1,100,000	\$4,081,000

Construction of the river wall improvements is scheduled to begin in Spring 2003 and be completed by Fall 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-40
(Int. No. 48)

Authorizing Agreements And Appropriating Funds For The Port Of Rochester Public Improvements Project And Amending Ordinance No. 2002-395, As Amended

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

Section 1. The sum of \$160,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates for engineering design services related to the Port of Rochester Public Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 1999-2000 Cash Capital Allocation.

Section 2. The sum of \$332,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates for resident project representation services related to the partial demolition of the north warehouse and the construction of marine improvements as a part of the Port of Rochester Public Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$251,540 shall be funded from the appropriation made in Section 3, and \$80,460 shall be funded from a bond ordinance adopted for marine improvements.

Section 3. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$2,981,000, or so much thereof as may be necessary, to fund the construction of fast ferry terminal facilities and marine improvements as a part of the Port of Rochester Public Improvements Project.

Section 4. Ordinance No. 2002-395, relating to an agreement for plans for a new Water Works Operations Center, is hereby amended by changing the source of funds from the 2002-03 Cash Capital Allocation to Bond Ordinance No. 2002-396.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2003-41
(Int. No. 49)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of Not To Exceed \$1,100,000 Principal Amount Bonds Of Said City To Finance A Portion Of The Costs Of Certain Pier And Shoreline Improvements Within The Port Of Rochester Public Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the costs of certain marine improvements, including rehabilitation of the river wall and the berthing pier and channel dredging and scour protection, within the City's Port of Rochester Public Improvements Project (the "Project"). The estimated maximum costs of the specific object or purpose authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,081,000. The plan of financing includes the issuance of not to exceed \$1,100,000 principal amount of bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$2,981,000 in funds expected to be appropriated and received from the Federal Highway Administration, and the levy and collection of an ad valorem tax on all the taxable real property in the City, without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount not to exceed \$1,100,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed \$1,100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.7 and 22 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 the 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 bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1511
Re: Care and Embellishment of Malls

- R2010: Campaign 1 - Involved Citizens
- Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation

authorizing the care and embellishment of street malls during 2004 and appropriating the associated costs of \$74,663.00 among the benefited properties.

The annual care and embellishment program provides for the maintenance of 24 street malls, either by the Department of Parks, Recreation and Human Services or by neighborhood associations. Minimum standards of maintenance are established by the department and the appropriate street associations are asked whether they wish to assume responsibility for this maintenance.

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

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

In 2003, 13 malls were maintained by the department and 11 malls were maintained by street or neighborhood associations. The total authorized costs were \$35,600.00 and \$40,498.00, respectively.

In 2004, the department will be responsible for the maintenance of 12 malls at a total cost of \$30,800.00. Street associations will be responsible for the maintenance of 12 malls at a total cost of \$43,863.00.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-21

Local Improvement Ordinance No. 1511
(Int. No. 42)

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2003

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

Section 1. It is hereby determined that the following improvements and work are necessary, required and shall be made:

- a. The care and embellishment of the following streets hereinafter referred to as "Group I" during the calendar year 2003:

Boulevard Parkway	\$ 1,800.00
Burke Terrace	400.00
Carthage Drive	500.00
Central Park	4,500.00
Elmwood Mall	2,800.00
Glendale Park	1,500.00
Knickerbocker Avenue	1,500.00
Nye Park	1,600.00
Raines Park	1,000.00
Seneca Parkway	10,800.00
Sumner Park	2,600.00
Werner Park	1,800.00
	<u>\$30,800.00</u>

- b. The care and embellishment of the following streets hereinafter referred to as "Group II" during the calendar year 2003:

Arnold Park	\$ 4,000.00
Hazelwood Terrace	1,760.00
Highland Parkway	1,093.00
Hillside Avenue	2,880.00
Huntington Park	2,882.00
Lafayette Park	3,760.00
Lakeview Park	3,680.00
Nunda Boulevard	5,996.00
Oxford Street	9,962.00
Portsmouth Terrace	2,000.00
Rundel Park	3,403.00
Sibley Place	<u>2,447.00</u>
	<u>\$43,863.00</u>

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2003.

Section 4. The total cost of such improvements and work, estimated at \$74,663.00, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said sum, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

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

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

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

By Councilmember Douglas
February 11, 2003

To the Council:

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

Int. No. 43 - 2002-03 Debt Resolution For The City School District

Int. No. 44 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$17,534,642 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Int. No. 45 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

Int. No. 46 - Establishing Maximum Compensation For An Amendatory Agreement For The Provision Of Prescription Medication For Injured City Firefighters

Int. No. 50 - Amending The 2002-03 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 51 - Approving Wage And Salary Increases For Bargaining Unit Employees Of The Rochester Housing Authority

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

Received, filed and published.

TO THE COUNCIL: Ladies and Gentlemen:

Resolution No. 2003-3 And Ordinance No. 2003-42 Re: Capital Improvement Program - City School District

R2010: Campaign 2 - Educational Excellence

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

- 1. Establish \$17,534,642 as the maximum amount of debt to be authorized on behalf of the District during 2002-03; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to finance specific improvements.

At its meeting of December 19, 2002, the Board of Education approved a capital plan that details the use of these funds for improvements and maintenance of educational facilities, fixtures and equipment. The request was forwarded to the Mayor and City Council for approval of the borrowing required to implement this plan.

By City Council policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed during that year. During 2002-03, the City School District will redeem \$18,800,000 in principal. Since the requested limit is less than the principal redeemed, the request complies with the Council's debt limit.

During 2002, New York State permitted the restructuring of payments on existing debt made by the Rochester City School District and other districts. As a result, annual debt service payments were reduced but, as a consequence of extending the period of the loan, total debt service payments over the life of applicable bonds will increase. For 2002-03 the reduction in debt service expense for principal redemption alone is approximately \$4,500,000 compared to 2001-02.

A copy of the District's 2002-03 CIP bond request for Long-term Facility Improvements and New Construction is attached.

Respectfully submitted, William A. Johnson, Jr. Mayor

Resolution No. 2003-3 (Int. No. 43)

2002-03 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 2002-03 to \$17,534,642, which is less than the amount of debt to be redeemed in fiscal year 2002-03; and

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

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

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

BE IT FURTHER RESOLVED, that to insure continued awareness of and adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2003-42 (Int. No. 44)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$17,534,642 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$17,534,642, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$17,534,642 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$17,534,642 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$17,534,642. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the affiliated agency.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-43
Re: RHA Salary Schedule

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the salary and wage schedules for non-bargaining unit employees of the Rochester Housing Authority, i.e., those employees who are not repre-

mented by the American Federation of State, County, and Municipal Employees, Local 1635F (AFSCME). This approval is required by Section 32 of the NYS Housing Law.

The adjusted schedule provides for a 2.5% increase, retroactive to July 1, 2002. This increase was approved by the Rochester Housing Authority Board of Commissioners at its regular meeting of December 18, 2002. A certified copy of the Board's approving resolution is on file with the City Clerk. This increase is equal to the increase granted to the City's non-bargaining unit employees.

The Rochester Housing Authority remains in negotiations with AFSCME for a successor to the labor contract that expired on June 30, 2002. City Council approval of any increase in compensation for bargaining unit members will also require approval by City Council.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-43
(Int. No. 45)

Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

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

Section 1. Pursuant to Section 32 of the New York State Public Housing Law, the Council hereby approves wage and salary increases of 2.5% for non-bargaining unit employees of the Rochester Housing Authority, retroactive to July 1, 2002, as approved by the Board of Commissioners of the Rochester Housing Authority on December 18, 2002.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-44
Re: Fire Department Prescriptions

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Wegmans Food and Pharmacy for the provision of prescription medication, as required, to injured firefighters. The maximum cost of the amendment is \$75,000, which will be funded from the 2002-03 budget of the Fire Department.

Wegmans has provided this service since 1983. In 1999, the City issued a Request for Proposals for these services, and on September 15, 1999, City Council authorized a two-year agreement, with provision for two additional one-year renewals. The total funds allocated for the agreement were \$160,000. The proposed amendment will increase the total cost of the agreement to \$235,000 in order to cover costs for the fourth year.

The agreement provides for prices equal to 86% of the average wholesale price of prescription medication,

plus a dispensing fee of \$2.75 for branded medications and \$3.00 for generic medications. However, while on-duty injuries covered by the agreement have actually declined over the term of the agreement, the cost of prescription drugs continues to rise. In the 12 months prior to the first year of the agreement, the cost of prescription drugs was \$33,000. In 1999, the costs had increased to \$43,000 and in 2001 to \$51,000. Costs for 2002 were \$56,677 and have been \$6,800 and \$6,100 for the first and second months of the final year of the agreement.

The current agreement will expire in November of 2003. Prior to then, the Fire Department will request proposals from qualified vendors in order to continue to provide prescription medication to injured firefighters at the most competitive rates.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-44
(Int. No. 46)

Establishing Maximum Compensation For An Amendatory 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 \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory agreement between the City and Wegmans Food and Pharmacy for the provision of prescription medication for injured City Firefighters. Said amount shall be funded from the 2002-03 Budget of the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-45
Re: Appropriation of Forfeiture Funds

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing the appropriation of \$57,000 from forfeited property revenues, and amending the 2002-03 Police Department budget to reflect that amount. The balance available in the fund before this transaction was \$189,204.

The funds will be used to purchase conducted energy weapons and related supplies for Police Department field officers. These are "less-lethal" weapons that may be used to stun or incapacitate a suspect. Studies indicate that the risk of serious injuries with conducted energy technology is lower than comparable less-lethal weapons such as batons or impact munitions (beanbag round).

The equipment proposed will not replace existing less-lethal tools, but will provide an alternative to be used in appropriate situations, particularly if the suspect has not responded to traditional methods.

According to guidelines established by the Attorney General, forfeiture funds may not be used to supplant existing budget appropriations. The expenditures recommended herein will augment existing equipment. Previous appropriations of forfeiture funds during the current fiscal year were \$100,000 to augment covert evidence purchases and overtime for drug enforcement, and \$20,000 to provide an agreement with Rochester Area Crimestoppers Inc., and \$6,700 for additional training for Police Department employees.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-45
(Int. No. 50)

Amending The 2002-03 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. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$57,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the acquisition of less-lethal weapons and related supplies for the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-46
Re: RHA Salary Schedule, Bargaining Unit

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the salary and wage schedules for bargaining unit employees of the Rochester Housing Authority, i.e., those employees who are represented by the American Federation of State, County, and Municipal Employees, Local 1635F (AFSCME). This approval is required by Section 32 of the New York State Housing Law.

The adjusted schedule provides for a 2.5% increase, retroactive to July 1, 2002. This increase was approved by the Rochester Housing Authority Board of Commissioners at its regular meeting of January 29, 2003. A copy of the Board's approving resolution is on file with the City Clerk. This increase is equal to the increase negotiated for the City's AFSCME bargaining unit employees.

The Administration previously submitted legislation for the Council's approval regarding the salary schedule for Rochester Housing Authority's non-bargaining unit employees. Council's review of this matter is scheduled for its February meeting. The increases for the bargaining unit and non-bargaining unit employees are identical.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-46
(Int. No. 51)

Approving Wage And Salary Increases For Bargaining Unit Employees Of The Rochester Housing Authority

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

Section 1. Pursuant to Section 32 of the New York State Public Housing Law, the Council hereby approves wage and salary increases of 2.5% for bargaining unit employees of the Rochester Housing Authority, retroactive to July 1, 2002, as approved by the Board of Commissioners of the Rochester Housing Authority on January 29, 2003.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By President Giess
February 11, 2003

To the Council:

The Committee of the Whole recommends for adoption the following entitled legislation:

Int. No. 47 - Resolution Confirming The Appointment Of The Commissioner Of Community Development

Respectfully submitted,
Lois J. Giess Tim O. Mains
Gladys Santiago Wade S. Norwood (Absent)
Brian F. Curran Robert J. Stevenson
Benjamin L. Douglas Tony M. Thompson
Nancy K. Griswold
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-4
Re: Appointment - Commissioner of Community Development

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of Linda Stango as Commissioner of Community Development. This confirmation is required by Section 3-3 (D) of the City Charter.

A copy of Ms. Stango's resume is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-23

Resolution No. 2003-4
(Int. No. 47)

Resolution Confirming The Appointment Of The Commissioner Of Community Development

WHEREAS, the Mayor has appointed Linda M. Stango to the position of Commissioner of Community Development 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 Linda M. Stango as Commissioner of Community Development.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:30 P.M.

**CAROLEE A. CONKLIN
City Clerk**

REGULAR MEETING
MARCH 11, 2003

Present - President Giess, Councilmembers Curran, Douglas, Mains, Griswold, Norwood, Santiago, Stevenson, Thompson - 9.
Absent - none - 0.

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

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

Recognition Ceremony:

Retirement:

- *Ronald G. Francis - Fire Department
- *Roxy Serusa - Department of Environmental Services
- *Brian G. Woods - Department of Parks, Recreation & Human Services
- *Will not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Santiago

RESOLVED, that the minutes of the Regular Meeting of February 11, 2003, be approved as published in the official sheets of the proceedings.

Passed unanimously.

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

By President Giess - Petition submitted, with over 3000 signature from citizens, for the name change of Upper Fall Blvd. Shopping Center to Mildred Johnson Shopping Center. Petition No. 1601

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Changing The Zoning Classification Of 148-150 Boxart Street From R-1 Low Density Residential To M-1 Industrial Int. No. 57 Three speakers: John Sciarabba, Sam Murray, and Grant LePore.

Authorizing Acquisitions By Condemnation For The Plymouth-Exchange Neighborhood Trail Improvements Project And Increasing An Acquisition Amount Int. No. 62 One speaker: Ed Doherty

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 63 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 64 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 69 No speakers.

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

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-47
Re: Determinations & Findings - Plymouth-Exchange Trails

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings relating

to the partial acquisition of two properties and the full acquisition of one property, by negotiation or condemnation, involved in the Plymouth-Exchange Trail Improvement Project. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted this evening.

Based upon the public hearing, the following determinations and findings are proposed:

1. Project description - that the project proposes to establish formal connections between the Genesee Riverway Trail and the adjacent Plymouth-Exchange neighborhood to the west via extensions to Flint and Violetta Streets. The connections will require the permanent acquisition of a portion of 5 Flint Street and an adjacent parcel at 940 Exchange Street, as well as the acquisition of a temporary construction easement on another portion of 5 Flint Street.
2. Project purpose - that the acquisition will permit construction of a neighborhood trail system between the residential neighborhood and the existing Genesee Riverway Trail.
3. Project effect - that the project will enable the goals of the Plymouth-Exchange Trail Improvement Project to be met. By improving access to the Trail system, it will enable the City to correct unsightly and potentially hazardous drainage problems in the area, further restrict vehicular access to the trail system, and reduce opportunities for illegal dumping along this section of the former Pennsylvania Railroad bed.

If these determinations and findings are approved, the legislation authorizing the property acquisitions (Introductory 62) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-47
(Int. No. 95)

Determinations & Findings Relating To The Acquisition Of An Easement And Parcels As Part Of The Plymouth-Exchange Trail Improvement Project

WHEREAS, the City of Rochester proposes to acquire two (2) properties and a temporary easement as part of the Plymouth-Exchange Trail Improvement Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on March 11, 2003 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of the easement and parcels,

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 the easement and properties as part of the Plymouth-Exchange Trail Improvement Project:

- a. Project Location: The City proposes the public acquisition of the following:

Address	SBL #	Sq. Ft.
940 Exchange Street	121-77-01-09	1,930
Pt. of 5 Flint Street	121-77-01-10	4,804.45
Pt. of 5 Flint Street (Temp. Easement)	121-77-01-10	2,156.42

b. Public purpose and general effect:

1. These parcels have been designated for acquisition to allow for construction of a neighborhood trail connection between the residential neighborhoods and the existing Genesee Riverway Trail as part of the Plymouth Exchange Neighborhood Trail Improvement project. The project is being implemented to further the objectives of the South River Corridor Land Use Plan and the Local Waterfront Revitalization Plan.
2. The general effects of the acquisition of these parcels on the environment and the residents of the immediate area will be beneficial. The project will improve access from the adjacent neighborhood to the Genesee Riverway and trail; enable the City to correct unsightly and potentially hazardous drainage problems in this area; further restrict vehicular access to the river trail system and it is anticipated that it will reduce or eliminate illegal dumping along this section of the former Pennsylvania railroad corridor. The project will have no significant adverse environmental effects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
March 11, 2003

To the Council:

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

Int. No. 54 - Authorizing The Sale Of Real Estate, And Amending Ordinance No. 2002-325, As Amended

Int. No. 55 - Amending Ordinances Relating To The Sale Of Real Estate

Int. No. 70 - Resolution Approving [An] Appointments To The Rochester Economic Development Corporation (REDCO), As Amended

Int. No. 81 - Approving Amendments To The Land Use Plan Of The Cultural District To Permit New Construction And A Loan To The Developer And Rescinding Portions Of Ordinance No. 2001-115

Int. No. 82 - Resolution Authorizing The Preparation Of A District Plan For The High Falls Business Improvement District

Int. No. 83 - Resolution Authorizing The Preparation Of A District Plan For The Monroe Avenue Business Improvement District

Int. No. 84 - Authorizing An Agreement For The High Falls Facilities

Int. No. 88 - Local Law Amending The City Charter With Respect To The Residential-Commercial Urban Exemption Program

Int. No. 89 - Approving The Sale Of Parcels For Project Turnaround

Int. No. 90 - Resolution Approving Appointments To The Board Of Trustees Of The Rochester Public Library

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

Int. No. 57 - Changing The Zoning Classification Of 148-150 Boxart Street From R-1 Low Density Residential To M-1 Industrial

The following entitled legislation is being held in committee:

Int. No. 56 - Adopting The Center City Master Plan And Amending Section 130-6 Of The Municipal Code

Respectfully submitted, Wade S. Norwood Benjamin L. Douglas Nancy K. Griswold Lois J. Giess Gladys Santiago HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2003-48 And Ordinance No. 2003-49 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of sixteen properties and the amendment of two prior ordinances.

Sales

The first two properties were sold at the November 14, 2002 Public Auction. The properties will be rehabilitated in accordance with their legal uses, and the purchasers will be required to complete the rehabilitation within nine months after the conditional closing.

The next two properties are vacant lots that were sold at the November 14, 2002 Public Auction, subject to the acceptance of a proposal. The property at 515 Hudson Avenue will be developed as a parking lot to be used in conjunction with the purchaser's adjoining commercial use. The property at 55 Walnut Street will be fenced and landscaped and combined with the purchaser's adjoining property.

The next three properties are structures that are being sold to the former owners. The purchase prices include all delinquent City taxes, interest and

penalties.

The next six properties are vacant lots that are being sold to Urban League of Rochester Economic Development Corporation. The parcels will accommodate the construction of single family homes that will subsequently be sold to owner occupants whose incomes do not exceed 80% of the median income for the area.

The last three properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Amendments

On October 15, 2002, Council authorized the sale of 306 Parsells Avenue to Frank Town for the sum of \$50. The purchaser has requested that the ordinance be amended to authorize the sale to both Frank Town and Marjorie J. Gnass.

On September 17, 2002 City Council authorized the inclusion of the vacant lot located at 45-51 Webster Avenue in Home Expo 2002. This proposed amendment will also authorize the vacant lot located at 37-51 Webster Avenue to be included in Home Expo 2002.

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

Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. AC-24

Ordinance No. 2003-48 (Int. No. 54, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2002-325

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

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

Table with 3 columns: Address S.B.L.#, Legal Use Purchaser, Price. Rows include 102 Woodward St and 24 Wright Ter.

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

Table with 2 columns: Address S.B.L.#, Purchaser Price

515 Hudson Av	Ahmed Hussein
106.41-1-9	\$1,000
55 Walnut St	Mohsen S. Mansour
105.83-3-7	50

Section 3. The Council further approves the sale of the following parcels of improved property to the former owners:

Address S.B.L.#	Purchaser Price
78 Baycliff Dr 107.37-2-40	Dorothy Bumphis \$ 5,960
101 Garson Av 106.67-2-11	Nathan Harris, Jr. 8,439
16-16.5 Gladys St 106.21-2-20	Benjamin [Harris] Ortiz [10,753.90] <u>10,755.90</u>

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

Address S.B.L.#	Purchaser	Price
134 Fulton Av	Urban League of Rochester/ Economic Development Corporation*	
105.43-2-41		\$475
143 Fulton Av	Urban League of Rochester/EDC*	
105.43-2-21		475
172 Fulton Av	Urban League of Rochester/EDC*	
105.35-3-25		450
182 Fulton Av	Urban League of Rochester/EDC*	
105.35-3-29		475
238 Fulton Av	Urban League of Rochester/EDC*	
105.27-2-37		500
37 Phelps Av	Urban League of Rochester/EDC*	
105.51-2-12		600

*Officers: William G. Clark, Carolyn Vitale, Oscar Holloway, Jr.

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

Address S.B.L.#	Purchaser	Sq. Ft.
84 Iceland Pk 120.67-2-51	Henry Noble	279±
304-306 Jefferson Av	Northeastern Conference 7th Day Adventist*	
120.52-1-3		2,000
286 Wilkins St 106.24-1-67	Pearlie M. Clay	3,780

*Officers: Marcei Wip, James Duberry, Lawrence C. Moore

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

Section 7. The acquisition cost for 132 Fulton Avenue as authorized in Ordinance No. 2002-325 is hereby increased from \$17,500 to \$21,000, which increase shall also be funded from the 2001-02 Cash

Capital Allocation.

Section 8. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2003-49
(Int. No. 55)

Amending Ordinances Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2002-314, relating to the sale of real estate, as amended, is hereby further amended by changing the names of the purchasers of 306 Parsells Avenue, as approved in Section 2 thereof, from Frank Town to Frank Town & Marjorie J. Gnass.

Section 2. Ordinance No. 2002-288, relating to the sale of real estate as a part of the Home Expo Program, as amended, is hereby further amended by authorizing the sale of 37-51 Webster Avenue as a part of the Program instead of 45-51 Webster Avenue.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-5
Re: Appointment - REDCO

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation confirming the appointment of one person as a member of the Rochester Economic Development Corporation.

Under its by-laws, REDCO has 25 members. Of this number, the following five officials are ex-officio members:

- Mayor
- City Council President
- Commissioner of Economic Development
- Assistant Commissioner of Economic Development
- Director of Finance

The appointments of 20 other members were confirmed by the City Council on June 18, 2002.

There currently is one vacancy. Mr. Paul Wilkins, 89 East Avenue, will be appointed to fill this vacancy. A copy of his resume is on file in the City Clerk's Office.

The term of Mr. Wilkins will extend through June 30, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-5
(Int. No. 70, As Amended)

**Resolution Approving [An] Appointments To
The Rochester Economic Development Corpora-
tion (REDCO)**

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

Section 1. The Council hereby approves the
appointment of Paul Wilkins, 89 East Avenue, as a
member of the Rochester Economic Development
Corporation for a term which shall expire on June
30, 2004. The Council hereby further approves the
appointment of Councilmember Wade Norwood as
a member of the Rochester Economic Development
Corporation for a term which shall expire on June 30,
2004.

Section 2. This resolution shall take effect im-
mediately.

Bracketed material deleted; underlined material
added.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-50
Re: Cultural District

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legisla-
tion relating to the Cultural District. The legislation
will:

1. Rescind the amendment of the Land Use Plan
for the Cultural Center Project that was previ-
ously approved by Ordinance No. 2001-115 and
approve an amendment allowing Block L (130
East Avenue) to be developed for mixed-use
market rate residential, commercial and retail;
and
2. Authorize the Cultural Center Commission to
loan up to \$1,500,000 from the East End Garage
Reserve Fund for development of 130 East
Avenue.

The original Land Use Plan was approved by the
City Council on September 9, 1990. Under this plan
Block L of the Cultural District was designated for
parking purposes. In 1982, the East End garage was
constructed on most of Block L. The remaining por-
tion, which contains approximately 18,700 square
feet, has been used as a surface parking lot.

On April 17, 2001, the Council approved an amend-
ment of the Land Use Plan to provide for construction
on the parking lot area of a six-story building with ap-
proximately 35 apartments and commercial and retail
space on the first and second floors. The Council also
authorized the Commission to loan \$1.5 million to the
developer from the East End Garage Reserve Fund.
The developer, Armory Development and Manage-
ment, was unable to satisfy the financing requirements
necessary to proceed with the project. As a result,
the Commission terminated the project with Armory
Development in the summer of 2002, and solicited

new proposals from three interested developers for
the property. The Commission selected the proposal
submitted by Christa Development Corporation.

The Sagamore on East, LLC, a new entity to be formed
with David Christa as a member, will undertake this
project. The Cultural Center Commission approved
sale of the property and a \$1.5 million loan from the
East End Garage Reserve Fund to The Sagamore on
East, LLC at the March 11, 2003 meeting.

Under the proposal submitted, a seven-story building
with approximately 23 high-end condominium units
and commercial and retail space on the first and second
floors will be constructed. The units will range in size
from 2,500 to 3,300 square feet.

The estimated cost of the project is approximately \$15
million. Of this amount, \$1.5 million will be financed
with the loan from the Reserve Fund of the East End
Garage, which is owned by the Commission but oper-
ated by the City under an agreement.

The loan will have an interest rate equivalent to the
City's borrowing rate and a term of 15 years. 50%
of the loan balance will be repaid on a proportionate
basis as each of the condominium units is sold. The
loan will be initially secured by a mortgage on the
building and a personal guarantee from David Christa.
The lien on the individual condominium units will be
released upon sale of each unit.

The Commission will take back a purchase money
mortgage for the sale price of the property in the
amount of \$243,000, which will be due upon comple-
tion of construction. The sale price is based on an
appraisal completed by Rynne, Murphy & Associ-
ates, Inc. The Commission's \$1.5 million loan and
purchase money mortgage loan will be subordinate
to the primary lender.

The developer is also requesting 70 reserved spaces
in a designated area of the East End Garage for the
tenants of the building at the standard rates established
for the garage. Once the terms are finalized for the
parking agreement, they will be presented to Cultural
Center Commission for approval.

Construction of the project is expected to begin in
summer 2003 and be completed within 14 months.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-25

Ordinance No. 2003-50
(Int. No. 81)

**Approving Amendments To The Land Use Plan
Of The Cultural District To Permit New Construc-
tion And A Loan To The Developer And Rescinding
Portions Of Ordinance No. 2001-115**

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

Section 1. The Council hereby approves amend-
ments to the Land Use Plan of the Cultural District
as approved by the Cultural Center Commission in
Resolution No. 1 of 2003 to allow for mixed-use
market rate residential, commercial and retail devel-
opment on a parcel located at 130 East Avenue, with
development plans approved by the Cultural Center
Commission.

Section 2. The Council hereby approves a loan of \$1,500,000 by the Cultural Center Commission in accordance with Resolution No. 3 of 2003 of the Cultural Center Commission from the Metro Center East End Garage Reserve Fund to the developer of the new building at 130 East Avenue, which loan shall be initially secured by a mortgage and a personal guarantee and which shall contain such other terms and conditions as may be approved by the Cultural Center Commission.

Section 3. The Mayor is hereby authorized to enter into such agreements with the County of Monroe and/or the Cultural Center Commission as may be necessary to effectuate this loan. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Sections 1-3 of Ordinance No. 2001-115, relating to development of the parcel located at 130 East Avenue, are hereby rescinded.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-6
Re: High Falls Business Improvement District

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to a establishment of a High Falls Business Improvement District (BID). The legislation will authorize the preparation of a High Falls District Plan pursuant to Section 980-A and 980-D of the General Municipal Law and Local Law No. 1, which was duly passed by the Council of the City of Rochester on December 17, 2002 and approved by the Mayor of the City of Rochester, and was deemed duly adopted on January 6, 2003 in accordance with the applicable provisions of law.

In New York State, legislation allows municipalities to create Business Improvement Districts to impose an additional tax or assessment on property owners for additional services.

The process for BID establishment involves:

- *A resolution authorizing creation of a district plan for a BID.
- *District Plan to be filed in the City Clerk's office - Council may adopt a resolution that contains the district plan, notice of plan on file in City Clerk's office, time and place for a public hearing, statement that real property owners may file written objections within 30 days of the conclusion of the public hearings.
- *Resolution must be in council meeting minutes.
- *Resolution must be published in newspaper within 30 days.
- *Public hearing is held.

*30 days after the public hearing the board must determine the number of objections filed. If appropriate number have been filed for disapproval, council passes resolution disapproving establishment of the district.

*If insufficient objections are filed, council considers approval.

Said plan shall be prepared by, or under the supervision of City officers and employees of Clark Patterson Associates which are employed for such purpose, and that the fee incurred for preparation of said plan is being paid by the City under a prior agreement.

For over 25 years, the City has worked with neighborhood businesses and business associations to promote commerce, expand tax base, generate jobs, visitor traffic and improve the quality of life in the neighborhoods. Several programs such as the Entertainment District Matching Grant Program, Commercial Facade Program, Business Aftercare Grants and Neighbors Shopping Neighborhoods have been offered to improve the commercial districts.

Over the past year, a number of business associations have begun to discuss the possibility of forming a Business Improvement District as a mechanism to fund needed services for the districts. A sufficient number of building owners in the High Falls District have expressed interest in setting up a \$25,000 BID to fund additional clean-up, landscaping, marketing, advertising and promotional materials.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-26

Resolution No. 2003-6
(Int. No. 82)

Resolution Authorizing The Preparation Of A District Plan For The High Falls Business Improvement District

WHEREAS, the Council enabled the establishment of Business Improvement Districts pursuant to Section 10A-4 of the City Charter, adopted by Local Law No. 1 of 2003, and

WHEREAS, the Mayor has requested that the Council authorize the preparation of a district plan for High Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby authorizes the preparation of a district plan pursuant to Sections 980-a and 980-d of the General Municipal Law for the High Falls Business Improvement District.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-7
Re: Monroe Avenue Business Improvement District

R2010: Campaign 6 - Economic Vitality

Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to establishment of a Monroe Avenue Business Improvement District (BID). The legislation will authorize the preparation of a Monroe Avenue District Plan pursuant to Section 980-A and 980-D of the General Municipal Law, and Local Law No. 1 of 2003, which was enacted by City Council on December 17, 2002 and subsequently approved by the Mayor on January 6, 2003 in accordance with the applicable provisions of law.

In New York State, legislation allows municipalities to create Business Improvement Districts to impose an additional tax, or assessment on property owners for additional services.

The process for BID establishment involves:

- *A resolution authorizing creation of a district plan for a BID.
- *District Plan to be filed in the City Clerk's office - Council may adopt a resolution that contains the district plan, notice of plan on file in City Clerk's office, time and place for a public hearing, statement that real property owners may file written objections within 30 days of the conclusion of the public hearings.
- *Resolution must be in council meeting minutes.
- *Resolution must be published in newspaper within 30 days.
- *Public hearing is held.
- *30 days after the public hearing, the board must determine the number of objections filed. If appropriate number have been filed for disapproval, council passes resolution disapproving establishment of the district.
- *If insufficient objections are filed, council considers approval.

Said plan shall be prepared by, or under the supervision of City officers and the Monroe Avenue Gateway Improvement Corridor (MAGIC) Steering Committee who, through the Monroe Avenue Merchants Association will contract with a Consultant. The fee incurred for preparation of said plan will be paid by the City under an agreement to be executed.

For over 25 years, the City has worked with neighborhood businesses and business associations to promote commerce, expand tax base, generate jobs, visitor traffic and improve the quality of life in the neighborhoods. Several programs such as the Business Association Support, Business Assistance, Exterior Improvement and Neighbors Shopping Neighborhoods have been offered to improve the commercial districts.

Over the past year, a number of business associations have begun to discuss the possibility of forming a BID as a mechanism to fund needed services for the districts. A number of building owners in the Monroe Avenue corridor have expressed interest in setting up a \$100,000 BID to fund additional clean-up, landscaping, marketing, advertising and promotional materials.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-27

Resolution No. 2003-7
(Int. No. 83)

Resolution Authorizing The Preparation Of A District Plan For The Monroe Avenue Business Improvement District

WHEREAS, the Council enabled the establishment of Business Improvement Districts pursuant to Section 10A-4 of the City Charter, adopted by Local Law No. 1 of 2003, and

WHEREAS, the Mayor has requested that the Council authorize the preparation of a district plan for Monroe Avenue,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby authorizes the preparation of a district plan pursuant to Sections 980-a and 980-d of the General Municipal Law for the Monroe Avenue Business Improvement District.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-51
Re: High Falls Facilities

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the operation and management of the High Falls Facilities. The legislation will authorize such an agreement with Rochester Live, LLC, 601 East Pratt Street, Baltimore, MD, for a term of five years with a provision for renewal for an additional five-year period.

The High Falls Facilities include 74 Browns Race (Interpretive Center), 60 Browns Race (The Centers and Triphammer Grill), simulated raceway in Browns Race St., Granite Mills Commons, Triphammer Forge archeological site, and the City Festival Site at 40 Commercial Street. These facilities are currently managed by Flaum Management. Under the proposed agreement, Rochester Live, LLC will assume responsibility for marketing, leasing and management of the above properties. They will also be responsible for coordination of festival activities within the High Falls Entertainment District.

The term of the agreement will commence on April 1, 2003 and expire on June 30, 2008. Rochester Live, LLC will have the right to renew the agreement for an additional five-year period.

During the initial five-year period, the City will pay Rochester Live, LLC as follows:

Year 1 - \$525,000; Year 2 - \$525,000; Year 3 - \$475,000; Year 4 - \$450,000; Year 5 - \$425,000.

During the renewal period, Rochester, Live, LLC will pay the City as follows:

Year 6 - \$75,000; Year 7 - \$85,000; Year 8 - \$95,000; Year 9 - \$105,000; Year 10 - \$125,000.

The agreement will be funded by DPRHS 2002-03 Operating Budget (\$110,000), 2002-03 Undistributed Budget (\$40,000), and subsequent allocations from the DPRHS Operating Budget.

Rochester Live, LLC will invest in renovations to the facilities to accommodate tenants that include national restaurant, nightclub and entertainment chains. The Interpretive Center, Art Gallery and Triphammer Grill will remain at the properties. The 60 and 74 Browns Race buildings will close to the public, with the exception of the Triphammer Grill, for approximately three months while renovations are underway. The City will advance \$150,000 of the first year's payment to Rochester Live, LLC on April 1, 2003 for cash flow purposes during the construction phase of the project. The facilities will re-open no later than July 1, 2003.

The Cordish Company, will form a new Limited Liability Company (Rochester Live, LLC) to undertake this project. Formed in 1968 by David S. Cordish, The Cordish Company, a nationally acclaimed developer specializing in urban entertainment district development, has been involved in projects primarily located in major-market cities. These include Baltimore, MD (The Power Plant and Power Plant Live Hopkins Square); Houston, TX (Bayou Place); Charleston, NC (Charleston Place); Atlantic City, NJ (The Walk); and Louisville, KY (4th Street Live).

The City of Rochester has been subsidizing the High Falls facilities since the properties were renovated with funds received from the Urban Cultural Parks Program. The properties were originally renovated for an interpretive center, simulated raceway, meeting rooms, viewing space for the gorge and falls, a restaurant, retail space, and an event and banquet center. The Rochester Riverside Convention Center was contracted to manage and operate the facilities when they opened in 1992.

In 1997, after 60 Browns Race was renovated for a disco, sports bar and jazz club, Flaum Management assumed management responsibilities. It was the intention that the new, more intense uses located in the building would allow the City to decrease, and eventually eliminate, the need for an annual operating subsidy. While the subsidy did decrease over the years, it was evident that it would continue to be required to maintain the current operation.

The Cordish Company approached the City of Rochester in late 2002 and expressed interest in the High Falls facilities and other development opportunities in the High Falls area. Under the Cordish proposal, subsidies for the facilities would end during the renewal period beginning on July 1, 2008.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-51
(Int. No. 84)

Authorizing An Agreement For The High Falls Facilities

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Live, LLC for the lease, operation and management of the High Falls Facilities and coordination of festival activities within the High Falls Entertainment District. The agreement shall extend for a term of five years, with an option to renew for an additional five years.

Section 2. The agreement shall obligate the City to pay an annual sum of \$525,000 in the first and second year, \$475,000 in year three, \$450,000 in year four and \$425,000 in year five. Of said amounts, or so much thereof as may be necessary, \$110,000 shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services and \$40,000 shall be funded from the 2002-03 Budget for Undistributed Expense, and the remaining amounts shall be funded from subsequent budgets of the Department of Parks, Recreation and Human Services, contingent upon approval of subsequent budgets. During the renewal period, Rochester Live, LLC shall pay to the City \$75,000 in year six, \$85,000 in year seven, \$95,000 in year eight, \$105,000 in year nine and \$125,000 in year ten.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 3
Re: Residential-Commercial Urban
Exemption Program (RESCUE)

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation that will enact Section 485-a of the New York State Real Property Tax Law, known as the Residential-Commercial Urban Exemption (RESCUE) Program. This local law will authorize a partial, 12-year, tax exemption for non-residential properties that are converted to include both residential and commercial uses.

The RESCUE Program permits cities with populations of 50,000 to 1,000,000 to provide for the exemption from taxation of certain classes of mixed-use properties. The City of Buffalo has authorized the use of this redevelopment incentive and it is under consideration in the cities of Albany and Syracuse.

The intent of the program is to facilitate the conversion of underutilized office, retail, manufacturing and warehouse buildings in order to promote residential uses in the downtown areas of upstate cities. Currently there is a 26.1% vacancy rate in commercial buildings in the Center City, representing over two million square feet of vacant space. Much of this space is suitable for conversion to residential uses.

It is proposed that this legislation be authorized with a sunset provision of three "assessment years", expiring on March 3, 2006. At that time, the success and appropriateness of the RESCUE Program will be reviewed to determine if it should be continued.

Under the provision of Section 485-a, non-residential

property, upon conversion to mixed-use, can be partially exempted from taxation and special ad valorem levies. The exemption is applied to the increase in assessed value attributable to the conversion to mixed-use.

The structure of the partial tax exemption will be as follows:

Year of Exemption	Exemption
1 through 8	100% of exemption base
9	80%
10	60%
11	40%
12	20%

The tax exemption will be restricted to mixed-use (residential-commercial) conversion projects located in the area defined by the Zoning Ordinance as the Center City District (CCD) as displayed on the attached map.

In order to qualify for the exemption, property owners will be required to invest at least \$250,000 in converting the property. Further, all projects receiving the exemption will be expected to provide a minimum of 25% of the total developed space as residential. The property owner will be required to file an application for the exemption with the City Assessor.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 3
(Int. No. 88)

Local Law Amending The City Charter With Respect To The Residential-Commercial Urban Exemption Program

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding thereto the following new Section 6-71.7, Residential-Commercial Urban Exemption Program:

Section 6-71.7. Residential-Commercial Urban Exemption Program.

The Council hereby provides for the exemption of real property from taxation as authorized in Section 485-a of the Real Property Tax Law to real property located in the Center City Zoning District, provided that the cost of conversion to mixed-use property exceeds the sum of two hundred fifty thousand dollars (\$250,000.) and provided further that as a result of the conversion at least twenty-five percent (25%) of the total developed floor space is used for residential purposes.

Section 2. This local law shall be in effect for the 2004, 2005, and 2006 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.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago,

Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-52
Re: Sale of Real Estate - Project Turnaround

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale of 20 parcels in the Project Turnaround area at their appraised values. This approval will provide control of land to the developer as required for funding purposes.

Project Turnaround was designated as a Challenged Street Project by the Bureau of NET in 2000, and is bounded by Joseph Avenue, Wilkins Street, Hudson Avenue and Clifford Avenue. On August 21, 2001, City Council approved the acquisition and demolition of properties in this area to facilitate site assembly for this new construction project. Phase 1 of the project, which is focused at the Maria Street/Bernard Street intersection and surrounding streets, will involve the construction of 20 houses.

The developers selected for Project Turnaround are the same developers approved to participate in the 2002 Home Expo program:

- a. Atlas General Contractors
- b. HSBC Community Development Corporation
- c. Imperial Rochester Development Corporation
- d. Speedwell Construction Services, Inc.

Ibero-American Development Corporation, the Phase I sponsor, is in the process of applying for development funds from the NYS Affordable Housing Corporation, NYS Division of Housing and Community Renewal, and the Federal Home Loan Bank of New York. These funds will provide the subsidies necessary to create affordable home purchase opportunities for first time homebuyers in this neighborhood.

A recent change to the Federal Home Loan Bank of New York's application requires formal site control as one of the rating criteria. The proposed sale of these properties will be subject to approval of all identified funding sources by December 31, 2003. The sale of these properties will be canceled in the event Ibero-American Development Corporation is not approved for all funding necessary to proceed with the project.

Ibero will assist in marketing the houses and will create a "buyer pool". The Home Store will also provide nominal marketing assistance to the developers and maintain a listing of available lots and house styles. Each developer may independently retain the services of a real estate broker to market its houses.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-52
(Int. No. 89)

Approving The Sale Of Parcels For Project Turnaround

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the participation of the following developers in Project Turnaround:

- HSBC Community Development Corporation
- Imperial Rochester Development Corporation
- Speedwell Construction Services, Inc.
- Atlas General Contractors

Section 2. The Council hereby approves the sale of any of the following parcels of real estate, for their appraised value, to any of the developers listed in Section 1 provided that the developer shall construct and sell housing in accordance with the guidelines of Project Turnaround:

Address	SBL #
17 Alphonse Street	106.32-2-40
29 Alphonse Street	106.32-2-42
50 Alphonse Street	106.32-2-61
55 Alphonse Street	106.32-2-46
8 Bernard Street	106.24-2-70
22 Bernard Street	106.24-2-67
82 Bernard Street	106.24-2-44
728 Clifford Avenue	106.32-2-31.1
732 Clifford Avenue	106.32-2-30
45 Maria Street	106.32-1-55.1
63 Maria Street	106.32-1-47
71 Maria Street	106.23-3-63
73 Maria Street	106.23-3-62
74 Maria Street	106.32-1-4
75 Maria Street	106.23-3-60
81 Maria Street	106.23-3-57.1
83 Maria Street	106.23-3-56
96 Thomas Street	106.32-2-39
105 Thomas Street	106.32-1-12.1
109 Thomas Street	106.32-1-10.1

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-8
Re: Appointment and Reappointments
To The Rochester Public Library Board

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Educational Excellence

Transmitted herewith is legislation to appoint one new member and reappoint three current members of the Board of the Rochester Public Library.

Appointment is requested for Mr. John D. Lovenheim, 24 Grove Street, Rochester, New York. Mr. Lovenheim will fill the remainder of the term of Dr. Henry French, who recently resigned from the Board. Mr. Lovenheim's term would expire on December 31, 2005. A copy of Mr. Lovenheim's resume has been transmitted under separate cover to the office of the City Clerk for review by any interested person.

Reappointment is requested for:

Reverend Errol E. Hunt, 39 Warwick Avenue, Rochester, New York. Reverend Hunt would serve a five-year term that would expire on December 31, 2007. This would be Reverend Hunt's second term.

Ms. Freda Miller, 265 Melrose Street, Rochester, New York. Ms. Miller would serve a five-year term that would expire on December 31, 2007. This would be Ms. Miller's second term.

Ms. Margaret Van Kirk, 129 Cheltenham Road, Rochester, New York. Ms. Van Kirk would serve a five-year term that would expire on December 31, 2007. This would be Ms. Van Kirk's first full term. She was initially appointed to complete the term of a prior member.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-8
(Int. No. 90)

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

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

Section 1. The Council hereby approves the reappointment of Reverend Errol E. Hunt, 39 Warwick Avenue, to the Board of Trustees of the Rochester Public Library for a term which shall expire on December 31, 2007.

Section 2. The Council hereby approves the reappointment of Freda Miller, 265 Melrose Street, to the Board of Trustees of the Rochester Public Library for a term which shall expire on December 31, 2007.

Section 3. The Council hereby approves the appointment of John D. Lovenheim, 24 Grove Street, to the Board of Trustees of the Rochester Public Library for a term which shall expire on December 31, 2005. Mr. Lovenheim shall replace Dr. Henry French, who has resigned.

Section 4. The Council hereby approves the reappointment of Margaret Van Kirk, 129 Cheltenham Road, to the Board of Trustees of the Rochester Public Library for a term which shall expire on December 31, 2007.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 57
Re: Zoning Map Amendment - 148-150
Boxart Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your consideration is legislation amending the Zoning Map by rezoning the property at 148-150 Boxart Street from R-1 Low

Density Residential to M-1 Industrial District.

The affected property is bordered to the south and west by R-1 uses and to the north and east by M-1 uses. The property is developed with a house that has been vacant for several years.

The applicant, Joe Coco, purchased the property on December 12, 2002. The proposed rezoning will enable the applicant to develop the property with industrial uses including the proposed construction of an industrial building at the rear of the existing house to be used for storage purposes associated with a contracting business.

The Planning Commission held an information meeting on January 27, 2003. One person spoke in support of the requested rezoning; two people spoke in opposition. By a vote of 0-5, the Commission recommended disapproval based on potential impacts on the neighborhood relating to traffic, noise and the incompatibility with adjacent residential uses.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, is the lead agency. Environmental issues were identified with the proposed rezoning and the industrial redevelopment of the property. A determination has been deferred until those environmental issues have been addressed.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Stevenson moved to return Introductory No. 57 to committee.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Introductory No. 57

CHANGING THE ZONING CLASSIFICATION OF 148-150 BOXART STREET FROM R-1 LOW DENSITY RESIDENTIAL TO M-1 INDUSTRIAL

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 148-150 Boxart Street, from R-1 Low Density Residential to M-1 Industrial:

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

Beginning at the point of intersection of the centerline of Boxart Street and the easterly line extended southerly of lands owned now or formerly by Emily M. Poppinny as per a deed recorded in the Monroe County Clerk's Office on December 19, 1952 and filed in Liber 2797 of deeds at page 42.

Said point of intersection being 24.75 feet

northerly from the southerly street line of Boxart Street;

Thence 1) Northerly along said extension and the easterly line of said Poppinny lands a distance of 227.75 feet to a point;

Thence 2) Westerly and parallel to the centerline of Boxart Street a distance of 90 feet to a point;

Thence 3) Southerly and parallel to Course One (1) a distance of 227.75 feet to a point;

Thence 4) Easterly along the centerline of Boxart Street and 24.75 feet northerly from the southerly line of Boxart Street a distance of 90 feet to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Item held.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 56
Re: Center City Master Plan

- R2010: Campaign 1 - Involved Citizens
- Campaign 5 - Economic Vitality
- Campaign 8 - Tourism Destination
- Campaign 9 - Healthy Urban Neighborhoods
- Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the adoption of the Center City Master Plan.

The legislation contains the following specific actions:

1. Adoption of the Plan for the Public Realm contained within the Center City Master Plan as guidelines and supporting documentation to be used in the design and review/approval, of future public realm projects or actions proposed within Center City to include streets, parks, trails, open space and other pedestrian enhancement areas.
2. Adoption of the Schematic Plan contained within the Center City Master Plan as guidelines and supporting documentation to be used in the design and review/approval of future public and private development projects or actions proposed within Center City.
3. Adoption of the entire Center City Master Plan document as an addition to the list of "implementing strategies" for The Renaissance Plan (Ordinance No. 99-120, Section 2.).
4. Adoption of the Design Principles (Attached) contained within the Center City Master Plan as guidelines to be included in the city's formal design review process (the Development Objectives contained within the plan have already been adopted as part of the new City Zoning Ordinance).

As you know, the Sector 5 NBN plan and the goals,

strategies and action agenda for Campaign Ten in the City's Renaissance 2010 Plan recommended the preparation of a Master Plan to serve as a framework and guide for the future of the Center City. For the past eighteen months, the City's Bureau of Planning has been working on and developing this plan. This effort has been coordinated with the update of the City's Zoning ordinance. Most of the ideas, recommendations and concepts that the draft plan is structured around have already been incorporated into the Center City Zoning development objectives, Center City Zone and Design Districts and regulations which were recently adopted by City Council.

The concepts objectives, design principles and development guidelines of the Master Plan are the product of a nearly eight year public engagement process. This process began with the Sector 5 NBN action plan and continued through the R2010 development and adoption process, the Center City Design Charrette, the Zoning Ordinance Update process as well as presentations and workshops on the specific draft plan with Center City neighborhoods and organizations, stakeholders and RDDC membership. The Plan also reflects other project specific public engagement processes such as Manhattan Square Park redevelopment, Inner Loop Redevelopment, Center City Signage and others.

The Master Plan has been formally presented to the City Planning Commission for review and recommendation at the Commission's February 24, 2003 meeting.

A public hearing on this legislation is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 56

ADOPTING THE CENTER CITY MASTER PLAN AND AMENDING SECTION 130-6 OF THE MUNICIPAL CODE

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

Section 1. The Council hereby approves and adopts the Center City Master Plan on file in the Office of the City Clerk as follows:

- (a) Adoption of the Plan for the Public Realm contained within the Center City Master Plan as guidelines and supporting documentation to be used in the design and review/approval, of future public realm projects or actions proposed within Center City to include streets, parks, trails, open space and other pedestrian enhancement areas.
- (b) Adoption of the Schematic Plan contained within the Center City Master Plan as guidelines and supporting documentation to be used in the design and review/approval of future public and private development projects or actions proposed within Center City.
- (c) Adoption of the Design Principles contained within the Center City Master Plan as guidelines to be included in the city's formal design review process.

Section 2. Section 130-6 of the Municipal Code, Strategies, is hereby amended by deleting the word "and" after subdivision A(7) thereof, replacing the

period after subdivision A(8) with "; and", and by adding thereto the following new subsection A(9):

(9) Center City Master Plan.

Section 3. This ordinance shall take effect immediately.

Item held.

By Councilmember Griswold
March 11, 2003

To the Council:

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

Int. No. 58 - Authorizing Agreements For Human Services Projects

Int. No. 80 - Approving Applications, Agreements And The 2003 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Respectfully submitted,
Nancy K. Griswold
Tony M. Thompson
Gladys Santiago
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-53
Re: Agreements - Human Services Projects

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing agreements for the following human services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative	
DuBois Urban Youth Training Program	\$40,000
Community Place of Greater Rochester, Inc.	
Say Yes To Yourself	50,000

The Dubois Urban Youth Training Program is in the second year of CDBG funding. It is considered a project with matching funds and is therefore eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981.

Say Yes To Yourself is in the third year of CDBG funding. It is considered a project without matching funds and is therefore in its final year of eligibility for CDBG funding.

The cost of the agreements will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

The Project Information/Budget forms are attached.

Respectfully Submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-28

Ordinance No. 2003-53
(Int. No. 58)

Authorizing Agreements For Human Services Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for Human Services Projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative	
DuBois Urban Youth Training Program	\$40,000
Community Place of Greater Rochester, Inc.	
Say Yes To Yourself	50,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$90,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen

Ordinance No. 2003-54
Re: 2003 Rochester-Monroe County Youth Bureau

R2010: Campaign 2 - Health, Safety and Responsibility

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

1. Approve the 2003 administrative and program budgets of the Bureau; and
2. Authorize agreements with:
 - a. The Society for the Protection and Care of Children, for operation of the Family Violence Program;
 - b. Baden Street Settlement, for operation of Project Base; and
 - c. Baden Street Settlement, for operation of

Project Odyssey.

The Youth Bureau is a joint agency that was established by the City and County "...to encourage and administer a county-wide comprehensive planning and service delivery system that is devoted in whole or in part to the welfare and positive development of children and youth." It is supervised by a Citizen/Youth Board, administered by the County and supported financially by the City, the County and the NYS Office of Children and Family Services (formerly the Division for Youth).

Under the bylaws of the Board, which were approved by City Council on June 8, 1982, the annual budget of the Bureau is subject to the approval of the City and County. Upon approval, the City is required to submit the related application for state aid to the Office of Children and Family Services through the Bureau and, to the extent that matching funds are available, to reimburse the County for up to a maximum of 34% of its total administrative budget.

The budget proposed for the Youth Bureau for 2003 provides for administrative costs of \$561,345 which is a 25% decrease from the 2002 budget. Based upon the proposed budget, the 2003 contribution requested from the City is \$110,828 or 19.75%.

A reimbursement of 50.2% of this amount will subsequently be received from the Office of Children and Family Services. The City's net cost for administration will therefore be \$55,414. In 2002, its net cost was also \$55,414.

The proposed 2003 budget also provides for the operation or administration of the following programs by the City from the 2002-03 budget:

<u>Program</u>	<u>NYSOCFS Cost 2002</u>	<u>NYSOCFS Cost 2003</u>	<u>Change</u>
DPRHS:			
Youth Recreation	\$355,117	\$314,677	(\$ 40,440)
Police Department:			
Family & Victim Assistance	119,434	0	(119,434)
Family Violence	216,794	319,877	103,083
Project Base	58,789	62,689	3,900
Project Odyssey	5,771	7,477	1,706
Total	\$755,905	\$704,720	(\$ 51,185)

Related Revenue

State Aid	\$206,795	\$208,938	\$ 2,143
Other Revenue	240,755	337,447	96,692
Total	\$447,550	\$546,385	\$98,835
City Contribution	\$308,355	\$158,335	(\$150,020)

After consideration of State aid and other revenue, the net cost to the City of all programs will be \$158,335 or \$150,020 less than the 2002 amount.

The County Legislature approved the 2003 Youth Bureau budget in December 2002.

Respectfully submitted,
William A. Johnson, Jr.

Mayor

Ordinance No. 2003-54
(Int. No. 80)

**Approving Applications, Agreements And The
2003 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 2003 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2003 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2003 Comprehensive Youth Services Plan. The City's required contribution to the 2003 Youth Bureau Budget shall be financed equally from the 2002-03 and 2003-04 Budgets of the Department of Parks, Recreation and Human Services.

Section 2. The Mayor is further authorized to enter into an agreement with the Society for the Protection and Care of Children for the operation of the Family Violence Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$27,363, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Base. Said agreement shall obligate the City to pay an amount not to exceed \$17,756, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services.

Section 4. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Odyssey. Said agreement shall obligate the City to pay an amount not to exceed \$7,447, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services.

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

Section 6. This ordinance shall take effect immediately.
Passed unanimously.

By Councilmember Stevenson
March 11, 2003

To the Council:

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

Int. No. 59 - Authorizing Acceptance Of A Grant For Turning Point Park Improvements And Amending The 2002-03 Budget

Int. No. 60 - Approving The Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project

Int. No. 61 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project

Int. No. 73 - Authorizing An Agreement With Selden P. Chase For The Lease Of Farmland

Int. No. 74 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For CSX Spill Legal Services

Int. No. 86 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up At The City's Bureau Of Water & Street Lighting Site At 10 Felix Street

Int. No. 87 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$559,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of 151, 171, 173, 175, 177 And 191 Mt. Hope Avenue

Int. No. 92 - Appropriating Funds For The Fast Ferry Terminal

Int. No. 93 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$170,000 Bonds Of Said City To Finance The Cost Of Constructing Fast Ferry Terminal Facilities Within The City

Int. No. 94 - Resolution For The Purpose Of A Home Rule Message Regarding State Legislation Relative To Discontinuing The Use Of Certain Lands As Park Lands

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

Int. No. 62 - Authorizing Acquisitions By Condemnation For The Plymouth-Exchange Neighborhood Trail Improvements Project And Increasing An Acquisition Amount

Int. No. 63 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 64 - Local Improvement Ordinance - Security At The Public Market

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 86 and abstained vote on Int. No. 94)
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-55
Re: Turning Point Park Grant

R2010: Campaign 1 - Involved Citizens
Campaign 3 - Health, Safety and

Responsibility
Campaign 4 - Environmental Stewardship
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Attraction

Transmitted herewith for your approval is legislation authorizing the acceptance of a \$100,000 grant from the New York State Office of Parks, Recreation and Historic Preservation and amending the 2002-03 Budget for Cash Capital to reflect those funds.

The grant was received through a New York State Legislative member item initiated by State Senator Joseph Robach and will be used for improvements to the fishing and car top boat launch accesses at Turning Point Park.

The improvements will be designed by the DES Bureau of Architecture and Engineering staff. Construction is currently estimated to take place in the fall of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-55
(Int. No. 59)

Authorizing Acceptance Of A Grant For Turning Point Park Improvements And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding for improvements to the fishing and boat launch accesses at Turning Point Park.

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

Section 3. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$100,000, which amount is hereby appropriated from the grant authorized herein to fund improvements to the fishing and boat launch accesses at Turning Point Park.

Section 4. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-56 And
Ordinance No. 2003-57
Re: Lake Avenue (Lyell - Ridgeway)
Water Main Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herein for your approval is legislation relating to the Lake Avenue (Lyell Avenue-Ridgeway Avenue) improvement project. This legislation will:

- 1. Authorize participation by the City in this

project, which will be administered by the NYS Department of Transportation;

- 2. Approve the installation of water mains and appurtenances performed on the Lake Avenue project and shown on the contract plans related to the Lake Avenue project;
- 3. Agree that the City of Rochester will maintain or cause to be maintained the water-related facilities on Lake Avenue, and shown on the contract plans;
- 4. Authorize any necessary agreements with NYS-DOT for such participation;
- 5. Authorize the issuance of bonds totaling \$1,100,000 and appropriating the proceeds thereof to finance the water main related portion of the project. An additional \$250,000 will be financed from the 2002-03 Cash Capital appropriation;
- 6. Authorize the City to reimburse NYSDOT for \$1,350,000, the portion of the water main related improvements; and
- 7. Transmit six certified copies of the foregoing ordinance to the New York State Department of Transportation.

This project involves the installation of new water mains on Lake Avenue (Lyell Avenue-Ridgeway Avenue). This project, which is being administered by NYSDOT, is included in the Lake Avenue Street Improvement Project. The City portion of this street improvement project includes installing 2400 feet of new 8" and 4200 feet of new 12" water main on Lake Avenue (Glenwood Avenue - Alameda Street). It also includes installing new copper water services and new hydrants on Lake Avenue (Lyell Avenue-Ridgeway Avenue). This project will replace an unlined 8" water main and non-copper water services such as lead and galvanized iron water services. The new water mains are designed to improve flow and water quality.

The water mains scheduled for replacement on Lake Avenue have been in service since 1874.

The improvements are scheduled to begin during the summer of 2003 and be completed by the winter of 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-56
(Int. No. 60)

Approving The Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project

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

Section 1. The Council hereby approves the participation by the City in the Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project to be administered by the New York State Department of Transportation.

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 participation by the City in the Lake Avenue (Lyell

Avenue-Ridgeway Avenue) Improvement Project. The Council hereby approves the installation of water mains and appurtenances performed on the Lake Avenue Improvement Project and shown on the contract plans and agrees that the City will maintain or cause to be maintained such water mains and appurtenances.

Section 3. The agreements shall obligate the City to reimburse the State in an amount not to exceed \$1,350,000 for the water improvements, and of said amount, or so much thereof as may be necessary, \$1,100,000 shall be funded from a bond ordinance adopted for this purpose, and \$250,000 shall be funded from the 2002-03 Cash Capital Allocation.

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

Section 5. The City Clerk is directed to transmit six certified copies of this ordinance to the New York State Department of Transportation.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-57
(Int. No. 61)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Lake Avenue (Lyell Avenue-Ridgeway 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 Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,350,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,100,000 bonds of the City to finance said appropriation, together with \$250,000 of available current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,100,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-58
Re: Lease Agreement - Rush Reservoir
Parcel

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation regarding the lease of one property in the Town of Rush. The 14-acre parcel is part of the property that was acquired by the City in 1990 in conjunction with the Rush Reservoir Rehabilitation Project. Acquisition was required to permit construction of a sediment depository during the project.

The project was completed in 1992. Under lease agreements authorized by the Council on December 8, 1992 and April 14, 1998, the parcel has since been used by Selden Chase to grow alfalfa and timothy hay.

The current five-year agreement expires on April 30. Under the proposed legislation, a new five-year agreement will be authorized. The proposed annual rental rate of \$20 per acre is the same as the current rate. The rate was established through a bidding process.

Mr. Chase will continue to use the parcel for agricultural purposes. He will also assist the City in obtaining an agricultural assessment under Section 1224 of the NYS Real Property Tax Law.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-58
(Int. No. 73)

Authorizing An Agreement With Selden P. Chase For The Lease Of Farmland

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Selden P. Chase for the lease of approximately 14 acres of farmland owned by the City in the Town of Rush. The agreement shall extend for a term not to exceed five years at a rental rate of \$20. per acre per year. Mr. Chase shall also provide insurance and assist the City in attaining an agricultural assessment for this property.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-59
Re: Agreements - CSX Spill Legal
Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement for the provision of legal services relating to the CSX train derailment of December 23, 2001. The maximum cost will be \$15,000, which will be financed from 2002-03 Budget of the Law Department.

The City entered into an agreement with Underberg & Kessler, 1800 Chase Square, on February 20, 2002, in an amount not to exceed \$10,000. The agreement has allowed the City Law Department to obtain expert advice from Terry M. Richman, Esq., with respect to environmental remediation matters relating to the CSX spill. Continued advice will be required with respect to the remediation itself and the recovery of the City's costs from CSX. Underberg & Kessler was chosen because of Ms. Richman's expertise, their fee schedule and downtown location.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-59
(Int. No. 74)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For CSX Spill Legal 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 an amendatory professional services agreement with Underberg & Kessler for legal services as required by the Law Department in conjunction with the CSX train derailment of December 23, 2001. Said amount shall be funded from the 2002-03 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-60
Re: Remedial Investigation & Interim
Remedial Measures - 10 Felix Street
Redevelopment

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation relating to environmental remedial investigation, remedial planning, and interim remedial measures for portions of the 10 Felix Street Water Bureau Facility. This legislation will authorize the issuance of bonds totaling \$250,000 and appropriate the proceeds thereof to finance the remedial investigation, remedial planning, and interim cleanup services.

As you are aware, the Department of Environmental Services is currently developing concepts for redevelopment of the current Bureau of Water & Lighting site at 10 Felix Street into a new facility. In anticipation of the redevelopment, a Phase 2 environmental investigation was completed in September 2001. The Phase II investigation resulted in the identification of four abandoned underground gasoline and waste oil storage

tanks, several areas of petroleum and solvent contaminated soil, various fill materials, and groundwater contamination thought to be associated with vehicle repair, refueling and equipment repair performed over the years. Some significant areas of contamination extend beneath existing structures and utilities. The four storage tanks and 222 tons of contaminated soil were removed in August 2001; however, the tanks were in poor condition and additional contaminated soil associated with these tanks extends under existing buildings and utilities.

In response to these findings, the New York State Department of Environmental Conservation (NYSDEC) was notified and has requested additional contaminant delineation involving the installation of groundwater monitoring wells and groundwater testing. Investigation and interim remedial services needed at this time include:

1. Groundwater investigations as requested by the NYSDEC (estimated at \$20,000);
2. Additional soil investigations to help guide redevelopment planning for cost-effective construction (estimated at \$20,000);
3. Removal of contaminated soil where deemed accessible prior to building demolition or utility replacement and completion of an interim remedial measure closure report (estimated at \$150,000);
4. Completion of remedial measures on the northern portion of the site, including sampling existing groundwater monitoring wells and completing a remedial closure report (estimated at \$35,000);
5. Cleanup planning and coordination with the architectural concepts for the new facility, including the development of a Corrective Action Plan (CAP) as requested by the NYSDEC, and obtaining approval of the CAP from the NYSDEC. The CAP will include a redevelopment construction phase Community Air Monitoring Plan, and a Health & Safety Plan (estimated at \$15,000);
6. Development of written contract specifications detailing the remedial measures to be implemented in accordance with the CAP. The specifications could be incorporated into a request for proposal or a public bidding proposal if necessary (estimated at \$10,000).

The interim and post-demolition cleanup phases will address primary areas of soil contamination and groundwater contamination. Development of the cleanup approach will be coordinated with conceptual redevelopment plans to increase the efficiency and effectiveness of the cleanup. New buildings constructed on the site may be required to have engineering controls such as ventilation systems and vapor barriers.

The investigation and pre-demolition interim remedial services will be performed under existing agreements. Post-demolition remedial services will be necessary and, as a result, additional bond authorization may be requested in the future.

The additional investigations and interim cleanup activities are expected to require six to eight months to complete.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AC-29

Ordinance No. 2003-60
(Int. No. 86)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up At The City's Bureau Of Water & Street Lighting Site At 10 Felix Street

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance additional investigation of hazardous substances and environmental remediation planning and interim clean-up of the Bureau of Water & Street Lighting site at 10 Felix Street in the City of Rochester, New York (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$707,200, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$250,000 bonds of the City, together with the application of \$457,200 bonds previously appropriated in Ordinance No. 2001-318, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said 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 \$250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

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

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

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

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

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

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

Passed by the following vote:

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

Nays - Councilmember Curran - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-61
Re: Environmental Remediation -
Mt. Hope Avenue

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation relating to environmental planning and remediation of portions of six contiguous parcels of land located on the western side of Mt. Hope Avenue and owned by the City of Rochester and Rochester Urban Renewal Agency. This legislation will authorize the issuance of bonds totaling \$559,000 and appropriate

the proceeds thereof to finance remedial planning and cleanup services.

The six parcels of land (151, 171, 173, 175, 177, and 191 Mt. Hope Avenue) comprise approximately 3.7 acres and are located north of the apartment complex owned by Genesee Gateway Houses, Inc., and south of Time Warner's main office at 71 Mt. Hope Avenue. The parcels were acquired as part of an urban renewal project in the late 1960s; former uses include three gasoline stations and automobile sales that fronted Mt. Hope Avenue, a portion of a former concrete plant, and the former railroad tracks and related railroad improvements located primarily on the western portion of the parcels near the Genesee River.

In anticipation of the redevelopment the City contracted for the completion of a Phase 1 environmental site assessment which was completed in October 2000. The Phase 1 environmental site assessment identified several recognized environmental concerns, and a preliminary Phase 2 environmental investigation was completed in October 2000. The results of the preliminary Phase 2 investigation documented the presence of petroleum-contaminated soil and groundwater on all six parcels at concentrations that exceed standards. In response to these findings, the New York State Department of Environmental Conservation (NYS-DEC) was notified. Additional Phase 2 environmental investigations were completed in February 2002 to define the extent of contamination, and to evaluate potential remedial alternatives. The results of the investigations indicate that approximately 3,500 to 4,500 cubic yards (approximately 5,775 to 7,425 tons) of contaminated soil are present on the properties, and that a groundwater plume approximately 300 feet long is contaminated with petroleum hydrocarbons at concentrations which warrant remediation.

In response to these findings NYSDEC was notified and has requested that the City develop a cleanup plan identifying the proposed remedial measures to be implemented to remediate the site. The proposed remedial actions will include:

1. Development of a Corrective Action Plan (CAP) detailing the proposed methodologies and techniques to remediate and monitor the site. The CAP will include a Community Air Monitoring Plan, a Health & Safety Plan, and an Environmental Management Plan.
2. A soil removal program consisting of the removal of approximately 3,500 to 4,500 cubic yards (approximately 5,775 to 7,425 tons) of contaminated soil. The contaminated soil will be disposed off-site at a landfill, or treated on-site by placing the contaminated soil in a "biopile" constructed on-site. The biopile facilitates the natural biodegradation of petroleum-contaminated soil over time. The excavation of the contaminated soil will require the removal of up to 9,000 cubic yards of clean soil.
3. If the soil is treated on-site using a biopile, the biopile system will be monitored on a regular basis to ensure it is working properly and to ensure that the system is operating in an efficient manner.
4. Collection and analysis of confirmatory soil samples to verify the effectiveness of the soil removal program.
5. Installation of new groundwater monitoring wells to replace those destroyed as a result of the soil removal program, and sampling and

analysis of groundwater samples. Remediation to reduce contaminant concentrations. Potential remedial options to remediate groundwater include in-situ chemical oxidation, and biodegradation using oxygen injection or through the application of oxygen release compounds.

- 6. Development of a remedial closure report to be submitted to the NYSDEC summarizing the remedial measures implemented and the post-cleanup subsurface conditions of the properties.

The cleanup activities are expected to be performed in two separate phases and require one to two years to complete.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-61
(Int. No. 87)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$559,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of 151, 171, 173, 175, 177 And 191 Mt. Hope Avenue

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 planning and implementing clean-up of certain hazardous substances at 151 Mt. Hope Avenue, owned by the Rochester Urban Renewal Agency, and the city-owned parcels at 171, 173, 175, 177 and 191 Mt. Hope Avenue in the City of Rochester, New York (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$559,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$559,000 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 \$559,000 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 \$559,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-62 And
Ordinance No. 2003-63
Re: Port of Rochester - Fast Ferry
Terminal Facilities

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Ordinance No. 2003-63
(Int. No. 93)

Transmitted herewith for your approval is legislation which will:

1. Appropriate \$660,000 in anticipated Federal Highway Administration funds (TEA-21) for construction of the fast ferry terminal facilities; and
2. Authorize issuance of \$170,000 in bonds and appropriate the proceeds thereof to finance a portion of the construction cost of the ferry terminal facilities.

As you are aware, construction of the fast ferry terminal facilities includes renovation of the north warehouse, improvements to the river wall to provide for berthing, construction of site improvements required for vehicular embarkation and debarkation, and federal Homeland Security border inspection facilities. The public improvements will also provide utility and building system connections and services to facilities related to all ferry operations.

The Structural Steel and Metal Fabrications contract was advertised for bid on February 24 and bids will be received on March 18, 2003. These authorizations are being requested at this time to allow the award of this contract due to its time critical importance.

The estimated total cost of the Structural Steel and Metal Fabrications contract is as follows:

	Construct- tion	Contin- gency	Adminis- tration	Total
Federal	\$592,000	\$61,600	\$6,400	\$660,000
Bonds	<u>148,000</u>	<u>20,400</u>	<u>1,600</u>	<u>170,000</u>
Total	\$740,000	\$82,000	\$8,000	\$830,000

The City share is provided for in the 2002-03 Capital Improvement Program.

Construction of the fast ferry terminal is scheduled to begin in Spring 2003 and be completed in Spring 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-62
(Int. No. 92)

Appropriating Funds For The Fast Ferry Terminal

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

Section 1. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$660,000, or so much thereof as may be necessary, to fund the construction of fast ferry terminal facilities.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$170,000 Bonds Of Said City To Finance The Cost Of Constructing Fast Ferry Terminal Facilities Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of constructing a fast ferry terminal approximately 56,000 square feet in size to provide facilities for U.S. Homeland Security border inspection of passengers and vehicles, as well as operations for the fast ferry including ticketing, baggage handling, departures, arrivals and offices, as well as commercial and retail space, within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$899,550. The plan of financing includes the issuance of \$170,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$660,000 in funds expected to be appropriated and received from the Federal Highway Administration and \$69,550 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 \$170,000 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 \$170,000. 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.46 of the Law, is twenty (20) years.

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

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:

Ladies and Gentlemen:

Resolution No. 2003-9
Re: Home Rule Message - Genesee Valley
Parkland Alienation

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is a home rule resolution relating to legislation that currently is being

considered by the New York State Legislature. The legislation would authorize the parkland/open space alienation of a parcel within Genesee Valley Park. The alienation is required for the Brooks Landing development project, which will include an extended stay hotel and restaurant. The overall project will help to revitalize the Brooks/Genesee neighborhood commercial area and will offer a unique tourist opportunity along the NYS Erie Canal system.

City Council previously approved a home rule resolution for this project on June 18, 2002. Following this approval, an amended version of the State legislation was filed in the Assembly, necessitating a second Council home rule resolution, which was approved at a Special Meeting on June 27. However, the State Legislature adjourned in 2002 without taking action on these items. The bills have been resubmitted in both the Assembly and the Senate for action in 2003.

The alienation will involve 150,573 square feet of the site, a total of 3.457 acres. The area includes both dedicated parklands within Genesee Valley Park (approx. 2.1 acres), as well as a portion of adjacent City- owned vacant open space property, formerly a railroad right-of-way (approx. 1.4 acres).

The City will rededicate as City parkland, approximately .46 acres of the 2.1 acres of alienated dedicated parkland once the project site plan has been completed and approved. The rededicated parkland will be located adjacent to the Genesee River for the entire length of the project development site. It will consist of a new public waterfront with enhanced public amenities, a new riverfront promenade, a new public boat landing and enhanced public access to the waterfront. The new waterfront developed within the rededicated parkland will connect to the existing river trail system. The resulting effective net total alienation will be approximately 3.0 acres for the project development site, including both the actual dedicated parkland and the City-owned vacant property.

The appraised value of the 3.457 acres of land to be alienated, based on a \$35,000 per acre value, is \$120,995. The effective net total value of alienated parkland/open space after the approximate .46 acres is rededicated as City-owned parkland for the new public waterfront is \$104,895, of which only \$73,500 is for the dedicated parkland portion.

To compensate for the alienation, the City will dedicate as parkland an additional 19.5-acre parcel of City-owned vacant land adjacent to Turning Point Park and the Genesee River. The appraised value of this 19.5-acre replacement parcel, based on a \$5,000 per acre value, is \$97,500. The extensive improvements to the public waterfront parkland at the rededicated portion of the Brooks Landing development site is additional compensation for the parkland alienation. Investments for these public parkland improvements are estimated at approximately \$1,000,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-9
(Int. No. 94)

Resolution For the Purpose Of A Home Rule Message Regarding State Legislation Relative To Discontinuing The Use Of Certain Lands As Park Lands

Concurring in the request by the Mayor of the City of Rochester to the Senate and Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to discontinuing the use of certain lands as park lands.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council hereby concurs in the request of William A. Johnson, Jr., Mayor of the City of Rochester, to the Senate and Assembly of the State of New York, constituting the New York State Legislature, that said Legislation enact the legislation forth in the following bill entitled:

AN ACT to authorize the City of Rochester to discontinue the use of certain lands as park lands

Being Senate Bill No. S.1784-A and Assembly Bill No. A.4300.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

Councilmember Curran abstained vote because of the proximity of the parkland to his house.

Councilmember Norwood abstained vote because he is an employee of the Assembly.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-64
Re: Plymouth-Exchange Neighborhood Trail Improvement Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation which will amend a prior ordinance relating to the Plymouth-Exchange Neighborhood Trail Improvement Project to change the authorized acquisition price for one property and to authorize acquisition of the properties by negotiation or condemnation.

On September 17, 2002, the Council authorized the acquisition of two parcels and one temporary easement for the construction of improvements as part of the aforementioned Trail Project, the cost of which was \$6,019.50.

The Law Department and the Division of Real Estate have recommended an increase in the authorized acquisition of one parcel. The recommendation reflects the results of negotiation and is based on consideration of probable litigation costs if the property has to be acquired through condemnation.

Address: 940 Exchange Street
Current Authorized Price: \$1,000
Revised Authorized Price: \$2,000

If the cost of acquisition for the parcel is increased, the total cost will be \$7,019.50.

In addition, since the owner of 5 Flint has not yet

responded to the City's offer, and the project has been bid and work is scheduled to begin as early as possible in the spring, the proposed legislation also includes authorization to acquire these parcels by negotiation or condemnation. In the event that either the property owner at 940 Exchange Street refuses to accept the revised offer, or that the property owner at 5 Flint Street refuses to accept the City's offer, the City will proceed to acquire by condemnation at the appraised values, as approved by Council on September 17, 2002.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-30

Ordinance No. 2003-64
(Int. No. 62)

Authorizing Acquisitions By Condemnation For The Plymouth-Exchange Neighborhood Trail Improvements Project And Increasing An Acquisition Amount

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

Section 1. In the event the following parcels and temporary easement for the construction and maintenance of municipal improvements as a part of the Plymouth-Exchange Neighborhood Trail Improvements Project, authorized for acquisition in Ordinance No. 2002-299, cannot be obtained through negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings:

Property Address	SBL#	Sq. Ft.
Reputed Owner		
940 Exchange St	121.77-01-09	
Exchange Genesee Associates		1,930
Pt of 5 Flint St	121.77-01-10	
One Flint Street Associates		4,804.45
Pt of 5 Flint St	121.77-01-10	
(Temp. Easement)		
One Flint Street Associates		2,156.42

Section 2. The acquisition cost for 940 Exchange Street as authorized in Ordinance No. 2002-299 is hereby increased from \$1,000 to \$2,000, which increase shall also be funded from the 2000-01 Cash Capital Allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1512 And
Local Improvement Ordinance No. 1513
Re: Public Market Snow Removal and Security Services

R2010: Campaign 3 - Health, Safety and Responsibility

Campaign 4 - Environmental Stewardship
 Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the appropriations and assessments for snow removal and security services at the Public Market.

The snow removal district was established by the City Council on May 22, 1990, while the security services district was established by the Council on August 13, 1991. Both districts include 18 properties that are adjacent to the Public Market.

The Department of Parks, Recreation and Human Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays.

Part of the cost of these services is apportioned among the properties within the district. These assessments include (1) a fixed fee for each property and (2) an additional fee for each front foot of each property.

Three of the properties are now owned by the City of Rochester. Although the portion of the assessment assigned to them was used for the determination of the total assessment, the sum of the three City-owned properties was subtracted from the total assessment levied as an efficiency measure.

In 2003-2004 for snow removal services, the fixed fee will be \$100 per property while the footage fee will be a "negative fee" of \$.11 (\$0.11) per foot. The total amount of assessment will be \$1,617.14, which is \$4,283.97 less than the 2001-2002 amount due to the extremely warm winter and snow removal costs for that time period.

Snow Removal	Approved 2002-2003	Proposed 2003-2004
Fixed Fee	\$ 100.00	\$ 100.00
Number of Properties	18	18
Fixed Fee Total	\$1,800.00	\$1,800.00
Footage Fee	\$ 2.44	\$ (.11)
Footage	1,662.34	1,662.34
Footage Fee Total	\$4,056.11	\$ (182.86)
Total Assessment	\$5,856.11	\$1,617.14
Less City Portion	\$(800.42)	(277.51)
Adjusted Assessment	\$5,055.69	\$1,339.63

For security services, the fixed fee will be \$990 per property, while the front footage fee will be \$5.09 per foot. The total amount of the assessment will be \$26,281.31, which is the same as the 2002-2003 amount.

Security	Approved 2002-2003	Proposed 2003-2004
Fixed Fee	\$ 990.00	\$
Number of Properties	18	18
Fixed Fee Total	\$17,820.00	\$17,820.00
Footage Fee	\$ 5.09	\$

5.09		
Footage	1,662.34	1,662.34
Footage Fee Total	\$ 8,461.31	\$ 8,461.31
Total Assessment	\$26,281.31	\$26,281.31
Less City Portion	\$(4,010.99)	\$(4,010.99)
Adjusted Assessment	\$22,270.32	\$22,270.32

A public hearing is required.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AC-31

Local Improvement Ordinance No. 1512
 (Int. No. 63)

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, 2003 to June 30, 2004.

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 2003-04 year shall be \$1,617.14. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus a credit of \$0.11 (\$0.11) per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

Property Address	Front Footage
SBL No.	
248 N. Union Street 106.660-0001-014	558.27
171 Railroad Street 106.670-0001-078	190.25
156 Public Market 106.670-0001-074	126.31
160 Public Market 106.670-0001-075	42.58
166 Public Market 106.670-0001-076	35.62
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50

35 Pennsylvania Avenue		
106.590-0003-002.1	120	
16-18 Public Market		
106.590-0003-001	40	
25 Pennsylvania Avenue		
106.580-0003-026	40	
17-23 Pennsylvania Avenue		
106.580-0003-027	40	
15 Pennsylvania Avenue		
106.580-0003-028	40	
11 Pennsylvania Avenue		
106.580-0003-029	19.57	
9 Pennsylvania Avenue		
106.580-0003-030	128.24	

Section 3. The snow plowing and salting services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2003 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

Local Improvement Ordinance No. 1513
(Int. No. 64)

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, 2003 to June 30, 2004.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that half the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2003-04 year shall be \$22,270.32. The amount to be assessed against each parcel shall include a fee of nine hundred ninety dollars (\$990.) per parcel plus five dollars and nine cents (\$5.09) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u>	<u>SBL No.</u>	<u>Front Footage</u>
248 N. Union Street		
106.660-0001-014	558.27	
171 Railroad Street		
106.670-0001-078	190.25	

156 Public Market		
106.670-0001-074	126.31	
160 Public Market		
106.670-0001-075	42.58	
166 Public Market		
106.670-0001-076	35.62	
60 Public Market		
106.590-0003-008	40	
64-66 Public Market		
106.590-0003-009	40	
68-70 Public Market		
106.590-0003-010	40	
50-52 Public Market		
106.590-0003-006	40	
55-57 Public Market		
106.590-0003-007	40	
59 Pennsylvania Avenue		
106.590-0003-005.1	81.50	
35 Pennsylvania Avenue		
106.590.0003-002.1	120	
16-18 Public Market		
106.590-0003-001	40	
25 Pennsylvania Avenue		
106.580-0003-026	40	
17-23 Pennsylvania Avenue		
106.580-0003-027	40	
15 Pennsylvania Avenue		
106.580-0003-028	40	
11 Pennsylvania Avenue		
106.580-0003-029	19.57	
9 Pennsylvania Avenue		
106.580-0003-030	128.24	

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2003 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

By Councilmember Douglas
March 11, 2003

To the Council:

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

Int. No. 65 - Cancellation Of Taxes And Charges

Int. No. 66 - Amending And Restating The Deferred Compensation Model Plan For Employees Of The City Of Rochester

Int. No. 68 - Authorizing Agreement With General Code Publishers Relating To The City Code And Amending The 2002-03 Budget

Int. No. 75 - Establishing Maximum Compensation For A Professional Services Agreement For An Inter-

governmental Cooperation/Consolidation Study

Int. No. 76 - Establishing Maximum Compensation For A Professional Services Agreement For A Police-Community Relationships Study

Int. No. 77 - Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Services Examinations

Int. No. 78 - Authorizing Agreements For A Grant For Seat Belt And Child Safety Seat Usage And Amending The 2002-03 Budget

Int. No. 79 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Graphic Design Services

Int. No. 85 - Amending The 2002-03 Budget

Int. No. 91 - Authorizing Agreements For The Weed & Seed Program

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

Int. No. 67 - Establishing Maximum Compensation For A Professional Services Agreement For Audit Services

Int. No. 69 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements
Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-65
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$30,860.31.

An amount of \$13,060.31, or 42.32% of the total, relates to one property that was purchased by a tax exempt organization and used primarily for a tax exempt purpose as of February 1, 2001. The property should have been exempt from general taxation commencing with the 2001 Final Assessment Roll.

A total of \$17,800.00 or 57.68% of the total, relates to one property which had code violations attributed to the former owner. The property was taken by a mortgage foreclosure action on September 3, 2002 and has been subsequently conveyed to HUD.

If this cancellation is approved, total cancellations thus far for 2002-03 will be \$ 190,339.23.

Accounts	Amounts
City Council	28 \$154,153.48

Administrative	116	36,185.75
Total	144	\$190,339.23

These cancellations represent .092% of the tax receivables as of July 1, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-65
(Int. No. 65)

Cancellation Of Taxes And Charges

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

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

- (a) This property was used for a qualifying tax exempt purpose as of February 1, 2001. It should have been tax exempt as of that date.

S.B.L. #	Address	Amount
Class	Tax Year	Canceled
105.830-0001-043	506-510 Jay St.	
NH	2002	\$ 8,876.41
	2003	—
4,183.90		
Subtotal		\$13,060.31

- (b) The property below was levied against for code violations against prior owner before a 9/02 mortgage foreclosure deed. The property was subsequently conveyed by foreclosing mortgagee to HUD.

S.B.L. #	Address	Amount
Class	Tax Year	Canceled
120.550-0003-042	624 Chili Ave.	
H	2003	\$17,800.00
Subtotal		\$17,800.00
Total		\$30,860.31

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. 2003-66
Re: Deferred Compensation Plan

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving an amended deferred compensation plan to comply with the restated version of the "Model Plan" as of January 1, 2003, and pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001, EGTRRA.

Deferred compensation plans are intended to encour-

age and assist people in saving funds for their retirement. Establishment of such plans by employers is authorized by sections 401 (private employers) and 457 (public employers) of the U.S. Internal Revenue Code.

Under such plans, an employee may elect to defer the receipt of a portion of his or her earnings. The amount deferred is not subject to federal or state taxes in the year that it is earned. Rather, it is subject to taxes in the year that it is received, usually upon retirement of the employee. Between these years, the amount deferred is invested.

A deferred compensation plan for City employees was approved by the City Council on September 23, 1986. Amendments to this plan were approved by the Council on April 16, 1997, November 10, 1998, August 22, 2000, and March 19, 2002.

Under the proposed additional technical amendment, the plan will be modified to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001. These modifications, indicated in the attachment, generally provide for clarifying certain definitions pertaining to "includible compensation", catch-up contributions, retirement age, and loan provisions.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-32

Ordinance No. 2003-66
(Int. No. 66)

Amending And Restating The Deferred Compensation Model Plan For Employees Of The City Of Rochester

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5"), and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Model Deferred Compensation Plan for Employees of the City of Rochester (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the City of Rochester, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the City of Rochester;

WHEREAS, effective January 1, 2003, the Board amended the Model Plan to adopt provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") as they apply to the Model Plan and to adopt modifications that update certain administrative provisions to accommodate prospective state-of-the-art methods and procedures;

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the City of Rochester has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the City of Rochester by adopting the amended and restated Model Plan,

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

Section 1. The City of Rochester hereby amends the Deferred Compensation Plan for Employees of the City of Rochester effective January 1, 2003, by adopting the amended and restated Model Plan effective January 1, 2003, in the form on file with the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-67
Re: Publication of the City Code

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with General Code Publishers to publish reformatted versions of the City Charter and Code. The maximum cost of the proposed three-year agreement will be \$94,500, which will be funded from the 2002-03 and future budgets of the City Council/City Clerk and the 2001-02, 2002-03, and future budgets of the Department of Community Development.

The recent adoption of the new Zoning Code, which included many new charts, was the impetus to reformat the entire City Charter and Code. An interdepartmental review team that included representation from General Code explored the most efficient and economical means to publish these volumes. Numerous cities have adopted the 8 1/2 x 11 format because it enables larger charts, graphs, and maps to be printed on one page. Utilizing standard three-hole punched paper also reduces the cost of printing, production, and binding, and facilitates duplicating of individual pages. The volumes will continue to be published with blue binders with the City seal in white, and will include easier-to-use tab dividers.

Additionally, the new Charter and Code will be published in three volumes instead of four. Volume I will be the Charter; Volume II will be the Code, except for the Zoning Code; and Volume III will be the Zoning Code alone. Volume II will contain a complete index, and Volume III will contain an index of the Zoning Code.

The proposed agreement will provide 100 copies of the entire three-volume City Charter and Code in 8 1/2 x 11 format. It will also provide for continued maintenance of the City Code through the preparation of new sections and amendments as approved by the City Council and signed into law by the Mayor, including both the paper and electronic versions of these volumes.

General Code will deliver 100 volumes of the Zoning Code within sixty days following execution of the proposed agreement, and will subsequently prepare and publish 100 copies of the City Charter and the remaining sections of the City Code within seven months thereafter.

The proposed agreement also provides for a continuation of the City's Code and Charter to be maintained on the Internet. The digital version of these documents will include several new jump-links that connect web

users directly with related City documents, such as *Rochester 2010: The Renaissance Plan*.

As part of this agreement, General Code will continue to work with the City's Law Department to ensure that the electronic and paper copies of these documents accurately reflect the laws as adopted. In addition, the agreement provides for the printing and delivery to the City on a quarterly basis of all revisions to the Code.

The proposed legislation will also amend the 2002-03 Budget by transferring \$24,900 from Contingency to the City Council/City Clerk's budget to fund that portion of the agreement.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2003-67
(Int. No. 68)

Authorizing Agreement With General Code Publishers Relating To The City Code And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with General Code Publishers to publish reformatted versions of the City Charter and Code of the City of Rochester and to provide for continued maintenance of the Charter and Code in paper and electronic versions. The agreement shall extend for three years.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$94,500, of which \$24,900 shall be funded from the 2002-03 Budget of the City Council/City Clerk and \$14,300 from the 2001-02 Budget of the Department of Community Development for the costs of reprinting the City Charter and Code.

Section 3. The sum of \$45,000 shall be funded from the 2002-03 and future budgets of the City Council/City Clerk for supplementation services and the sum of \$10,300 shall be funded from the 2002-03 and future budgets of the department of Community Development for services specific to the Zoning Code.

Section 4. Ord. No. 2002-218, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$24,900 from Contingency to the Budget of the City Council/City Clerk to fund a portion of this agreement.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-68
Re: Intergovernmental Cooperation/
Consolidation Opportunities

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing a professional services agreement with the Center for Governmental Research for an analysis of opportunities for intergovernmental cooperation and/or consolidation in Monroe County. The maximum cost of the agreement will be \$15,000, which will be funded from the 2002-03 Budget of the Mayor's Office.

The \$15,000 represents a share of an estimated total project cost of \$60,000. The remaining shares will be funded by Monroe County (\$15,000) and various local business and institutional leaders, including Jasco Tools, the University of Rochester, Gleason Works, Bausch & Lomb, Lifetime Healthcare Cos., Pike Company, LeChase Construction, and M&T Bank (\$30,000, total).

The research project will be conducted under the aegis of the Monroe County Council of Governments (COG), and specifically the COG's Intergovernmental Cooperation Subcommittee. I serve on this subcommittee along with former Rochester Mayor Thomas Ryan, County Executive Doyle and the former Executive, Lucien Morin; the Supervisors of Pittsford, Gates, and Perinton; the Mayor of Fairport, a former member and President of the Monroe County Legislature; and a former New York State Supreme Court Judge. This subcommittee determined that a professional and impartial analysis of opportunities was necessary in order for it to consider and advance meaningful and practical proposals that would improve the administration of government in Monroe County.

The Center for Governmental Research (CGR) was selected to conduct this study based upon its familiarity with local government issues and its expertise in undertaking such studies. CGR most recently undertook such a study in the City of Buffalo in 1997. The proposed study is scheduled for completion late in the Spring of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-68
(Int. No. 75)

Establishing Maximum Compensation For A Professional Services Agreement For An Intergovernmental Cooperation/Consolidation Study

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Center for Governmental Research, Inc. for a study of the opportunities for intergovernmental cooperation or consolidation in Monroe County. Said amount shall be funded from the 2002-03 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-69
Re: Police Procedural Analysis

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

Transmitted herewith for your approval is legislation authorizing a professional services agreement with the Center for Governmental Research (CGR) for an analysis of key policy and procedural matters pertaining to relationships that exist between the City's Police force and the community that it serves. The maximum cost of the agreement will be \$39,500, which will be funded from the 2002-03 Budget of the Mayor's Office.

In the aftermath of several serious and well-publicized incidents pertaining to the Rochester Police Department, I secured the volunteer services of a former Family Court Judge and an active member of the local clergy to examine various Police Department policy and procedural matters. Their considerations have reached the point at which it is advisable to have them further informed by impartial and professional research into both local and national perspectives on police-community relations.

Under the proposed agreement, CGR will work with these volunteers and City staff to examine such matters as recruitment and screening of potential police officers; initial and on-going training of police officers; legal standards and community awareness of police and citizens' rights; internal and external procedures for examination and resolution of complaints about police conduct, etc. Rochester-specific issues will be examined through reviews of background materials and interviews and/or focus groups with elected officials, community leaders, law enforcement officials, members of the judiciary, and other stakeholders and resource people. The project will also encompass benchmarking of Rochester with other communities, review of model practices in other communities, and possible in-depth study of selected other communities.

CGR was selected to conduct this study based upon its familiarity with the local community, including the law enforcement element of the community, and its expertise in research and analysis of public policy matters. The project will not entail re-examination or investigation of any of the specific incidents that gave rise to the project. CGR is scheduled to complete its work by the Summer of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-69
(Int. No. 76)

Establishing Maximum Compensation For A Professional Services Agreement For A Police-Community Relationships Study

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

Section 1. The sum of \$39,500, 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 Governmental Research, Inc. for a study of the relationships between the Rochester Police Department and the community that it serves. Said amount shall

be funded from the 2002-03 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-70
Re: Professional Services Agreement -
Civil Service Examination Development

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Nancy E. Abrams, Ph.D., of Fairport, New York, for the continued provision of technical assistance in the development of civil service examinations. The maximum cost of this agreement is \$20,000, which will be funded from the 2002-03 Budget of the Bureau of Human Resource Management (BHRM).

Dr. Abrams will provide services throughout the fiscal year as directed by BHRM. Work products anticipated include a Police Department promotional examination, review of test validation protocols, and training of BHRM staff. Dr. Abrams was selected based upon her familiarity with the testing and related needs of the City of Rochester and her expertise in the subject matter; she has provided similar services to the City since 1980. Her fee will be \$875 per day.

A copy of Dr. Abrams' resume is on file with the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-70
(Int. No. 77)

Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Service Examinations

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

Section 1. The sum of \$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 Nancy E. Abrams, Ph.D. for the continued provision of technical assistance in the development of Civil Service examinations. Said amount shall be funded from the 2002-03 Budget of the Bureau of Human Resource Management.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-71
Re: Mayor's Challenge to Buckle-Up

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the National Conference of Black Mayors for the receipt and use of a \$100,000 grant to foster creation of community-based education and awareness-raising activities designed to increase seat belt and child safety seat usage among high risk populations, and amending the 2002-03 Police Department budget by its inclusion.

The City of Rochester's proposal was selected to receive this competitive award together with only five other recipients: Washington, DC, Detroit, MI, Houston, TX, Jackson, MS, and Inglewood, CA. Award recipients must use the funds to support local organizations and efforts to carry out outreach activities promoting seat belt and child safety seat usage within targeted populations. The funds may not be used directly for law enforcement purposes (e.g. overtime pay); however local law enforcement is expected to be part of the overall program through supportive and vigorous enforcement of existing traffic laws, especially those governing the use of seat belts and child safety seats.

Under this proposal, Rochesterians Against Illegal Narcotics (R.A.I.N.) will mobilize and coordinate local outreach efforts by faith-based organizations, neighborhood health centers, college fraternities and sororities, settlement houses and neighborhood associations, and insurance agencies. Project activities will draw upon resources and utilize the staff talents of these service providers. The National Conference of Black Mayors, under a separate contract with a private research entity, will conduct a national evaluation.

The approved project budget includes \$15,150 to procure child safety seats, computer software, postage and printing; \$3,500 for computer hardware; \$21,350 for advertising; and \$60,000 for consultant services to be provided by R.A.I.N. This organization was selected for its mission to help build healthy neighborhoods through increased citizen involvement and empowerment. Its mission is citywide in scope and practice. R.A.I.N. has demonstrated a long-standing commitment to improving public safety, including a successful track record of collaboration with the Rochester Police Department.

It is anticipated that this project will begin in April, 2003 and continue until December, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-33.

Ordinance No. 2003-71
(Int. No. 78)

Authorizing Agreements For A Grant For Seat Belt And Child Safety Seat Usage And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the National Conference of Black Mayors for funding for education and outreach activities designed to increase seat belt and child safety seat usage among high risk populations.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Rochesterians Against

Illegal Narcotics for education and outreach activities designed to increase seat belt and child safety seat usage among high risk populations. The agreement shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Rochester Police Department.

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

Section 4. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$100,000, which amount is hereby appropriated from the grant authorized herein to fund education and outreach activities designed to increase seat belt and child safety seat usage among high risk populations.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:
Ordinance No. 2003-72
Re: Amendatory Agreement - Graphic Design

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with T. Paula Deacon, 235 Curtice Park, Webster, N.Y., for graphic design services performed under the direction of the Bureau of Communications. The initial contract for Ms. Deacon's services was executed in October 2002, in the amount of \$10,000, a level of funding that did not require City Council authorization. The cost of the proposed agreement will be an additional \$10,000, which will be funded from the Undistributed account of the 2002-03 Budget.

Ms. Deacon's services are required to supplement the in-house capabilities of the Bureau of Communications and to meet workload demands of the organization. Ms. Deacon was selected based upon her expertise in work of the type required by the Bureau and her familiarity with the design software utilized by the Bureau. Ms. Deacon will continue to be compensated at a rate of \$21.25 per hour.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-72
(Int. No. 79)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Graphic Design Services

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with T. Paula Deacon for graphic design services as required by the Bureau of Communications. Said amount shall be funded from

the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-73
Re: 2002-03 Budget Amendment -
Salary And Wage Increase
And Capital Expenditures

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2002-03 Budget as follows:

1. The transfer of \$5,812,300 from the Contingency account to various department budgets as required for the salary and wage increases incurred through binding arbitration and negotiations.
2. The transfer of \$274,000 from the Contingency account to the Cash Capital account to fund land acquisition for development of market rate housing, installation of exhaust ventilation systems in fire stations, and the purchase of five defibrillators to be located in City facilities.

On June 18, when the 2002-03 Budget was adopted by the City Council, salary and wage rates had not yet been established for the employees represented by the American Federation of State, Police Locust Club, County and Municipal Employees (AFSCME), the Civilian Bargaining Unit of the Rochester Firefighters Association (I.A.F.F.), the employees included in the Administrative, Professional and Technical (APT) classification, and non-full time employees. As a result, a provision for possible increases was included in the Contingency account.

Since that time, labor agreements have been negotiated with AFSCME and I.A.F.F. and rate increases have been authorized for APT and non-full time employees. For 2002-03, the AFSCME agreement provides for a salary increase of 2.5%. The authorized increase for APT and non-full time employees is also 2.5%. Also, the interest arbitration process completed in September 2002 with the Police Locust Club resulted in a four-year award effective from July, 2001 to July 30, 2005 including a 3% salary increase for each of the years and a \$500 annual clothing allowance.

The incremental costs incurred in 2002-03 as a result of the above negotiations and authorizations will be \$5,812,300.

AFSCME Negotiation	\$1,162,600
APT employees	639,500
Non-full time	129,300
Salary Benefits - Undistributed	192,200
Subtotal	<u>\$2,123,600</u>
Locust Club Settlement	\$3,237,400
Salary Benefits - Undistributed	451,300
	<u>\$3,688,700</u>

The costs described above will be financed through the following proposed appropriation transfers from the contingency account to the following departments:

Administration:

Mayor's Office	\$ 49,100
NET	86,300
Budget & Efficiency	16,800
Human Resource Management	43,300
Communications	15,200
Law	38,400
City Council & Clerk	34,400
Community Development	119,000
Economic Development	36,700
Emergency Communications	166,400
Environmental Services	707,400
Finance	147,200
Fire	33,800
Library	51,900
Parks, Recreation & Human Services	226,300
Police	3,396,600
Undistributed Expense	643,500
Total	<u>\$5,812,300</u>

The requested transfer to Cash Capital is to fund three items.

1. \$144,000 to fund vehicle exhaust ventilation systems for reserve apparatus in fire stations. This equipment attaches to the apparatus muffler and disperses the exhaust outside the fire houses. Currently, these units are only in first response bays.
2. \$100,000 to fund land acquisition associated with the development of market-rate housing in the East End; it would enable the physical connection of Richmond Street to the East End.
3. \$30,000 to fund the purchase of five defibrillators to be located in City facilities. The defibrillators will be installed at locations determined by the Fire Department. While the City is not required to install these defibrillators, the benefit of access to such equipment is widely understood. Additional defibrillators will be purchased as funds become available.

After the appropriation transfers, the balance in the Contingency account will be \$950,600.

Original Appropriation	\$7,601,700
Less: Previous Transfers	
Security Assessment of City Facilities	(20,200)
Attorney Position in Law Department	(44,600)
Subtotal	<u>\$7,536,900</u>
Less: Proposed Transfers	(6,086,300)
Remaining Balance	<u>\$1,450,600</u>

This balance will be the source of funds for any future unexpected or emergency expenditures that are required during the remainder of the fiscal year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-34

Ordinance No. 2003-73
(Int. No. 85)

Amending The 2002-03 Budget

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

Section 1. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$5,812,300

from the Contingency Account to the following budgets to fund salary and wage increases:

City Council & Clerk Administration:	\$ 34,400
Mayor's Office	49,100
NET	86,300
Budget & Efficiency	16,800
Human Resource Management	43,300
Communications	15,200
Law	38,400
Finance	147,200
Community Development	119,000
Economic Development	36,700
Environmental Services	707,400
Emergency Communications	166,400
Police	3,396,600
Fire	33,800
Library	51,900
Parks, Recreation & Human Services	226,300
Undistributed Expense	643,500
Total	<u>\$5,812,300</u>

Section 2. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$274,000 from the Contingency Account to the Cash Capital Allocation to fund the following:

Vehicle Exhaust Ventilation Systems	\$144,000
East End Land Acquisition	100,000
Defibrillators	30,000
Total	<u>\$274,000</u>

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-74
Re: Weed & Seed Initiative

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Justice for receipt and use of a supplemental grant of \$550,000 under the Weed and Seed Initiative.

The program, which was expanded in 2001, is designed to support both anti-crime efforts (weed) and projects that prevent crime by improving neighborhood conditions (seed). In Rochester, the program will be operated in Sectors 3, 4, 9 and 10.

The grant will support the following programs:

Southwest Area (Sectors 3 & 4)

RPD - Investigation & prevention of violent crimes in public housing	\$ 50,000
RPD Drug Enforcement Details	30,000
Pathways To Peace	19,614
Teen Court	30,000
NET	10,000
Safe Haven	25,000
Sector Community Grants	20,000
Leadership Development	40,000
Travel	15,000
Personnel	25,000
Supplies	6,000
Administration	<u>4,386</u>

Total \$275,000

Northeast (Sectors 9 & 10)

RPD - Investigation & prevention of violent crimes in public housing	\$ 50,000
Rochester Police Department - David Kennedy	60,000
Pathways To Peace	19,614
Safe Haven	25,000
Sector Community Grants	20,500
Community Technology	40,000
NET	1,500
Travel	15,000
Personnel	25,000
Supplies	10,786
Administration	7,600
Total	<u>\$275,000</u>

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-74
(Int. No. 91)

Authorizing Agreements For The Weed & Seed 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, Office of Justice Programs, for funding under the Weed & Seed Grant Program.

Section 2. The Mayor is hereby further authorized to enter into such additional agreements as may be necessary to implement the Weed & Seed Grant Program.

Section 3. The agreements shall obligate the City to pay amounts not to exceed \$550,000 as set forth in the budget for the Weed & Seed Grant Program, and said amount, or so much thereof as may be necessary and not yet appropriated, is hereby appropriated from Weed & Seed 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. 2003-75
Re: Annual Audit - Deloitte & Touche LLP

Transmitted herewith for your approval is legislation authorizing an agreement with Deloitte & Touche LLP, 2200 Chase Square, for the annual independent audit of the financial statements of the City and the City School District. The maximum cost of the agreement will be \$464,000, which will be financed from the 2003-04 and future budgets of the City Council and the City School District.

An annual independent audit is required by Section 6-24 of the City Charter. Historically, this audit has been performed by a nationally recognized account-

ing firm to ensure acceptance of the audit results by the national financial community (e.g., the municipal bond market). Council authorized the current agreement for the audit, by Deloitte & Touche, on February 17, 1998.

Proposals for the audit of future fiscal years were solicited in December 2002. In addition to the City and the City School District, each firm was asked to provide quotes for three other entities related to but structurally independent of the City: REDCO, the Economic Development Zone (EDZ), and the Cultural Center Commission (CCC). Two proposals were received with costs for the two main audits as follows:

Firm	Basic Three-Year Contract	Optional Two-Year Extension	Total
Deloitte & Touche	\$271,500	\$192,500	\$464,000
KPMG	250,624	191,359	441,983

In comparison, the current five-year audit with Deloitte & Touche had a total cost of \$267,100. Deloitte & Touche will be engaged simultaneously by the other three entities to undertake their audits. The five-year costs for those entities will be:

REDCO	\$96,000 plus \$17,000 for potential single audit costs
EDZ	\$0 (will be included as a supplemental schedule to REDCO)
CCC	\$63,500

The hourly rate for additional audit work during this period, if needed, ranges from \$90 to \$102 for Deloitte & Touche and \$170 to \$204 for KPMG. In comparing total costs for all of the audits, Deloitte & Touche offers a marginally lower total cost than KPMG, \$640,500 to \$640,752.

Deloitte & Touche is being recommended because of overall comparable cost and the facts that the Deloitte & Touche partner in charge of the audit is located in Rochester while KPMG's is located out of town.

The proposed agreement will have a basic term of three years with provisions for two one-year renewals.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2003-75
(Int. No. 67)

Establishing Maximum Compensation For A Professional Services Agreement For Audit Services

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

Section 1. The sum of \$464,000, 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 Deloitte & Touche LLP for annual independent audits of the financial statements of the City and the City School District and for special audits and/or services as requested by the City, for a term of three years, with provision for two one-year renewals. Of said amount, \$272,000 shall be funded from the 2003-04 and subsequent Budgets

of the City, and \$192,000 shall be funded from the 2003-04 and subsequent Budgets of the City School District, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1514
Re: Local Improvement Ordinance -
Special Assessment Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will establish the 2003-04 budgets for the following special assessment districts:

District	2003-04	2002-03	Variance
Norton Street Urban Renewal	2815	2815	0
Cascade Historic	3500	3500	0

Norton Street

The Norton Street district was established by the Council on May 12, 1998, to finance the annual cost of maintenance of the enhancements that were included in the Norton Street Urban Renewal Project (14621 Industrial Park). These enhancements included special sidewalks, signage and landscaping.

The district includes nine properties. The cost of maintenance is apportioned among these properties based upon the front footage of the properties.

Cascade

The Cascade district was established by the Council on February 16, 1999, to finance the annual costs of maintenance of the special landscaping that was included in the Cascade Historic District Improvement Project. This landscaping included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were also installed in the district.

The district includes 29 properties. The cost of maintenance is apportioned among these properties based upon the front footage of the properties.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1514
(Int. No. 69)

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 2003-04:

Streetscape District	Amount	LIO
Cascade Historic	\$3,500.00	1430
Norton Street Urban Renewal	2,815.00	1421

Section 2. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

By President Giess
March 11, 2003

To the Council:

The Committee of the Whole recommends for adoption the following entitled legislation:

Int. No. 53 - Local Law Amending The City Charter With Respect To Conflicts Of Interest Due To Positions With The Rochester City School District

The following entitled legislation failed in committee:

Int. No. 71 - Local Law Amending The Rochester City Charter With Respect To Restrictions As To Holding Office Or Position

Int. No. 72 - Local Law Amending The Rochester City Charter With Respect To Restrictions As To Holding Office Or Position

Respectfully submitted,
Lois J. Giess
Gladys Santiago
Brian F. Curran
Benjamin L. Douglas (Voted against Int. No. 53.)
Nancy K. Griswold
Tim O. Mains (Voted against Int. No. 53.)
Wade S. Norwood
Robert J. Stevenson (Voted against Int. No. 53.)
Tony M. Thompson
COMMITTEE OF THE WHOLE

Received, filed and published.

TO CITY COUNCIL:

Local Law No. 4

Attached is a proposed amendment to Section 2-17 of the City Charter. The purpose of the amendment is to make it clear that a person may not serve as a member of the City Council while at the same time being an employee of the Rochester City School District. Because this would potentially affect the eligibility of individuals to hold office, it is drafted to be effective on April 1, 2003 and to be applicable to persons whose term of office commences after that date.

This amendment extends the policy already contained in Section 2-17 of the City Charter, which prohibits any person from holding two City offices.

Although the Rochester City School District is a

separate municipal corporation, it is also a fiscally dependent school district under State law. The annual budget of the RCSD must be approved by the City Council, which has the power to increase or decrease that budget. The City Council also is responsible for authorizing all capital borrowing for the RCSD, all real estate purchases and a variety of other actions that in effect put the Council in the role of providing both oversight and financial support to the RCSD. During the 2001-02 fiscal year the Council dealt with RCSD legislation at nine out of our twelve regular meetings. The City Council this year approved over \$126 million in City funds for the RCSD and over 70% of our property tax levy is for school purposes.

Because these two governments are so deeply involved with each other, it is essential to establish and maintain clear rules to avoid conflicts of interest. The recent case presented to the City Board of Ethics involving a Council member who became an employee of the RCSD has underscored the fact that serious ethical and policy issues are unavoidable when one person serves in two such different capacities in these two related governments.

Our intent in proposing this amendment is to make a clear policy that will avoid such conflicts of interest in the future and will also allow all individuals to know with certainty what is and is not permitted. This proposed amendment will not prohibit any person from seeking employment with the RCSD, nor will it prohibit anyone from seeking elected office. However, it will make it clear that one person cannot do both at the same time, and that a person who finds himself or herself in such a position will have to make a choice between the two positions.

We believe that this amendment would supplement the existing conflict of interest provisions of the City Ethics Law and would serve the public interest by avoiding uncertainty about this policy in the future.

Sincerely,
Brian F. Curran
Nancy K. Griswold

The following is a copy of the two-page memo from the Mayor, that accompanied the legislation certification for Introductory No. 53. The Mayor signed the legislation.

Inter-Departmental Correspondence

To: Carolee Conklin, City Clerk
From: William A. Johnson, Jr., Mayor
Date: April 1, 2003
Subject: Local Law No. 4

Enclosed with this memorandum is my approval of Local Law No. 4. This Law was voted upon by the City Council on March 11, 2003, and it passed by the vote of six (6) members in favor and three (3) opposed. It was presented to my Office on March 12, 2003. Following the publication of the required notice, I conducted a public hearing on this Law on March 26, 2003, and heard from 13 speakers. Several other persons not present at the hearing also made known to me through direct and indirect means their feelings and opinions about the Law. Most persons doing so voiced opposition to Local Law No. 4.

Although it is not required, I elect to indicate with this memorandum my reasons for approving Local Law No. 4. I do so in light of the high visibility and controversy associated with it and in acknowledgment of the responsibility of public officials to be

accountable for their actions. Other options were, of course, available to me. In accordance with Section 5-8. B. of the City Charter, I could have approved it without stating any reasons for doing so. I could have neither approved nor disapproved it and allowed it to become law after thirty days from its presentation to me. Finally, I could have disapproved it and returned it with a statement of objections for reconsideration by City Council, notwithstanding the fact that the two-thirds approval margin of the initial vote on March 11, 2003, indicated that the legislation could subsequently become law despite any objections that I might present.

The seemingly benign language of Local Law No. 4 ("Amending the City Charter with respect to conflicts of interest due to positions with the Rochester City School District") masks what is truly a painful and distressing situation, namely the impact that it will have on a highly respected and long-serving colleague, Mr. Tim O. Mains. Although it will not be immediately felt, it will in due course compel Mr. Mains to cease simultaneous possession of a seat on City Council and employment by the Rochester City School District. Many of the speakers from whom I have heard have lauded the integrity, passion, and significant contributions of Mr. Mains. I agree with all that was stated in that vein and could contribute accolades and superlatives of my own regarding his distinguished record of public service. I reject the notions, however, that this legislation is targeted at Mr. Mains and is personal in nature.

The relationships among the City Administration, the City Council, and the Rochester City School District are among the most complex and most critical matters of local public policy. It is beyond dispute that the single largest annual allocation of City of Rochester funds (presently \$126.1 Million) is for public education. It is equally beyond dispute that the City Council has the ultimate power to determine the size of the allocation, as the amount is embedded in the City Charter (Section 3-9.1.A.), a law which can only be changed by a vote of Council. It is clear on its face that a potential conflict is inherent in one's possessing no less than an 11% influence on a body that has direct control over approximately 25% of the budget of one's employer.

Some have recommended that a dual-serving Council member's public acknowledgment of his / her status and periodic recusal from votes directly involving School District matters would be a sufficient cure for the conflict of interest presented by simultaneously holding a Council seat and School District employment. The overwhelming magnitude of the allocation for the District relative to the balance of the City's budget (the District's allocation is almost 27% of the annual gross City budget), the seemingly insatiable demand for resources historically exhibited by the District, and the "zero-sum" nature of budgeting limited municipal resources makes such an alternative unacceptable. A Council member seeking to serve in such a fashion would be precluded not just from those matters directly and specifically addressing the District. Virtually any vote to approve contracts, appropriate funds, or specify priorities could be construed as posing a real conflict, in that resources dedicated to other than educational purposes would not be available for dedication to the District. The "citizen legislator" so laudably spoken of by opponents of Local Law No. 4 would be so neutered and nullified through recusals as to become a spectator, not a participant, in the affairs of Council.

A reasonable question has been raised over the level of

employment within the District at which holding dual roles becomes problematic. Because of the vagaries of authority and responsibility associated with any given position within the District, I defer to the wisdom of the Council in electing to bar all employees. I cannot determine a reasonable alternative that would not be subject to endless analysis and revisitation.

Much has also been made of the "disenfranchisement" of District employees from their rights to participation in the political process. In excess of 6,000 persons, it has been asserted, would be denied these rights. In rebutting the factual inaccuracy of this assertion, one comes upon a larger truth germane to this matter. The assertion fails to acknowledge that a substantial number of City School District employees (and an incalculable number of other persons) are presently prohibited from being members of City Council in that they fail to meet the residency requirements of the City Charter (Section 5-2, which states in pertinent part, "... shall be electors and shall have resided in the City for not less than two years preceding their election.") The larger truth illuminated by this is that it is entirely consistent with past practice and prudent judgement for the Council, through its creation and modification of the City Charter, to establish reasonable limitations and restrictions on membership on the City Council.

I conclude that City Council has properly exercised its authority and responsibility in addressing a matter of significance by the enactment of Local Law No. 4 of 2003. As indicated by my execution of the form herewith being returned to you, I approve this legislation.

enclosure

c: Members of City Council
W. Sullivan, Chief of Staff (Council)

Local Law No. 4
(Int. No. 53)

Local Law Amending The City Charter With Respect To Conflicts Of Interest Due To Positions With The Rochester City School District

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending the Section 2-17 thereof, *Restrictions as to holding office or position*, by adding to the end of the first paragraph thereof the following new paragraph:

No person who is an officer or employee of the Rochester City School District shall serve as Mayor or a member of the City Council. An officer or employee of the Rochester City School District must vacate said office or employment prior to the effective date of his or her position as Mayor or member of the City Council, or the City office becomes vacant. If the Mayor or a member of the City Council accepts an office or employment with the Rochester City School District, the City office becomes vacant.

Section 2. This local law shall take effect on April 1, 2003, and shall apply to persons whose term of office as Mayor or a member of the City Council commences on or after said date.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Norwood, Santiago, Thompson - 6.

Nays - Councilmembers Douglas, Mains, Stevenson - 3.

TO CITY COUNCIL:

Introductory No. 71 And
Introductory No. 72

Attached are two proposed amendments - one to Section 2-17 and the second to Section 5-4 of the City Charter. These amendments are intended as companions to Introductory 53, introduced by Councilmembers Curran and Griswold on February 14, 2003. Introductory 53 asks that we treat City School District employees as though they were city employees - extending the same prohibition from service on City Council (and Mayor) to anyone who works at any level within the Rochester City School District.

The action proposed in Introductory 53 is unprecedented. It appears to be an effort to terminate the establishment of any precedent for a member holding two public service positions - one in city government and one in city schools. Actually, that proposal establishes an even more dangerous precedent - having council remove from the public its right to elect people for whom they have faith and confidence, even if those candidates hold positions that might impact their deliberations on City Council. I do not believe this is Council's responsibility. Indeed, I am not even sure it is within our power.

Since, however, a number of Councilmembers stand ready to travel down this dangerous path, I believe it is incumbent on us to avoid an overly narrow view when attempting to define conflicts of interest, a topic about which I have learned much over the past several months. To that end, the attached amendment details and prohibits a number of potentially dangerous conflicts:

- Since the bonds of marriage and family are, for most of us, much stronger than the bonds of employment, the attached amendment extends the existing prohibition that office holders not work for the city to bar spouses and dependents from city employment as well. Can a sitting City Councilmember fairly evaluate the operation of a city department if his or her spouse or daughter worked there? Should we not be certain to bar the potential that a Councilmember's son could be a Rochester City Firefighter or a daughter could be selected City Assessor? Relatives of City employees could certainly run for Council or Mayor, but if elected, their relative would have to vacate his or her position in City government. And if a sitting office holder chose to support a relative's selection to a City position, it would force him or her from office.

The notion of recognizing the potential conflicts created by the activities of spouses and dependents (as well as by office holders themselves) is consistently applied to these additional areas:

- Employees of the Rochester Housing Authority, since Council authorizes their pay scales.
- Members of the Cultural Center Commission (excepting ex-officio members), because we approve the commission's annual budget. The Commission has broad authority for the development of remaining properties within the

Cultural District.

- Employees of any federal, state, county, town or village officer, board, body, branch, agency, department, bureau or authority. The City of Rochester is not an island, but an interdependent public corporation. In our current budget, 24% of our revenue stream flows from other governments (56% if you count sales tax revenue as an intergovernmental revenue). Over the past three years we have received \$254,155,125 in revenue from the federal, state, and other local governments (\$586,352,200 if you include sales tax revenues). The City's current arrangement with the Monroe County Water Authority for the partial reimbursement of water main repairs has contributed \$6.7 million to the city over just the last five years of this 30-year agreement (which will expire in 2008). We often share policy concerns in a common arena with other levels of government, and our positions on those policies can be at odds with other public entities. Take recent disputes with RGRTA over the fast ferry as an example.
- Officers and employees of private profit and/or not for profit entities that do business with the city. We certainly should avoid the appearance that we are steering business to a particular company or agency simply because they have a direct or familial connection to City government. In the past four years we have sent a total of \$7,466,247 to these organizations connected in some way to City Councilmembers, the mayor or their family members:

- American Red Cross	\$155,503
- Catholic Family Center	953,760
- Ibero-American Action League	121,196
- University of Rochester	657,584
- Urban League	5,277,947
- YWCA	300,257
- Officers, employees, contractors, agents, or legal counsels of any public employee's union. The nature of unions is to stick together. I should know, I have enjoyed the protections of a collective bargaining agent my entire adult working life. That affinity crosses organizational lines. Key players in one union take notice of the concerns of their brothers and sisters in other unions. This prohibition, however, does not apply to a member, but to an agent or leader for a public employee union. We must be able to have the people who approve the City's collective bargaining agreements free from bias.
- Anyone who has a direct contract to supply goods or services to the City. This is a small step removed from actual City employment. We should never allow the public to suspect that someone secured a contract to supply goods or services simply because he or she (or one of their family members) is a City policy maker.
- Any individual, member of a partnership, member of a Limited Liability Company, officer of a corporation, or person who otherwise holds an equity interest in any entity that owns city real estate valued at more than a \$1 million. The potential of remaining fair and impartial when reviewing or establishing tax rates and/or tax policy would be difficult for a large land owner or someone who had a key stake in such holdings.

- Any person who is a registered lobbyist with the New York Temporary State Commission on Lobbying. Lobbyists must spend large amounts of time in Albany. Full time lobbyists could be out of town as much as four or five days each week of the legislative session; some actually take up residence in our state capital. In addition to keeping such persons out of touch with constituents and unavailable for meetings, there is most certainly the risk that a lobbyist may find himself or herself working to pass legislation that could be at odds with the City's own legislative agenda.

Since New York State Law forbids us from legislatively removing a duly elected official, the provisions of the first item in this submission is prospective; it would have no effect on any councilmember who might currently experience one or more of these potentially conflicting situations. The remedy for any of these nine prohibitions would mirror the remedy proposed by Curran and Griswold in Intro 53.

The second amendment (to section 5-4) ignores the issues of what one does outside of council service. Instead, it establishes a standard for attendance at council meetings and work sessions. Persons missing four consecutive meetings due to outside commitments or for any other reason would forfeit their right to serve.

Both amendments would have the same effective date of April 1st as a warning to anyone weighing the potential of running for city office this year.

Respectfully Submitted,
Tim O. Mains

Introductory No. 71

LOCAL LAW AMENDING THE ROCHESTER CITY CHARTER WITH RESPECT TO RESTRICTIONS AS TO HOLDING OFFICE OR POSITION

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 2-17 thereof, captioned "Restrictions as to holding office or position" as follows:

- The first sentence of Section 2-17 is amended in its entirety to read as follows: "No person may at the same time hold more than one (1) city office and no person may hold a city office if, at the same time, the spouse or any legal dependent of such person holds a city office, and (i) upon the acceptance of a second office by a person, the first office held by such person becomes vacant, and (ii) upon the acceptance of an office by a person or such person's spouse or legal dependent, as the case may be, at the same time that a person or such person's spouse or legal dependent, as the case may be, holds a city office, the office first in time held by a person, or such person's spouse or legal dependent, as the case may be, becomes vacant."
- A new paragraph immediately following the first paragraph of Section 2-17 is added to provide as follows:

"No person who, and no person whose

spouse or any legal dependent who:

- is an officer or employee of the Rochester Housing Authority;
- is a member of the Cultural Center Commission (excepting solely, however, any city officer who serves as an "ex-officio" member thereof);
- is employed by any federal, state, county, town or village office, board, body, branch, agency, department, bureau or authority;
- is an officer or employee of any private for-profit or not-for-profit entity having a contract for the provision of goods and/or services to the City;
- has a contract directly with the City for the provision of goods and/or services;
- is an officer, employee, contractor, agent or legal counsel (either as an employee or independent contractor) of or to any public employees' union or any bargaining unit thereof; or
- is a registered lobbyist in New York State; or
- is a member of a partnership, a member of a limited liability company, an officer of a corporation or any other individual who holds an equity interest either alone or through another entity that owns real property in the City having an assessed valuation, pursuant to the then most recent final assessment roll, in excess of One Million Dollars in any one instance or in the aggregate

shall serve as Mayor or a member of the City Council. Any such person must vacate or terminate such office, employment, membership, contractor position, registered lobbyist status, or legal counsel position, as the case may be, or transfer ownership of any such property or interest prior to the effective date of his or her position as Mayor or member of the City Council, or such City office becomes vacant. If the Mayor or a member of City Council accepts any such office, employment, membership, registered lobbyist status, contractor position or legal counsel position or ownership of such property, the City office shall become vacant.

Section 2. This local law shall take effect on April 1, 2003, and shall apply to any person whose term of office as Mayor or as a member of City Council commences on or after such date.

Item failed in committee. (Councilmember Mains moved to act on Introductory No. 71. The motion failed for lack of a second.)

Introductory No. 72

LOCAL LAW AMENDING THE ROCHESTER CITY CHARTER WITH RESPECT TO RESTRICTIONS AS TO HOLDING OFFICE OR POSITION

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 5-4 thereof, captioned "Vacancies on the Council" by adding the following sentence to the beginning of such Section immediately preceding the existing first sentence: "Any member of City Council who fails to attend four (4) consecutive regularly scheduled meetings of the City Council shall be deemed to have vacated his or her office and the provisions of this Section 5-4 shall apply with respect to such vacancy."

Section 2. This local law shall take effect on April 1, 2003.

Item failed in committee. (Councilmember Mains moved to act on Introductory No. 71. The motion failed for lack of a second.)

The meeting was adjourned at 8:55 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
MARCH 31, 2003

Present - President Giess, Councilmembers Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 7.

Absent - Councilmembers Curran, Mains - 2.

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

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

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

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-10
Re: Home Rule Message - Genesee Valley Parkland Alienation

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is a home rule resolution relating to amended legislation that currently is being considered by the New York State Legislature. The legislation would authorize the parkland/open space alienation of a parcel within Genesee Valley Park. The alienation is required for the Brooks Landing development project, which will include an extended stay hotel and restaurant. The overall project will help to revitalize the Brooks/Genesee neighborhood commercial area and will offer a unique tourist opportunity along the NYS Erie Canal system.

City Council previously approved a home rule resolution for this project on March 11, 2003 and June 18, 2002. Following the most recent approval, an amended version of the State legislation was filed in the Assembly, and a companion to it in the Senate.

Originally, the alienation involved 150,573 square feet of the site, a total of 3.457 acres. The area includes both dedicated parklands within Genesee Valley Park (approx. 2.1 acres), as well as a portion of adjacent

City- owned vacant open space property, formerly a railroad right-of-way (approx. 1.4 acres).

The City planned to rededicate as City parkland, approximately .46 acres of the 2.1 acres of alienated dedicated parkland once the project site plan has been completed and approved. The rededicated parkland will be located adjacent to the Genesee River for the entire length of the project development site. It will consist of a new public waterfront with enhanced public amenities, a new riverfront promenade, a new public boat landing and enhanced public access to the waterfront. The new waterfront developed within the rededicated parkland will connect to the existing river trail system.

In reviewing the City's request, the Assembly has required a change to the original proposal by removing from the proposed alienation the portion of the parkland encompassing .46 acres that was to be rededicated after construction. There will be no net impact on the project as a result of this change.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-10
(Int. No. 142)

Resolution For the Purpose Of A Home Rule Message Regarding State Legislation Relative To Discontinuing The Use Of Certain Lands As Park Lands

Concurring in the request by the Mayor of the City of Rochester to the Senate and Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to discontinuing the use of certain lands as park lands.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council hereby concurs in the request of William A. Johnson, Jr., Mayor of the City of Rochester, to the Senate and Assembly of the State of New York, constituting the New York State Legislature, that said Legislation enact the legislation forth in the following bill entitled:

AN ACT to authorize the City of Rochester to discontinue the use of certain lands as park lands

Being Senate Bill No. S.1784-B and Assembly Bill No. A.4300-A.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Santiago, Stevenson, Thompson - 6.

Nays - None - 0.

Councilmember Norwood abstained vote because he is an employee of the Assembly.

The meeting was adjourned at 5:25 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
APRIL 8, 2003

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

Absent - none - 0.

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

Pledge of Allegiance to the Flag of the United States of America, by Cub Scout Pack 37 from St. John Church.

Recognition Ceremonies:

Award
New York Association of Consulting Engineers (NYACE) Gold Award

Retirement:
Isaac Malone, DES
*Evelyn Baez, RPD
*Robert Crandall, RFD
*Robert Watters, RFD
*Not attending meeting.

APPROVAL OF THE MINUTES

By Councilmember Thompson

RESOLVED, that the minutes of the Regular Meeting of March 11, 2003, 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. 3712-7

The Director of Zoning submits Notices of Environmental Determination.

690 Park Avenue. 3713-7
18.5 King Street. 3714-7
296 Flower City Park. 3715-7
Brooks Landing. 3716-7

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

By President Giess - Petition submitted with 180 signature expressing concern about boomboxes and noise. Petition No. 1602

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Approving The Urban Renewal Plan For The Brooks Landing Urban Renewal Project Int. No. 106

Six speakers: George McDade, Douglas Holleley, Adam McFadden, Dana Miller, John DeMott, and Fred Hagan.

Changing The Zoning Classification Of Parcels In The Brooks Landing Area From C-2 Community Center And O-S Open Space To Brooks Landing

Urban Renewal District Int. No. 107 One speaker: Douglas Holleley.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Brooks Landing Urban Renewal Project Int. No. 108 No speakers.

Approval Of The Sale Of Land To Klein Steel Service, Inc. In The Western Gateway Project In The Outer Loop Industrial Park Of The Mt. Read-Emerson Urban Renewal Project Int. No. 109 No speakers.

Authorizing Acquisitions By Condemnation For The Brooks Landing Revitalization Project Int. No. 129 One speaker: Fashun Ku.

Authorizing Changes In The Pavement Width Of Scottsville Road, Genesee Street And Elmwood Avenue And Changes To The Intersection Of Brooks Avenue And South Plymouth Avenue As A Part Of The Brooks Landing Street Improvements Project Int. No. 130 Two speakers: George McDade and Doug Holleley.

Adopting The Center City Master Plan And Amending Section 130-6 Of The Municipal Code Int. No. 56 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District Int. No. 118 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 119 No speakers.

Abandonment Of A Portion Of South Goodwill Street, As Amended Int. No. 121 No speakers.

Local Improvement Ordinance - Establishment Of The Woodside/Goodwill Neighborhood Commercial Parking Lot Int. No. 122 One speaker: Kevin Hedberg.

Amending Ordinance No. 2002-249 With Respect To Changes In The Pavement Width Of St. Paul Street As A Part Of The St. Paul Street Improvement Project From Avenue E To Norton Street, As Amended Int. No. 133 One speaker: Dave Shaheen.

Amending Ordinance No. 2002-207 With Respect To Changes In The Pavement Width Of Chili Avenue As A Part Of The Chili Avenue Improvement Project Int. No. 135 One speaker: John Zirilli.

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

TO THE COUNCIL:

Ladies and Gentlemen:

Resolution No. 2003-11
Re: Home Rule Message - Genesee Valley Parkland Alienation

- R2010: Campaign 6 - Economic Vitality
- Campaign 7 - Quality Service
- Campaign 8 - Tourism Destination
- Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is a home rule resolution relating to amended legislation that

currently is being considered by the New York State Legislature. The legislation would authorize the parkland/open space alienation of a parcel within Genesee Valley Park. The alienation is required for the Brooks Landing development project, which will include an extended stay hotel and restaurant. The overall project will help to revitalize the Brooks/Genesee neighborhood commercial area and will offer a unique tourist opportunity along the NYS Erie Canal system.

On March 31, City Council held a Special Meeting to provide a Home Rule message in response to an amended version of the original bill that had been introduced in the Assembly. That house had scheduled a meeting on April 2 to discuss the amended bill and a Home Rule Message was a prerequisite for such action. Subsequently, it was learned that the Senate did not introduce their amended version of the bill until April 1. State law requires that a Home Rule Message be approved subsequent to the introduction of the bill in each house of the Legislature.

As a result, it is necessary to issue a new Home Rule Message specific to the Senate bill. As you are well aware, the alienation originally involved 150,573 square feet of the site, a total of 3.457 acres. The area includes both dedicated parklands within Genesee Valley Park (approx. 2.1 acres), and a portion of adjacent City Owned vacant open space property, formerly a railroad right-of-way (approx. 1.4 acres).

The City was to rededicate as City parkland, approximately .46 acres of the 2.1 acres of alienated dedicated parkland once the project site plan has been completed and approved. The rededicated parkland will be located adjacent to the Genesee River for the entire length of the development site. It will consist of a new public waterfront with enhanced public amenities, a new riverfront promenade, a new public boat landing and enhanced public access to the waterfront. The new waterfront developed within the rededicated parkland will connect to the existing river trail system.

In reviewing the City's request, the Assembly has required a change the original proposal by removing from the proposed alienation the portion of the parkland encompassing .46 acres that was to be rededicated after construction; the Senate bill mirrors that language. There will be no net impact on the project as a result of this change.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-11
(Int. No. 144)

Resolution For the Purpose Of A Home Rule Message Regarding State Legislation Relative To Discontinuing The Use Of Certain Lands As Park Lands

Concurring in the request by the Mayor of the City of Rochester to the Senate and Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to discontinuing the use of certain lands as park lands.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council hereby concurs in the request of William A. Johnson, Jr., Mayor of the City of Rochester, to the Senate and Assembly of the State of New York, constituting the New York State

Legislature, that said Legislation enact the legislation forth in the following bill entitled:

AN ACT to authorize the City of Rochester to discontinue the use of certain lands as park lands

Being Senate Bill No. S.1784-B.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

Councilmember Curran abstained vote because of the proximity of the park land to his house.

Councilmember Norwood abstained vote because he is an employee of the Assembly.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
April 8, 2003

To the Council:

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

Int. No. 96 - Authorizing The Sale Of Real Estate

Int. No. 97 - Resolution Approving Appointment To The Electrical Examining Board

Int. No. 98 - Local Law Revising The Boundaries Of The New York State Empire Zone

Int. No. 99 - Transferring Funds And Authorizing Agreements For The Targeted Business Assistance Program

Int. No. 100 - Amending The Municipal Code With Respect To Fees For Building Permits And Certificates Of Occupancy

Int. No. 101 - Appropriation Of Funds - Homebuyer Assistance Program

Int. No. 102 - Appropriation Of Funds And Authorizing Agreements For The Deconversion Incentive Grant Program

Int. No. 103 - Approving The Acquisition Of Parcels On Oak Hill View

Int. No. 104 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$125,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property As A Part Of The City's Genesee Street Housing Project

Int. No. 105 - Authorizing The Sale Of Real Estate And A Loan Agreement For The Brooks Village Apartment Project And Transferring Funds

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

legislation:

Int. No. 106 - Approving The Urban Renewal Plan For The Brooks Landing Urban Renewal Project

Int. No. 107 - Changing The Zoning Classification Of Parcels In The Brooks Landing Area From C-2 Community Center And O-S Open Space To Brooks Landing Urban Renewal District

Int. No. 108 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Brooks Landing Urban Renewal Project

Int. No. 109 - Approval Of The Sale Of Land To Klein Steel Service, Inc. In The Western Gateway Project In The Outer Loop Industrial Park Of The Mt. Read-Emerson Urban Renewal Project

Int. No. 127 - Authorizing Acquisitions For The Brooks Landing Revitalization Project, As Amended

Int. No. 128 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$557,000 Bonds Of Said City To Finance The Costs Of The Acquisition Of Improvements On Designated Parcels Of Real Property And Relocation Of Persons As A Part Of The Brooks Landing Urban Renewal District Plan

Int. No. 129 - Authorizing Acquisitions By Condemnation For The Brooks Landing Revitalization Project

Int. No. 130 - Authorizing Changes In The Pavement Width Of Scottsville Road, Genesee Street And Elmwood Avenue And Changes To The Intersection Of Brooks Avenue And South Plymouth Avenue As A Part Of The Brooks Landing Street Improvements Project

Int. No. 131 - 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 Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Landing Street Improvements Project

Int. No. 132 - Authorizing The Acquisition By Negotiation Or Condemnation Of Permanent Easements For The Brooks Landing Street Improvements Project

Int. No. 56 - Adopting The Center City Master Plan And Amending Section 130-6 Of The Municipal Code

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-76
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods
Campaign 6 - Economic Vitality

S.B.L.#: 106.76-1-63
Price: \$23,089.40
Purchaser: Saadig & Annie El-Amin

Transmitted herewith for your approval is legislation approving the sale of seven properties. The first property was sold at the November 14, 2002 Public Auction. The property will be rehabilitated in accordance with its legal use, and the purchaser will be required to complete the rehabilitation within nine months after the conditional closing.

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

Address	Price	
S.B.L.#		Purchaser
231 Brooks Av. 135.33-3-27	\$15,000	Rochester Housing Development Fund Corp.*
821 Garson Av. 107.63-2-41	9,000	Rochester Housing Development Fund Corp.*

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

*Officers: Jean A. Lowe, Alma Balanon-Rosen, Kevin V. Recchia, Robert Barrows

The next two properties are single-family structures that are being sold to the purchaser for their appraised values for rehabilitation and resale to owner occupants with incomes not to exceed 80% of the median income for the area.

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

Address	Sq. Ft.	
S.B.L.#		Purchaser
North Portion 227 Fulton Av. Pt. of 105.35-1-14	1340+/-	Dorothy Mae Hopkins
West Portion 227 Fulton Av. Pt. of 105.35-1-14	2681+/-	Thomas & Patty Schrock

The next two parcels are portions of an unbuildable vacant lot that are being sold to the adjoining owners for \$1.00. The parcel is considered unbuildable due to its size. The south portion of the parcel will not be sold and combined with the City-owned parcel at 225 Fulton Avenue in order to provide additional land area to accommodate the future construction of a driveway for the existing structure.

Section 5. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: Pt. of 406 Lyell Av.
S.B.L.#: Pt. of 105.66-2-39.1
Price: \$12,500
Purchaser: Joseph Esposito

The last property is vacant land that is being sold to the adjoining owner for its appraised value. The property will be developed as a parking lot to be used in conjunction with the purchaser's adjoining property.

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

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Section 7. This ordinance shall take effect immediately.

Attachment No. AC-35

Ordinance No. 2003-76
(Int. No. 96)

Authorizing The Sale Of Real Estate

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

Passed unanimously.

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

TO THE COUNCIL:
Ladies and Gentlemen:

Address: 118 Iceland Pk.
S.B.L.#: 120.67-2-45
Price: \$4,200
Legal Use: 1 Family
Purchaser: Central City Properties, Inc.*

Resolution No. 2003-12
Re: Appointment - Electrical
Examining Board

* Officer: Marie Mason

R2010: Campaign 7 - Quality Service

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

Transmitted herewith for your approval is legislation making the following appointment to the Electrical Examining Board:

Address: 1157-1159 E. Main St.

Ronald S. Appleton
Rochester Gas and Electric Corporation
89 East Avenue

Mr. Appleton is an electrical engineer and Account Manager for Rochester Gas and Electric Corporation. He will replace James Kula who is retiring from Rochester Gas and Electric as of April 1, 2003 and

who has served as the electrical engineer representative of the local utility on the Electrical Examining Board since 1994.

Mr. Appleton's term will expire on December 31, 2005. A copy of Mr. Appleton's resume is on file in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-12
(Int. No. 97)

Resolution Approving Appointment To The Electrical Examining Board

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

Section 1. The Council hereby approves the appointment of Ronald S. Appleton, 89 East Avenue, to the Electrical Examining Board for a term which shall expire on December 31, 2005. Mr. Appleton shall replace James Kula, who is retiring.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 5
Re: NYS Empire Zone

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving a revised boundary description for the City's Empire Zone.

Under State law, municipalities may designate small geographic areas of up to two square miles, or 1,280 acres, in which special incentives may be provided to businesses that either relocate to the areas or expand within them. These incentives include state tax credits and exemptions, reduced utility rates and, at the option of the municipalities, local sales tax exemptions.

The City's zone was established by City Council on February 15, 1994. The boundaries of the zone were further revised by Council on October 14, 1994, July 27, 1997, December 19, 2000, May 15, 2001, August 21, 2001 and May 14, 2002. The present zone contains approximately 1,265 acres.

New York State recently introduced new rules that will affect future EZ boundary revisions. These changes will greatly limit the City's ability to designate areas within the city where zone benefits are critical to our ability to entice new development. In order to avoid these new rules, we have submitted a preliminary boundary amendment package to New York State.

This proposed legislation will remove approximately 91.52 acres of undevelopable acres within the city, including but not limited to City-owned parcels such as fire stations and parking garages, railroad properties, schools, churches and residential properties. Deleting these areas will allow the addition of areas within the city slated for both current and future development.

As a result, this legislation will add approximately

88.63 acres to the EZ, including underutilized industrial and commercial areas, several areas within the Center City, and several additional acres at the port, to support ongoing efforts to develop these areas. Most of the projects identified are achievable in the short term, but a few projects, such as the Phototech project, are being added to ensure their inclusion in the EZ before the new rules take effect. A summary of the proposed projects and a map of the revised area are available for review in the City Clerk's office.

If the proposed legislation is approved, the total acreage within the EZ will be approximately 1,261.83 acres.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-36

Local Law No. 5
(Int. No. 98)

Local Law Revising The Boundaries Of The New York State Empire Zone

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

Section 1. The Boundaries of the New York State Empire Zone are hereby amended by deleting certain undevelopable lands and by adding new parcels, so that the boundaries include all of the parcels set forth in the boundary description dated March 19, 2003 which is incorporated herein and adopted, and which description is on file with the City Clerk.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development revise the boundaries of the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-77
Re: Targeted Business Assistant Program
And Commercial Loan Fund

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation to authorize the re-allocation and appropriation of \$100,000 from the City Development Fund (CDF) allocation for the Industrial Revolving Loan Fund to the Targeted Business Assistance Program.

This re-allocation and appropriation will permit the City to continue to purchase a portion of an SBA (7A) loan guarantee from a financial institution and thus reduce the City's risk exposure. The City Development Fund must be the source of these dollars because the SBA has a restriction against using Community Development Block Grant funds with

SBA funds. There is no such prohibition when CDF funds are used.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-77
(Int. No. 99)

Transferring Funds And Authorizing Agreements For The Targeted Business Assistance Program

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

Section 1. The sum of \$100,000 is hereby transferred from the Industrial Revolving Loan Program Account of the City Development Fund to the Targeted Business Assistance Program Account.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Targeted Business Assistance Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-78
Re: Revised Building Permit And
Certificate Of Occupancy Fees

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation to amend Building and Certificate of Occupancy permit fees. The schedule for calculating building permit fees was last revised in 1992. In 1996, flat fees for certain building permit applications were implemented. In January, 2003, the newly adopted City of Rochester Zoning and NYS Building Codes were implemented. In conjunction with the adjustments required by this legislation, revisions of the permit fees as appropriate are required.

Additionally, given the rate of inflation and increases in operating costs for the Bureau of Buildings and Zoning, it was determined that an increase in fees is warranted. It is anticipated that building permit revenue will increase by approximately 15% as a result of this adjustment.

The revised table of fees has been reformatted for ease of use and to be consistent with tables utilized by the Building Information System which automatically calculates fees at point of intake. In addition, it eliminates a typographical error recorded in the 1992 transmittal submission.

The \$10 fee charged to renew a certificate of occupancy will be eliminated if the certificate is renewed within 40 days of the receipt of notice by the City of impending expiration. This is being done to facilitate code compliance by property owners. Convenience to the customer will also be enhanced because applications may be processed via a wider range of

intake methods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-78
(Int. No. 100)

Amending The Municipal Code With Respect To Fees For Building Permits And Certificates Of Occupancy

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

Section 1. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended to read in its entirety as follows:

Section 39-221. Fees for permits.

- A. The fee for a permit to construct, enlarge, alter, improve, relocate, convert, maintain use, establish use, legalize use or change the occupancy of a building or structure, or for the installation or replacement of a heating appliance or system, shall be based on the actual cost of such work, per the following schedule:

Actual Cost	Base Fee	Plus Incremental Fee		
\$0 - \$2,000	\$ 50	None		
\$2,001 - \$4,000	\$ 70	None		
\$4,001 - \$6,000	\$ 90	None		
\$6,001 - \$8,000	\$ 110	None		
\$8,001 - \$10,000	\$ 130	None		
\$10,001 - \$12,000	\$ 150	None		
\$12,001 - \$14,000	\$ 170	None		
\$16,001 - \$18,000	\$ 190	None		
\$18,001 - \$20,000	\$ 210	None		
\$20,001 - \$22,000	\$ 230	None		
\$22,001 - \$24,000	\$ 250	None		
\$24,001 - \$26,000	\$ 270	None		
\$26,001 - \$28,000	\$ 290	None		
\$28,001 - \$30,000	\$ 310	None		
\$30,001 - \$32,000	\$ 330	None		
\$32,001 - \$34,000	\$ 350	None		
\$34,001 - \$36,000	\$ 370	None		
\$36,001 - \$38,000	\$ 390	None		
\$38,001 - \$40,000	\$ 410	None		
\$40,001 - \$42,000	\$ 430	None		
\$42,001 - \$44,000	\$ 450	None		
\$44,001 - \$46,000	\$ 470	None		
\$46,001 - \$48,000	\$ 490	None		
\$48,001 - \$50,000	\$ 510	None		
\$50,001 - \$52,000	\$ 530	None		
\$52,001 - \$54,000	\$ 550	None		
\$54,001 - \$56,000	\$ 570	None		
\$56,001 - \$58,000	\$ 590	None		
\$58,001 - \$60,000	\$ 610	None		
\$60,001 - \$100,000	\$ 150	.009	X	Actual Cost
\$100,001 - \$500,000	\$ 375	.007	X	Actual Cost
\$500,001 - \$1,000,000	\$1,475	.005	X	Actual Cost
\$1,000,001 and Over	\$3,675	.003	X	Actual Cost

- B. Actual cost shall be based on a signed contractual agreement or detailed cost estimate provided by the applicant. Actual cost shall include expenditures for all labor, materials, construction, equipment, rental and equipment installations. Mechanical work, in addition

to general contractual work, is specifically included. In the event that no contractual agreement or detailed cost estimate is available, or there is a discrepancy with the cost estimate provided, the current "RS Means Square Foot" costs shall be used to determine the actual cost.

C. Actual cost need not include:

- (1) Cost of labor and material of electrical wiring fixtures and equipment where an electrical permit is obtained pursuant to Section 39-304 of the Municipal Code.
- (2) Cost of material and labor of plumbing work when a plumbing permit is obtained pursuant to Chapter 40, Building Construction: Plumbing, of the Municipal Code and the plumbing provisions of the New York State Uniform Fire Prevention and Building Code.
- (3) The cost of land, surveying, site preparation, soil investigation, private sidewalks, professional fees and other work intended primarily for appearance or embellishment.
- (4) Costs of materials, equipment and systems related to production, manufacturing or processing or which are requirements of owners, specialized codes or specialized regulations.

D. If separate permits are obtained for building appurtenances such as signs, elevators and tanks, the cost of such items may be subtracted from the permit fee calculation and a separate fee paid for these items.

E. There shall be no fee for a building permit to legalize an existing occupancy or to change occupancy where other work is not involved.

F. Building permit fees for the following actions shall be as follows:

Purpose	Fee
*Demolition of: Any structure, the demolition of which would be a Type II action as identified in § 48-5B of Chapter 48, Environmental Review, of the Municipal Code or in 6 NYCRR 617.13, State Environmental Quality Review	\$50.00
Frame Building up to 3 stories in height	\$150.00
Any other structure	\$300, plus \$135 for each full
	5,000 square feet of building floor area
Installation of exterior paved area or parking lot	\$100
Installation, alteration, repair or removal of a flammable liquid storage facility:	

Per tank \$100
Per pump \$80

Installation of other structures such as tents, amusement devices, temporary classrooms or construction trailers where it is impractical to base a fee on cost \$100

Deck
<144 square feet \$75
>144 square feet \$100
>400 square feet \$150

Wood-burning stove, solid fuel device, fireplace insert, gas fireplace \$100

Swimming pool \$50

Electrical inspections
Residential
New dwelling unit with service \$150 + \$75 per each additional unit

Renovation/addition
Less than or equal to 200 square feet \$70
Greater than 200 square feet \$100

Commercial
New construction less than or equal to 3,000 square feet \$300
New construction greater than 3,000 square feet \$300 + \$0.05 per square foot over 3,000

Alterations/renovations less than or equal to 3,000 square feet \$250
Alterations/renovations greater than 3,000 square feet \$250 + \$0.05 per square foot over 3,000

(All above listed fees do not include service installation)

Alarm system \$70
A/C or heat pump \$70
Elevator/escalator \$70
Fuel dispensing unit \$70
New service installation or upgrade less than or equal to 200 amps each \$70 + \$35 per each panel box

New service installation or upgrade greater than 200 amps each \$110 + \$35 per each panel box

Other \$70
Pool/hot tub wiring \$70
Reinspection fee \$50
Service restoration \$70
Service upgrade \$70
Signs \$70
Temporary service installation \$70

*Note: For demolition work done after 5:00 p.m. on weekdays or at any time on weekends, an additional fee equal to the demolition fee shall be charged.

G. Upon completion of a plan review, if the

contract documents are determined to be insufficient and require revision and resubmission or if the applicant resubmits drawings due to significant changes in the proposed work, an additional fee of \$25 or 50% of the full permit fee, whichever is greater, shall be required.

Section 2. Section 39-222 of the Municipal Code, Fees for Certificates of Occupancy, as amended, is hereby further amended by amending subsection E thereof and by adding a new subsection G to read in their entirety as follows:

- E. There will be no fee to renew a Certificate of Occupancy or Conditional Certificate of Occupancy, except when the property owner fails to renew on or before forty (40) days after the mailing of notice by the city informing the owner of the expiration of the Certificate of Occupancy. If the owner fails to respond within forty (40) days of notice, the fee will be the same as in Subsection C. The notice shall be sent to the owner by first class mail, addressed to the owner's address on file with the Bureau of Assessment or to the owner's last known address or place of residence, if such address is not so filed.
- G. The fee for a Certificate of Occupancy when required for transfer of title as per subsection 90-25 A(1)(a) of the Municipal Code, shall be the same as in subsection C.

Section 3. This ordinance shall take effect on July 1, 2003.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-79
Re: Homebuyer Assistance Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Homebuyer Assistance Program. This legislation will appropriate \$350,000 from the 2002 HOME Program and authorize any necessary agreements for the continuation of the program.

The Homebuyer Assistance Program provides financial assistance of up to \$6,000 to families with low or moderate incomes who purchase houses through the Housing Initiative. The financial assistance may be used for closing costs and/or down payment assistance.

A recipient of assistance is required to provide a five-year promissory note. If the recipient continues to reside in the house and the property is not resold during this period, the note expires.

Since the inception of the program in September 1993, \$2,153,018 has been disbursed or committed to 389 homebuyers. The total unencumbered balance of prior appropriations is \$162,323; of this amount, \$45,049 is limited to households whose income is between 80% and 100% of Median Family Income (MFI). The most recent appropriation of funds for the program was on March 19, 2002, when the Council appropriated \$400,000 from the HOME program for buyers whose income does not exceed 80% of MFI.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-79
(Int. No. 101)

Appropriation Of Funds - Homebuyer Assistance Program

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

Section 1. The sum of \$350,000, or so much thereof as may be necessary, is hereby appropriated from 2002 HOME Program Funds to fund the Homebuyer Assistance Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-80
Re: Deconversion Incentive Grant

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation to appropriate \$200,000 for the Deconversion Incentive Grant program (DIG). The source of funds is the 2001 HOME program.

As you are aware, over the years we have witnessed the inappropriate conversion of many single-family homes to two- and three-family structures. Many of these homes, which were once owner-occupied, are now used as rental properties. Because of their current configuration, many of these properties now prove unmarketable for owner occupancy. Furthermore, the cost of restoring such properties to single family use is beyond the capacity of our existing property rehabilitation programs or what would be considered feasible for private lenders.

It is proposed that \$10,000 in DIG financing be made available to individuals or organizations who are rehabilitating vacant houses acquired from the City's inventory of HUD or tax foreclosed properties. Eligible properties include two- and three-unit houses which were originally constructed as single-family and which will be rehabilitated for owner occupants as single-family homes. Eligible recipients of the funds would be owner-occupant purchasers of vacant homes acquired through Homeownership Investment Program (HIP), the Homesteading Lottery, the Owner-Occupant Auction, and the Tenant Ownership Program (TOP).

Guidelines for the use of the funds include: removal of kitchens, including plumbing; restoration of a functional floor plan; bathroom removal, when appropriate; and conversion of mechanical systems, i.e., heating system, electrical service, and water

service.

Since October 17, 2000, when City Council appropriated \$200,000 from the HOME program for the DIG program, 24 properties have been rehabilitated, exhausting the available funds.

It is expected that the proposed \$200,000 will fund the renovation of an additional 20 properties.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-37

Ordinance No. 2003-80
(Int. No. 102)

Appropriation Of Funds And Authorizing Agreements For The Deconversion Incentive Grant Program

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

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated from 2001 HOME Program Funds to fund the Deconversion Incentive Grant Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Deconversion Incentive Grant Program. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-81 And
Ordinance No. 2003-82
Re: Acquisitions - Oak Hill View

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition of two properties on Oak Hill View in conjunction with a market rate housing project. The properties to be acquired adjoin the rear of a four-acre parcel of City-owned land located at 1170 Genesee Street. The acquisition and subsequent demolition of these structures will provide sufficient street access to the City-owned vacant land to allow for the future development of market rate housing units.

Pertinent information regarding the properties is as follows:

Address	Lot Size	Maximum Acquisition Amount
Owner	Use	

63 Oak Hill View	40' x 95'	\$35,000
John Mitchell	1 Family	
69 Oak Hill View	40' x 94'	<u>45,000</u>
Margaret Venn	1 Family	
Total		\$80,000

Another adjoining property, located at 57 Oak Hill View, was acquired by the City in November 2002 from the Department of Housing & Urban Development (HUD) for \$15,555. The proposed legislation will also approve the reimbursement of this amount into the account of the Homeownership Investment Program (HIP).

The total cost of acquisition, demolition and closing costs will not exceed \$125,000 and will be funded through a bond ordinance adopted for this purpose. No relocation costs are anticipated as the properties will be vacant at the time of acquisition.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-38

Ordinance No. 2003-81
(Int. No. 103)

Approving The Acquisition Of Parcels On Oak Hill View

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 to be used for a market rate housing project on City property at 1170 Genesee Street:

Property Address	Lot Size	Maximum Acquisition Amount
Reputed Owner	Use	
63 Oak Hill View	40' x 95'	\$35,000
John Mitchell	1 Family	
69 Oak Hill View	40' x 94'	<u>45,000</u>
Margaret Venn	1 Family	
Total		\$80,000

Section 2. The acquisition, closing and demolition costs shall obligate the City to pay an amount not to exceed \$125,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-82
(Int. No. 104)

Bond Ordinance Of The City Of Rochester,

New York Authorizing The Issuance Of \$125,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property As A Part Of The City's Genesee Street Housing Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the costs of a portion of the City's Genesee Street Housing Project (the "Project"), consisting of the acquisition of the properties at 57, 63 and 69 Oak Hill View in order to provide access to the City-owned parcel at 1170 Genesee Street for the development of housing. Existing improvements on said property are to be ultimately demolished by the City. The estimated maximum cost of the specific object or purpose authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$125,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$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 \$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 \$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 period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.21 of the Law, is thirty (30) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-83
Re: Brooks Village Apartments

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the proposed Brooks Village Apartments project. This legislation will:

- 1. Authorize the sale of 734, 740, 744 and 750 Genesee Street, at their appraised value, to the Urban League of Rochester Economic Development Corporation (ULREDC) or to a limited partnership to be formed by ULREDC;
- 2. Authorize an agreement with ULREDC or a limited partnership to be formed by ULREDC in an amount not to exceed \$171,000; and

3. Appropriate \$55,403 from the 2002 HOME program (Rental Housing Fund) and transfer \$115,597 within the City Development Fund to fund the above agreement.

Working in conjunction with Sector 4 and the Departments of Community and Economic Development, ULREDC is proposing to develop a 16-unit apartment project at 734-750 Genesee Street. The project has been awarded Low Income Housing Tax Credits by the State of New York.

As conceived, the proposed project will complement Brooks Landing and other revitalization efforts along the Genesee Street corridor between Terrace Park and Cottage Street. The Sector 4 Common Council and their Community Development Corporation have endorsed the project and are also actively engaged in the Genesee Street Corridor Redevelopment Project.

Three of the City-owned properties on the project site contain mixed use structures which will be demolished prior to transfer to ULREDC. The fourth property is a vacant lot. The proposed project will be constructed as a three-story building.

The project has a total development budget of \$1,674,510 and will be financed as follows:

City Loan	\$ 171,000
Conventional Loan	209,000
Tax Credit Equity	1,178,897
Developer Equity	<u>115,613</u>
Total	\$1,674,510

The City's loan will be funded from the requested appropriation of \$55,403 in HOME funds and from \$115,597 in previously appropriated City Development Fund resources to be transferred from the Genesee Street Corridor Improvements Account. The City's loan will have a term of 30 years and an interest rate equivalent to the applicable Federal Rate at the time of closing, as required by Internal Revenue Service regulations for the Low Income Housing Tax Credit program.

The apartments will have rents that will be affordable to households at or below 50% of area median income. There will be eight one-bedroom apartments renting at \$411 per month and eight two-bedroom apartments renting at \$498 per month.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-39

Ordinance No. 2003-83
(Int. No. 105)

Authorizing The Sale Of Real Estate And A Loan Agreement For The Brooks Village Apartment Project And Transferring Funds

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

Section 1. The Council hereby approves the sale of 734 Genesee Street, SBL #135.26-2-5; 740 Genesee Street, SBL #135.26-2-6; 744 Genesee Street, SBL #135.26-2-7 and 750 Genesee Street, SBL #135.26-2-8, to the Urban League Economic Development Corporation, or to a limited partnership to be formed by the Urban League Economic Development Corpo-

ration, for their appraised value, for the construction of apartments as a part of the Brooks Village Apartment Project.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the Urban League Economic Development Corporation, or to a limited partnership to be formed by the Urban League Economic Development Corporation, for funding for the Brooks Village Apartment Project. The loan shall extend for a term of thirty years, with interest set at the applicable federal rate at the time of closing consistent with Internal Revenue Service regulations for the Low Income Tax Credit Program.

Section 3. The loan agreement shall obligate the City to pay an amount not to exceed \$171,000, and of said amount, or so much thereof as may be necessary, \$55,403 is hereby appropriated from 2002 HOME Program funds and \$115,597 shall be funded from the City Development Fund. The sum of \$115,597 is hereby transferred from the Genesee Street Corridor Improvements Account of the City Development Fund (Prior to Year 1997-98) to a new account for the Brooks Village Apartments.

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

Section 5. 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 or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2003-84, 2003-85,
And 2003-86
Re: Urban Renewal Plan - Brooks Landing

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation to:

1. Adopt the Urban Renewal Plan for the District.
2. Amend the Zoning Map by changing the zoning classification of the properties at 909-973 Genesee Street, 910-1004 Genesee Street, 10 Brooks Avenue, portion of 1315 S. Plymouth Avenue and 4, 6 & 8 Agnew Court, from C-2 Community Center to the Brooks Landing Urban Renewal District; and the properties at 15 Brooks Avenue, 1008 Genesee Street, portion of 1315 S. Plymouth Avenue and portion of 150 Elmwood Avenue from, O-S Open Space to the Brooks Landing Urban Renewal District.
3. Amend Section 120.120 of the Zoning Ordinance by adding a new Section 120.120L to include all of the provisions of the proposed

Brooks Landing Urban Renewal Plan.

The affected area, which consists of 27 properties, is generally bounded on the East by the Genesee River and by the west property line of Plymouth Gardens; on the West by properties along the east and west sides of Genesee Street; on the North by properties just south of Barton Street; and on the South by a boundary line just northeast of Grandview Terrace. The attached Brooks Landing Urban Renewal Plan for the proposed Brooks Landing Urban Renewal District provides both boundaries and legal descriptions.

The proposed Urban Renewal Plan is intended to facilitate the redevelopment of the Brooks Landing area, pursuant to a condition analysis report prepared by FJF Architects in June, 2002. A copy of the report is available for review in the Office of the City Clerk.

The district would include nine acres which contain the following existing uses: seven commercial properties; five mixed-use properties; four residential properties; four privately-owned vacant lots; six City-owned vacant lots; and a portion of City-owned parkland. Many of the structures within the proposed district are in deteriorated condition. The numerous vacant lots are a result of the demolition of deteriorated structures.

The proposed development includes three sub-areas. Sub-Area I is adjacent to the Genesee River and consists of a new public waterfront and a hotel/restaurant development site. Sub-Area II is located at the northeast corner of Brooks Avenue and Genesee Street and consists of a new 20,000 to 25,000 square-foot office/retail building. Sub-Area III is located on the west side of Genesee Street and consists of both renovated and new structures. The proposed zoning for the sub-areas is based on three existing districts. Sub-Area I (public waterfront) is based on the O-S District. Sub-Area I (hotel/restaurant) is based on the C-2 District, and Sub-Areas II & III are based on the C-1 District.

The Planning Commission held an informational hearing on February 24, 2003. Twelve persons spoke in support of the requested zoning map and text amendment. No one spoke in opposition. By a vote of 4-0-1, the Commission recommended approval; Dana Miller abstained because of his long involvement with this project as Sector 4 representative.

If the Urban Renewal Plan is approved, separate legislation that has been submitted to City Council to effect the acquisitions may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-40

Councilmember Norwood moved to amend Introductory No. 106.

The motion was seconded by Councilmember Stevenson.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Ordinance No. 2003-84
(Int. No. 106, As Amended)

Approving The Urban Renewal Plan For The

Brooks Landing Urban Renewal Project

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

Section 1. The Council hereby approves the following Urban Renewal Plan for the Brooks Landing Urban Renewal Project:

I. DESCRIPTION OF PROJECT:

Location/Boundary

The Brooks Landing Revitalization Project is located in Rochester, New York, along the west bank of the Genesee River/NYS Erie Canal at the intersection of Brooks Avenue and Genesee Street and across the river from the University of Rochester campus. The project area is divided into three Sub-Areas: I, II & III. (See "Exhibit A" for project Boundary Map)

BROOKS LANDING URBAN RENEWAL DISTRICT LEGAL DESCRIPTION:

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

Beginning at a point in the centerline of Genesee Street at its intersection of the westerly extension of the northerly line of Agnew Place as shown on a subdivision map of Agnew Park as filed in the Monroe County Clerk's Office in Liber 30 of maps at page 18;

Thence 1) Easterly along said extension and the northerly line of Agnew Place and the northerly line of Lot 4 of said subdivision a distance of 236 feet more or less to the westerly line of lands formerly owned by the Penn Central Corporation and deeded to the City of Rochester as per a deed recorded in the Monroe County Clerk's Office in Liber 6614 of deeds at page 158;

Thence 2) Northerly along the westerly line of lands owned by the City of Rochester as per the aforementioned deed a distance of 50.6 feet more or less to the northwest corner of parcel 135.35-01-20 as shown on the current City of Rochester Tax Map and described in the aforementioned deed;

Thence 3) Easterly along the northerly line of said parcel 135.35-01-20 and its easterly extension a distance of 113 feet more or less to the easterly line of lands now owned by the City of Rochester as per a deed recorded in the Monroe County Clerk's Office in Liber 6656 of deeds at page 212;

Thence 4) Southerly along the said various courses of the easterly line of lands of the City of Rochester to the northerly line of Brooks

- Avenue;
- Thence 5) Easterly along the northerly line of Brooks Avenue and its easterly extension a distance of 227 feet more or less to the bank of the Genesee River;
- Thence 6) Southerly along the bank of the Genesee River a distance of 880 feet more or less to a point;
- Thence 7) S 89° 57' 53" W a distance of 198 feet more or less to the easterly line of lands owned now or formerly by Esau and Albert Miller as per a deed filed in the Monroe County Clerk's Office on January 16, 1968 and filed in Liber 3874 of deeds at page 589;
- Thence 8) N 5° 16' 24" E along the easterly line of said Miller lot which is also the westerly line of lands owned now or formerly by the City of Rochester a distance of 38.94 feet to an angle point;
- Thence 9) N 00° 39' 44" W along the westerly line of lands owned now or formerly by the City of Rochester a distance of 63.98 feet to a point;
- Thence 10) N 00° 02' 07" W and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 133.94 feet to a point;
- Thence 11) N 00° 23' 56" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 65.97 feet to a point;
- Thence 12) N 00° 03' 26" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 61.97 feet to a point;
- Thence 13) N 01° 36' 07" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 70 feet to a point;
- Thence 14) N 00° 02' 07" W and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 67.97 feet more or less to the southeast corner of Lot 2 of a subdivision map of part of the Rapids Village as filed in the Monroe County Clerk's Office in Liber 7 of maps at page 45;
- Thence 15) Westerly along the southerly line of said Lot 2 and its westerly extension a distance of 125 feet more or less to the centerline of Genesee Street;
- Thence 16) Northerly along the centerline of Genesee Street to the easterly extension of the southerly line of Lot A of the Samuel H. Knoll Subdivision as recorded in the City of Rochester Maps and Surveys Office and filed with District 27 Map 39 Submaps;
- Thence 17) Westerly along said extension and the southerly line of said Lot A, a distance of 165 feet more or less to the southwest corner of said Lot A;
- Thence 18) Northerly along the westerly line of said Lot A and its northerly extension a distance of 143 feet more or less to the centerline of Brooks Avenue;
- Thence 19) Easterly along the centerline of Brooks Avenue to the southerly extension of the westerly line of Lots 1 thru 9 of the Brooks Estate as filed in the Monroe County Clerk's Office in Liber 7 of maps at page 5;
- Thence 20) Northerly along said extension and the westerly line of said Lots 1 thru 9 a distance of 397 feet more or less to the northwest corner of Lot 9;
- Thence 21) Easterly along the northerly line of said Lot 9 a distance of 168 feet more or less to the centerline of Genesee Street;
- Thence 22) Southerly along the centerline of Genesee Street a distance of 3 feet more or less to the point or place of beginning.

The above described district is 9 acres more or less.

Background

The Brooks Landing Revitalization Project area is an important neighborhood commercial/waterfront hub within the City's NBN Sector 4. The area consists of underutilized properties adjacent to the Genesee River/NYS Erie Canal. Just south of the project site is the original extent of Genesee Valley Park designed by Frederick Law Olmsted. The site is in close proximity to the Rochester International Airport and sits directly across the Genesee River from the University of Rochester campus. This is a deep-rooted City neighborhood where many current residents have lived most, if not all, of their lives. Despite the deep-rooted heritage and rich civic history, however, the area has been in severe economic, social and aesthetic decline for well over a decade. As a result of this decline, street crime has risen significantly and property values have consequently diminished. The City's adopted comprehensive plan, entitled "Rochester 2010: the Renaissance" outlines key strategies for the revitalization of such City neighborhoods. In keeping with the plan's strategies, Sector 4 neighborhood and business organizations initiated a public design charrette held in March 2000 to establish a vision for the project area and highlight development oppor-

tunities based on land uses consistent with this vision. Since the charrette, various neighborhood leaders, development professionals and City staff have met periodically and have partnered to create a development concept plan that would take full advantage of the broad range of land uses in the project area. The concept includes a new extended stay hotel and restaurant along the Genesee River/NYS Erie Canal with an adjacent new public waterfront/promenade/boat landing, a new office/retail building and a new infill development. Some of the key benchmarks that have resulted from the post charrette efforts include the following:

- Conceptual 3D diorama model completed for public presentation.
- Traffic study completed to analyze traffic impacts associated with development concept.
- Developers identified for private development.
- Rochester's Empire zone expanded to include the hotel restaurant site.
- Parkland alienation draft legislation submitted to NY State Legislature.
- Design consultants selected for proposed public improvements (streets and waterfront).

II. URBAN RENEWAL OBJECTIVES:

The following are key objectives for the Brooks Landing Urban Renewal District:

- A. The elimination of substandard and deteriorated structures and other blighting influences in the project area, through demolition and subsequent redevelopment.
- B. The promotion of economic development in and around the project area, through private commercial development, supporting parking facilities and public access.
- C. To convey by lease or fee simple agency owned vacant property to developers to support private development.
- D. The generation of additional jobs and municipal tax base within the project area in order to maximize utilization of City land area.
- E. To make better use of underutilized land and buildings within the project area.
- F. The beautification of the project area through the construction of new sidewalks, streetscape improvement and waterfront amenities.
- G. To improve security and safety in the project area.

III. URBAN RENEWAL ACTIONS: (See "Exhibit D" for parcel actions and "Exhibit B" for Land Disposition Map)

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire selected properties from private owners in Sub-Area I, II & III.

- B. Seek parkland alienation from the New York State Legislature for land to be developed privately.

- C. Dispose of project area development sites by sale to qualified developers for redevelopment or rehabilitation in accordance with standards incorporated in the Plan.

- D. Demolish and remove selected structures on acquired property in Sub-Areas I, II and III.

- E. Resubdivide acquired land as follows:

Sub-Area I: Combine all project lots into three parcels to include:

- two private development parcels; and,
- one parcel to be rededicated as public parkland.

Sub-Area II: Combine all project lots into one private development parcel.

Sub-Area III: Combine 951 & 953 Genesee Street into one private development parcel. Combine 923 & 927 Genesee Street into one private development parcel.

- F. Provide relocation assistance in accordance with Federal Relocation Guidelines.

- G. Design and construct modifications to the public streets as follows:

Complete ROW lane, striping, utilities, width and traffic signal improvements at intersections of Brooks Avenue/Genesee Street, Genesee Street/Elmwood Avenue, Elmwood Avenue/S. Plymouth Avenue, necessary to close off the portion of S. Plymouth Avenue between Brooks Avenue and Elmwood Avenue for subsequent project construction.

Close off portion of S. Plymouth Avenue between Brooks Avenue and Elmwood Avenue. Remove the portion of S. Plymouth Avenue within the project boundary. The entire portion of S. Plymouth Avenue between Brooks Avenue and Elmwood Avenue is categorized as a park road and not as a dedicated public right-of-way. Therefore, abandonment procedures will not be required.

Realign S. Plymouth Avenue (north of Brooks Avenue) to the Brooks Avenue/Genesee Street intersection.
Realign S. Plymouth Avenue (south of the project site) to enter into the development site.

Complete all remaining ROW improvements required for project.

- H. Rededicate as parkland the area adjacent to the river and provide for a new promenade linked to the existing river tail system and provide for new public facilities to enhance the waterfront.

IV. LAND USE PLAN: (See "Exhibit C" for Land Use Map)

A. PURPOSE:

The Brooks Landing Urban Renewal District is intended to revitalize an important mixed-use neighborhood commercial center within Sector 4 of the City. Adjacent land uses such as the U of R, Strong Medical Center, Genesee River/NYS Erie Canal waterfront and surrounding residential neighborhoods, render this location a very unique development opportunity that is consistent with the City's updated comprehensive plan. More specifically, the following comprehensive plan campaign goals are supported by this plan:

CAMPAIGN FOUR: ENVIRONMENTAL STEWARDSHIP

Goal: (E) Preserve and enhance our waterways, parks, urban forests, recreation and open space areas through a regional "no-net-loss" approach and maximized environmental benefits derived from those resources and assets.

CAMPAIGN SIX: ECONOMIC VITALITY

Goals: (B) Develop a business and financial environment that encourages businesses and individuals to build on our rich entrepreneurial spirit.

(C) Develop strong, economically viable and diverse neighborhood commercial areas that help to provide entry-level jobs, high quality goods and personal services to our citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.

(G) Support and promote opportunities for shopping for residents and visitors at stores, businesses and personal shops within our city.

CAMPAIGN EIGHT: TOURISM DESTINATION

Goals: (B) Encourage and help create appropriate private, market-driven investments in the local tourism industry that result in additional revenue for businesses and the creation of new jobs for local residents.

(C) Transform our extensive and unique waterfront resources, historical and cultural assets into a regional tourism destination attraction that maximizes economic, environmental and recreational benefits in a way that enhances the quality of life for city residents.

(D) To develop, protect and promote our parks, recreation and open space system as a prime four season regional tourism attraction and asset that is complementary to our diverse waterfront resources.

(E) Promote the creation of a diverse transportation system that connects our many tourism attractions and resources and positively contributes to the physical, social and economic well-being of our

citizens, visitors and community.

(F) Develop diverse, unique tourism attractions that balance economic issues and impacts with neighborhood preservation, enhancement and protection.

(G) Capitalize on our many recreational, historic, civic and business assets as well as our high quality of life to expand recognition of Rochester as a highly desirable tourism destination and attractive place to live.

CAMPAIGN NINE: HEALTHY URBAN NEIGHBORHOODS

Goals: (B) Reduce the impacts of the concentration of poverty in our community by encouraging economic diversity, appropriate neighborhood design and planning and expanded economic opportunity.

(C) Encourage strong, stable, vital and healthy neighborhoods that retain their unique characteristics, are supported by appropriate community resources, services and amenities in village-like settings with neighborhood commercial centers serving nearby residential neighborhoods, provide essential goods and services and help create a high quality of life for every citizen.

(E) Ensure adequate parking resources or facilities that balance the protection of neighborhoods and residences with the need to sustain the economic viability and vitality of commercial areas.

(F) Develop a pedestrian circulation system that provides maximum accessibility to nearby goods and services, our parks, recreation and open space areas and other community amenities.

B. LAND USE AREAS:

To accomplish the above goals, the Urban Renewal Plan is divided into three land use areas which are comparable to zoning districts listed in the Rochester Zoning Code:

- The Open Space land use area (O-S) located along the edge of the Genesee River will remain in City ownership as dedicated parkland.
- The Neighborhood Commercial land use area (C-1) provides infill development and renovation opportunities on the west side of Genesee Street and nearly two acres of new commercial development opportunities on the east side of Genesee Street north of Brooks Avenue.
- The Riverfront Commercial land use area (C-2) on the east side of Genesee Street south of Brooks Avenue will provide unique riverfront development opportunities.

1. OPEN SPACE LAND USE:

In the Sections of the District designated on the Land Use Map as O-S, all of the

requirements of the O-S shall apply.

2. NEIGHBORHOOD COMMERCIAL LAND USE:

The Neighborhood Commercial Land Use Area is comparable to the C-1 Neighborhood Center District. In the Sections of the District designated on the Land Use Map as C-1, all of the requirements of the C-1 shall apply except as follows:

a. Permitted Uses:

The following uses are permitted in the Neighborhood Commercial Land Use Area when conducted entirely within an enclosed building;

- (1) Dwelling units when part of a mixed-use development with other permitted commercial uses.
- (2) Public and semi-public uses.
- (3) Retail sales and services operating between the hours of 6:00 a.m. to 11:00 p.m., except the sale, storage or display of ammunition, explosives or firearms.
- (4) Offices open between the hours of 6:00 a.m. to 11:00 p.m.
- (5) Bars, cocktail lounges and taverns operating between the hours of 6:00 a.m. and 11:00 p.m.
- (6) Restaurants operating between the hours of 6:00 a.m. and 11:00 p.m. including accessory outdoor seating/assembly areas but excluding drive-thru facilities.

b. Special permit uses:

- (1) Drive thru services when attached to employee-occupied bank branch with indoor teller service.
- (2) Ancillary parking lots.

c. Lot, area and yard requirements:

Lot, area and yard requirements shall be subject to the provisions of Section 120-36 of the Rochester Zoning Code except as follows:

- (1) Maximum lot coverage for new infill development shall be 95%.

d. Bulk Requirements:

Bulk requirements shall be subject to the provisions of Section 120-37 of the Rochester Zoning Code except as follows:

- (1) Minimum building height -principal use or structure; 2 stories or 18 feet [1 story or 15 feet].
- (2) Maximum building height -principal use or structure; 3 stories or 35 feet.

- (3) Maximum square footage -principal use; 8,000 square feet on the ground floor.

e. Off Street Parking:

Off street parking shall be subject to the provisions of Section 120-173 Rochester Zoning Code except as follows:

- (1) Parking lots shall have a maximum frontage of 50 feet.

3. RIVERFRONT COMMERCIAL LAND USE:

The Riverfront Commercial Land Use Area is comparable to the C-2 Neighborhood Center District. In the Sections of the District designated on the Land Use Map as C-2, all of the requirements of the C-2 shall apply except as follows:

a. Permitted Uses:

- (1) Multi-family dwellings.
- (2) Public and semi-public uses.
- (3) Retail sales and service when conducted in an entirely enclosed building.
- (4) Offices open between the hours of 6:00 a.m. to 11:00 p.m.
- (5) Bars, cocktail lounges and taverns including accessory outdoor seating and assembly areas.
- (6) Restaurants and banquet facilities including accessory outdoor seating and assembly areas.
- (7) Hotels.
- (8) Ancillary parking lots.

b. Lot, Area and Yard requirements:

Lot, area and yard requirements shall be subject to the provisions of Section 120-44 of the Rochester Zoning Code except as follows:

- (1) Maximum front yard setback shall be 0 to 5 feet except for buildings that front on the river. Buildings that front on the river shall have a minimum setback of 30 feet and a maximum setback of 60 feet from the existing river wall or river edge, whichever is closer to the building.

c. Bulk Requirements:

Bulk Requirements shall be subject to the provisions of Section 120-45 except as follows:

- (1) Maximum building height -principal use or structure fronting on the river; 5 stories or 65 feet.

- (2) Minimum building height - principal use or structure: 2 stories or 20 feet [N/A].
- (3) Maximum square footage - principal use - N/A.
- d. Off Street Parking:
- Off street parking shall be subject to the provisions of Section 120-173 of the Rochester Zoning Code except as follows:
- (1) Parking shall not be permitted between a building and the sidewalk on the street except for buildings that front on the river.
- (2) Parking shall not be permitted between a building and the riverfront.
- (3) Parking lots shall be screened from view from all directions.
- e. Design Guidelines and Standards:
- Design Guidelines and Standards shall be subject to the provisions of Article XIX of the Rochester Zoning Code, with the following:
- (1) ADDITION: Any building fronting on the river shall have a facade facing the river of equal or near equal prominence to the facade facing the public street.
- (2) EXCEPTION to Section 120-158 A.(1): Any building fronting a river promenade shall have a facade with an active elevation facing the river. This active elevation shall include architectural features that enhance the pedestrian scale and experience of the building facade. Such elevations may or may not include windows and/or building entrances.
4. OTHER REQUIREMENTS APPLYING TO ALL LAND USE AREAS:
- Other requirements including provisions regarding accessory uses and structures, air quality, dumpsters and refuse collection areas, fences and walls, flood plain regulations, landscaping buffers and screening, lighting, noise, off-street loading, off-street stacking requirements, outdoor storage, outdoor displays and signs shall be subject to the provisions of Article XX of the Rochester Zoning Code.
- V. URBAN RENEWAL PROCEDURES AND PROPOSALS:
- A. PROCEDURES FOR REVIEW OF SITE AND DEVELOPMENT PLANS:
- Preliminary plans including site plan and building elevations shall be submitted to the Secretary of the Urban Renewal Agency for review and approval with respect to their

conformance with the objectives of the Urban Renewal Plan. Thereupon such plans shall be transmitted to the Director of Zoning for his/her determination of the appropriate site plan review required pursuant to 120-191D. of the Rochester Zoning Code.

B. DURATION OF LAND USE REGULATIONS:

The land use regulations set forth in Chapter IV of this plan shall continue in effect for a period of forty (40) years from the date of adoption of this Plan by the City Council of the City of Rochester.

C. OBLIGATION OF DEVELOPERS:

When the land in the project area is sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchaser or lessee and their successors or assigns shall be obligated by the terms of the contract and by the covenants set forth in the deed which shall run with the land:

1. To devote such land to the uses and to be governed by the Land Use Regulations and controls set forth in the Urban Renewal Plan and;
2. To begin and complete the construction of the improvements of such land within a reasonable time as established by appropriate provisions in the instrument of sale or lease.

D. PROCEDURES FOR AMENDING URBAN RENEWAL PLAN:

This Urban Renewal Plan may be amended at any time by the City Council of the City of Rochester in accordance with procedures then in effect for the adoption of an Urban Renewal Plan.

E. RELATIONSHIP OF THE PLAN TO THE ROCHESTER ZONING CODE:

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning Code shall be amended to include Section IV of the Plan.

VI. SPECIAL PROVISIONS:

A. ANTI-DISCRIMINATION:

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy, or use of any real property in the project area on the basis of race, color, creed or national origin.

VII. APPENDICES:

- EXHIBIT A. Map 1 -District Boundary Map
 EXHIBIT B. Map 2 -Land Use Map
 EXHIBIT C. Map 3 -Land Disposition Map
 EXHIBIT D. Chart -Urban Renewal Actions

Section 2. The Council finds that:

- a. The Brooks Landing Urban Renewal area is a

substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.

- b. The Brooks Landing Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Urban Renewal Plan for the Brooks Landing Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Ordinance No. 2003-85
(Int. No. 107)

Changing The Zoning Classification Of Parcels In The Brooks Landing Area From C-2 Community Center And O-S Open Space To Brooks Landing Urban Renewal District

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 909-973 Genesee Street, 910-1004 Genesee Street, 10 Brooks Avenue, a portion of 1315 South Plymouth Avenue and 4, 6 & 8 Agnew Street, from C-2 Community Center to Brooks Landing Urban Renewal District, and constituting 15 Brooks Avenue, 1008 Genesee Street, a portion of 1315 South Plymouth Avenue and a portion of 150 Elmwood Avenue, from O-S Open Space to Brooks Landing Urban Renewal District:

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

Beginning at a point in the centerline of Genesee Street at its intersection of the westerly extension of the northerly line of Agnew Place as shown on a subdivision map of Agnew Park as filed in the Monroe County Clerk's Office in Liber 30 of maps at page 18;

Thence 1) Easterly along said extension and the northerly line of Agnew Place and the northerly line of Lot 4 of said subdivision a distance of 236 feet more or less to the westerly line of lands formerly owned by the Penn Central Corporation and

deeded to the City of Rochester as per a deed recorded in the Monroe County Clerk's Office in Liber 6614 of deeds at page 158;

Thence 2) Northerly along the westerly line of lands owned by the City of Rochester as per the aforementioned deed a distance of 50.6 feet more or less to the northwest corner of parcel 135.35-01-20 as shown on the current City of Rochester Tax Map and described in the aforementioned deed;

Thence 3) Easterly along the northerly line of said parcel 135.35-01-20 and its easterly extension a distance of 113 feet more or less to the easterly line of lands now owned by the City of Rochester as per a deed recorded in the Monroe County Clerk's Office in Liber 6656 of deeds at page 212;

Thence 4) Southerly along the said various courses of the easterly line of lands of the City of Rochester to the northerly line of Brooks Avenue;

Thence 5) Easterly along the northerly line of Brooks Avenue and its easterly extension a distance of 227 feet more or less to the bank of the Genesee River;

Thence 6) Southerly along the bank of the Genesee River a distance of 880 feet more or less to a point;

Thence 7) S 89° 57' 53" W a distance of 198 feet more or less to the easterly line of lands owned now or formerly by Esau and Albert Miller as per a deed filed in the Monroe County Clerk's Office on January 16, 1968 and filed in Liber 3874 of deeds at page 589;

Thence 8) N 5° 16' 24" E along the easterly line of said Miller which is also the westerly line of lands owned now or formerly by the City of Rochester a distance of 38.94 feet to an angle point;

Thence 9) N 00° 39' 44" W along the westerly line of lands owned now or formerly by the City of Rochester a distance of 63.98 feet to a point;

Thence 10) N 00° 02' 07" W and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 133.94 feet to a point;

Thence 11) N 00° 23' 56" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 65.97 feet to a point;

Thence 12) N 00° 03' 26" E and continuing along the westerly line of lands owned now or formerly by the City

of Rochester a distance of 61.97 feet to a point;

Thence 13) N 01° 36' 07" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 70 feet to a point;

Thence 14) N 00° 02' 07" W and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 67.97 feet more or less to the southeast corner of Lot 2 of a subdivision map of part of the Rapids Village as filed in the Monroe County Clerk's Office in Liber 7 of maps at page 45;

Thence 15) Westerly along the southerly line of said Lot 2 and its westerly extension a distance of 125 feet more or less to the centerline of Genesee Street;

Thence 16) Northerly along the centerline of Genesee Street to the easterly extension of the southerly line of Lot A of the Samuel H. Knoll Subdivision as recorded in the City of Rochester Maps and Surveys Office and filed with District 27 Map 39 Submaps;

Thence 17) Westerly along said extension and the southerly line of said Lot A, a distance of 165 feet more or less to the southwest corner of said Lot A;

Thence 18) Northerly along the westerly line of said Lot A and its northerly extension a distance of 143 feet more or less to the centerline of Brooks Avenue;

Thence 19) Easterly along the centerline of Brooks Avenue to the southerly extension of the westerly line of Lots 1 thru 9 of the Brooks Estate as filed in the Monroe County Clerk's Office in Liber 7 of maps at page 5;

Thence 20) Northerly along said extension and the westerly line of said Lots 1 thru 9 a distance of 397 feet more or less to the northwest corner of Lot 9;

Thence 21) Easterly along the northerly line of said Lot 9 a distance of 168 feet more or less to the centerline of Genesee Street;

Thence 22) Southerly along the centerline of Genesee Street a distance of 3 feet more or less to the point or place of beginning.

The above described district is 9 acres more or less.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Councilmember Norwood moved to amend Introductory No. 108.

The motion was seconded by Councilmember Stevenson.

Adopted by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Ordinance No. 2003-86
(Int. No. 108, As Amended)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Brooks Landing Urban Renewal Project

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

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by adding the following new subsection L thereto:

L. Brooks Landing Urban Renewal District

(1) LAND USE AREAS:

The District is divided into three land use areas which are comparable to zoning districts listed in the Rochester Zoning Code:

- The Open Space land use area (O-S) located along the edge of the Genesee River will remain in City ownership as dedicated parkland.
- The Neighborhood Commercial land use area (C-1) provides infill development and renovation opportunities on the west side of Genesee Street and nearly two acres of new commercial development opportunities on the east side of Genesee Street north of Brooks Avenue.
- The Riverfront Commercial land use area (C-2) on the east side of Genesee Street south of Brooks Avenue will provide unique riverfront development opportunities.

(a) OPEN SPACE LAND USE:

In the Sections of the District designated on the Land Use Map as O-S, all of the requirements of the O-S shall apply.

(b) NEIGHBORHOOD COMMERCIAL LAND USE:

The Neighborhood Commercial Land Use Area is comparable to the C-1 Neighborhood Center District. In the Sections of the District designated on the Land Use Map as C-1, all of the requirements of the C-1 shall apply except as follows:

[1] Permitted Uses:

The following uses are permitted in the Neighborhood Commercial Land Use Area when conducted entirely within an enclosed building;

- [a] Dwelling units when part of a mixed-use development with other permitted commercial uses.
- [b] Public and semi-public uses.
- [c] Retail sales and services operating between the hours of 6:00 a.m. to 11:00 p.m., except the sale, storage or display of ammunition, explosives or firearms.
- [d] Offices open between the hours of 6:00 a.m. to 11:00 p.m.
- [e] Bars, cocktail lounges and taverns operating between the hours of 6:00 a.m. and 11:00 p.m.
- [f] Restaurants operating between the hours of 6:00 a.m. and 11:00 p.m. including accessory outdoor seating/assembly areas but excluding drive-thru facilities.

[2] Special permit uses:

- [a] Drive thru services when attached to employee-occupied bank branch with indoor teller service.
- [b] Ancillary parking lots.

[3] Lot, area and yard requirements: Lot, area and yard requirements shall be subject to the provisions of Section 120-36 of the Rochester Zoning Code except as follows:

- [a] Maximum lot coverage for new infill development shall be 95%.

[4] Bulk Requirements:

Bulk requirements shall be subject to the provisions of Section 120-37 of the Rochester Zoning Code except as follows:

- [a] Minimum building height -principal use or structure: 2 stories or 18 feet 4-story or 45 feet.
- [b] Maximum building height -principal use or structure; 3 stories or 35 feet.

- [c] Maximum square footage -principal use; 8,000 square feet on the ground floor.

[5] Off Street Parking:

Off street parking shall be subject to the provisions of Section 120-173 Rochester Zoning Code except as follows:

- [a] Parking lots shall have a maximum frontage of 50 feet.

(c) RIVERFRONT COMMERCIAL LAND USE:

The Riverfront Commercial Land Use Area is comparable to the C-2 Neighborhood Center District. In the Sections of the District designated on the Land Use Map as C-2, all of the requirements of the C-2 shall apply except as follows:

[1] Permitted Uses:

- [a] Multi-family dwellings.
- [b] Public and semi-public uses.
- [c] Retail sales and service when conducted in an entirely enclosed building.
- [d] Offices open between the hours of 6:00 a.m. to 11:00 p.m.
- [e] Bars, cocktail lounges and taverns including accessory outdoor seating and assembly areas.
- [f] Restaurants and banquet facilities including accessory outdoor seating and assembly areas.
- [g] Hotels.
- [h] Ancillary parking lots.

[2] Lot, Area and Yard requirements:

Lot, area and yard requirements shall be subject to the provisions of Section 120-44 of the Rochester Zoning Code except as follows:

- [a] Maximum front yard setback shall be 0 to 5 feet except for buildings that front on the river. Buildings that front on the river shall have a minimum setback of 30 feet and a maximum setback of 60 feet from the existing river wall or river edge, whichever is closer to the building.

[3] Bulk Requirements:

Bulk Requirements shall be subject to the provisions of Section 120-45 except as follows:

- [a] Maximum building height - principal use or structure fronting on the river; 5 stories or 65 feet.

[b] Minimum building height - principal use or structure: 2 stories or 20 feet N/A.

[c] Maximum square footage -principal use - N/A.

[4] Off Street Parking:

Off street parking shall be subject to the provisions of Section 120-173 of the Rochester Zoning Code except as follows:

[a] Parking shall not be permitted between a building and the sidewalk on the street except for buildings that front on the river.

[b] Parking shall not be permitted between a building and the riverfront.

[c] Parking lots shall be screened from view from all directions.

[5] Design Guidelines and Standards:

Design Guidelines and Standards shall be subject to the provisions of Article XIX of the Rochester Zoning Code, with the following:

[a] ADDITION: Any building fronting on the river shall have a facade facing the river of equal or near equal prominence to the facade facing the public street.

[b] EXCEPTION to Section 120-158 A.(1): Any building fronting a river promenade shall have a facade with an active elevation facing the river. This active elevation shall include architectural features that enhance the pedestrian scale and experience of the building facade. Such elevations may or may not include windows and/or building entrances.

(d) OTHER REQUIREMENTS APPLYING TO ALL LAND USE AREAS:

Other requirements including provisions regarding accessory uses and structures, air quality, dumpsters and refuse collection areas, fences and walls, flood plain regulations, landscaping buffers and screening, lighting, noise, off-street loading, off-street stacking requirements, outdoor storage, outdoor displays and signs shall be subject to the provisions of Article XX of the Rochester Zoning Code.

Section 2. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-87
Re: Western Gateway Project/Outer Loop Industrial Park - Klein Steel Service, Inc.

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the sale of a City-owned parcel to Klein Steel Service, Inc. as part of the Western Gateway Project in the Outer Loop Industrial Park. This legislation will:

1. Authorize the sale of Parcel 2, 105 Road A to Klein Steel Service, Inc. for \$1.00.
2. Authorize a temporary easement for Klein Steel Service, Inc. permitting the use of Road A until it is dedicated as a public street.

Klein Steel is a distributor of steel and steel products and a manufacturer of steel products prepared to customer specifications. The company is currently located in 90,000 square feet of leased space at 811 West Avenue. It currently has 75 employees.

Klein Steel is proposing to construct a 137,000 square-foot building on Parcel 2 of the Western Gateway Project; the parcel contains 13.358 acres. A map showing the location of the parcel is attached.

The parcel is a Brownfield site that was formerly part of the City's Emerson Street Landfill. It is being sold to Klein Steel for \$1.00 as an incentive for the company to develop its project in the former landfill and to provide partial compensation to the company for the development penalty, estimated at \$1,247,000, associated with the site.

The largest cost associated with this penalty is the relocation of the ash deposited on the site when it was being used as part of the City landfill as well as other materials deposited on the site by the City as part of normal DES operations over the past six years. The ash and other materials will be relocated to another City-owned parcel on Lexington Avenue within the former landfill.

The land for the project was appraised by Kevin Bruckner at a range of \$10,000 to \$20,000 per acre. The maximum appraised value of the Klein Steel parcel, therefore, would be \$267,000. Since the site is located in the Mt. Read-Emerson Urban Renewal District, the City can sell the land for less than the appraised value, or \$1.00 in this case. The site is also located in the Empire Zone.

The cost of the project is estimated at \$9,250,000, including \$1,450,000 for site preparation, \$4,500,000 for construction of the building, and \$3,300,000 for the purchase of equipment. The equipment will consist of an automated material handling system, various cranes and saws.

The financing includes a \$600,000 Empire Opportunity Fund grant from the Empire State Development

Corp. which is being provided to stimulate Brownfield development. It also includes a \$500,000 City loan from the Industrial Revolving Loan Fund which will be used for site preparation and construction. Klein Steel will be eligible to receive job credits for hiring city residents that can be used to offset a portion of the principal and interest payments on the City loan. The proposed financing includes the following:

Source	Amount
Bank (Canandaigua National)	\$7,650,000
City IRLF	500,000
Empire Opportunity Fund (grant)	600,000
Equity	500,000
Total	\$9,250,000

Construction is expected to begin in April 2003 and to be completed by the end of the year. Klein Steel has estimated that the project will result in the creation of 70 new jobs, increasing company employment from 75 to 145.

Over the next seven years, Klein Steel plans to expand its building to 250,000 square feet in two additional phases and has estimated that the final cost of the project will be over \$13 million. The company has also estimated that these expansions will result in the creation of an additional 100 new jobs, for a total of 170 new jobs.

The road providing access to the development sites south of Emerson Street, currently known as Road A, was constructed by the City in 2000. The public right-of-way is currently being subdivided and it is expected that the street will be dedicated in 2003. The proposed legislation provides Klein Steel with a temporary easement to use the street until it is dedicated.

The Klein Steel building is the second facility to be constructed in the Western Gateway Project south of Emerson Street. The first building, containing 77,000 square feet, was constructed by JADA Precision Plastics in 1998 on a 7.6-acre parcel. One City-owned site of 3.9 acres remains to be developed.

The City will provide environmental indemnification to Klein Steel and to any future owners of its property for the land and the fill material recently deposited on the site by the City as part of normal DES operations. This indemnification will cover any environmental conditions for which the City is responsible and which occurred during the period of City ownership of the land.

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

A public hearing on the land sale is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-41

Ordinance No. 2003-87
(Int. No. 109)

Approval Of The Sale Of Land To Klein Steel Service, Inc. In The Western Gateway Project In The Outer Loop Industrial Park Of The Mt. Read-

Emerson Urban Renewal Project

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

Section 1. The Council hereby approves the sale of approximately 13.358 acres of land constituting Parcel 2 in the Western Gateway Project in the Outer Loop Industrial Park of the Mt. Read-Emerson Urban Renewal Project to Klein Steel Service, Inc. for the sum of \$1.00. The Council hereby approves the grant of a temporary easement to Klein Steel Service, Inc. to use Road A in the Western Gateway Project until it is dedicated as a public street.

Section 2. The Council hereby further authorizes environmental indemnification of Klein Steel Service, Inc. and future owners regarding hazardous substances.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to effectuate this project. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-88, 2003-89,
And Introductory No. 129
Re: Real Estate Acquisitions - Brooks
Landing

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Brooks Landing Revitalization Project. This legislation will authorize

1. the acquisition, by negotiation or condemnation, of fourteen properties in the area of the Genesee Street and Brooks Avenue intersection, and
2. a bond ordinance in the amount of \$557,000 to fund the acquisitions and related closing and relocation costs.

The Brooks Landing Urban Renewal District Designation was approved by the City Council on August 20, 2002. The Brooks Landing Urban Renewal Plan has been recommended by the Planning Commission and submitted separately to City Council for approval.

A preliminary Anti-Displacement and Relocation Plan was completed by Zinter Housing Consultants and submitted to the U.S. Department of Housing and Urban Development (HUD) by the City of Rochester in January, 2003. The City received HUD's approval of the preliminary Anti-Displacement and Relocation Plan on January 31, 2003.

The properties to be acquired will subsequently be redeveloped as part of three Sub-Areas for the Brooks Landing Revitalization Project. The proposed Sub-Areas consist of the following (see attached project boundary map):

Sub-Area I: Approximately 3.5 acres to be sold to a developer for construction of a new hotel and restaurant

Approximately .8 acres to be retained as City owned parkland for the construction of a public waterfront promenade and boat landing

Sub-Area II: Approximately 2 acres to be sold to a developer for the construction of a 20,000 to 25,000 sf. office/retail building

Sub-Area IIIa: Approximately .25 acres to be sold to a developer for renovated commercial or mixed-use development

Sub-Area IIIb: Approximately .25 acres to be sold to a developer for the construction of infill commercial retail or mixed-use development

Under the proposed legislation, the City will acquire the fourteen properties within Sub-Area I, II & III and sell them to a developer. The City will relocate present occupants of properties to be acquired in Sub-Area II & III following Federal relocation guidelines. The total estimated relocation cost is \$304,000; an additional \$50,000 will be required for closing costs. The acquisition amounts are as follows:

Address	Owner	Use	Acquisition Cost
Sub-Area I:			
15 Brooks Ave	Martin Handelman or REDCO	Vacant lot	
<u>and</u>			
972 Genesee St	Martin Handelman or REDCO	Vacant lot	\$160,000
998 Genesee St	805 Spencer St. Partner or REDCO	Commercial	
<u>and</u>			
1004 Genesee St	805 Spencer St. Partner or REDCO	Commercial	
<u>and</u>			
1008 Genesee St	805 Spencer St. Partner or REDCO	Commercial	135,000
Sub-Area II:			
4 Agnew Court	Rosa Johnson	Single family	22,000
6 Agnew Court	Brenda Beason	Single family	28,000

920 Genesee St	R. & C. Cirocco	Two family	35,000
926 Genesee St	Jean Dalberth	Commercial	60,000
930 Genesee St	John Michel	Commercial	88,000
948 Genesee St	Ebenezer Williams	Commercial	39,000
954 Genesee St	Joseph Bradford	Mixed-use	109,000
Sub-Area III:			
951 Genesee St	Joe L. Bradford	Mixed-use	51,000
953 Genesee St	Emanuel Rosenfeld	Commercial	50,000
Total			\$777,000

The acquisition amounts were established through independent appraisals prepared first by Kevin Bruckner, MAI, and then reviewed by Jay Loson, MAI. The prices do not include any consideration of environmental or geo-technical conditions and assume environmentally clean sites.

The total amount of acquisition, relocation, and closing costs for the properties is estimated at \$1,131,000, of which \$557,000 is in Debt and \$574,000 is in Cash Capital as follows:

Reprogrammed Debt (2000-01):	
High Falls Industrial Park	\$363,000
Rochester Science Park	194,000
Total Debt	\$557,000
Cash Capital:	
2002-03	\$376,000
2001-02	198,000
Total Cash Capital	\$574,000

It is anticipated that an additional \$400,000 to \$500,000 will be required for environmental remediation; Council authorization for that purpose will be requested at a subsequent meeting.

A public hearing regarding the property acquisitions is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-88
(Int. No. 127, As Amended)

Authorizing Acquisitions For The Brooks Landing Revitalization Project

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

Section 1. The Council hereby approves the acquisition of the following parcels as a part of the Brooks Landing Revitalization Project as follows:

Address	Type	Reputed Owner	Maximum Acquisition Amount
SBL No.			

Sub-Area I:

15 Brooks Ave Vacant lot
 135-340-0003-023 Martin Handelman
 or REDCO
 and
 972 Genesee St Vacant lot \$160,000
 135-340-0003-022 Martin Handelman
 or REDCO
 998 Genesee St Commercial
 135-340-0003-024 805 Spencer St. Partner
 or REDCO
 and
 1004 Genesee St Commercial
 135-420-0002-001 805 Spencer St. Partner
 or REDCO
 and
 1008 Genesee St Commercial 135,000
 135-420-0002-002 805 Spencer St. Partner
 or REDCO

Sub-Area II:

4 Agnew Court Single family 22,000
 135-340-0002-026 Rosa Johnson
 6 Agnew Court Single family 28,000
 135-340-0002-025 Brenda Beason
 920 Genesee St Two family 35,000
 135-340-0002-027 R. & C. Cirocco
 926 Genesee St Commercial 60,000
 135-340-0002-028 Jean Dalberth
 930 Genesee St Commercial 88,000
 135-340-0002-029 John Michel
 948 Genesee St Commercial 39,000
 135-340-0002-031 Ebenezer Williams
 954 Genesee St Mixed-use 109,000
 135-340-0002-032 Joseph Bradford
 Sub-Area III:
 951 Genesee St Mixed-use 51,000
 135-340-0002-027 Joe L. Bradford
 953 Genesee St Commercial 50,000
 135-340-0002-028 Emanuel Rosenfeld

Section 2. The acquisition, relocation and closing costs shall obligate the City to pay an amount not to exceed \$1,131,000, and of said amount, \$198,000 shall be funded from the [2001-02] 2002-03 Cash Capital Allocation, \$376,000 shall be funded from the [2002-03] 2001-02 Cash Capital Allocation and \$557,000 shall be funded from a bond ordinance adopted for this purpose.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his

residence is located within the area affected by the project.

Ordinance No. 2003-89
 (Int. No. 128)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$557,000 Bonds Of Said City To Finance The Costs Of The Acquisition Of Improvements On Designated Parcels Of Real Property And Relocation Of Persons As A Part Of The Brooks Landing Urban Renewal District Plan

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the costs of a portion of the Brooks Landing Urban Renewal Project (the "Project"), consisting of the acquisition of properties within the Brooks Landing Urban Renewal District, including but not limited to 15 Brooks Avenue, 972 Genesee Street, 998 Genesee Street, 1004 Genesee Street, 1008 Genesee Street, 4 Agnew Court, 6 Agnew Court, 920 Genesee Street, 926 Genesee Street, 930 Genesee Street, 948 Genesee Street, 954 Genesee Street, 951 Genesee Street and 953 Genesee Street, and the relocation of persons on said properties in accordance with the Brooks Landing Urban Renewal District Plan. Existing improvements on said properties are to be ultimately demolished for redevelopment purposes. The estimated maximum cost of the specific object or purpose authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,131,000. The plan of financing includes the issuance of \$557,000 bonds of the City, and said amount is hereby appropriated therefor, together with \$574,000 of available current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$557,000 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 \$557,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obliga-

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Councilmember Norwood moved to return Introductory No. 129 to committee.

The motion was seconded by Councilmember Mains.

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Introductory No. 129

AUTHORIZING ACQUISITIONS BY CONDEMNATION FOR THE BROOKS LANDING REVITALIZATION PROJECT

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

Section 1. In the event the parcels approved for acquisition in Ordinance No. 2003-88 as a part of the Brooks Landing Revitalization Project cannot be obtained through negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section 2. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-90,
2003-91, And 2003-92
Re: Brooks Landing Street
Improvements Project

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Brooks Landing Project. The legislation will authorize:

1. Changes in the pavement widths as follows:
 - a. A variable increase on Scottsville Road beginning by matching the existing pavement width of 41' at a point 265' west of Genesee Street and tapering to an increase in pavement width of 12', from 41' to 53', at Genesee Street; and
 - b. An increase of 5' on Elmwood Avenue beginning by increasing the pavement width from 66' to 71' at Genesee Street and tapering to an increase in pavement width from 60' to 65' at a point 165' east of Genesee Street; and
 - c. A variable increase on Elmwood Avenue beginning by increasing the pavement width by 5' at the latter point above and tapering to match the existing pavement width of 56' at a point 265' east of Genesee Street; and
 - d. An increase of 9' on Genesee Street, from 52' to 61', from Scottsville Road to Genesee Park Boulevard; and

- e. An increase of 6' on the west side of Genesee Street, from 36' to 42', from Terrace Park to a point 205' north of Terrace Park; and
 - f. A variable increase along the east side of Genesee Street beginning by matching the existing pavement width of 36' at a point 197' south of Brooks Avenue and tapering to an increase in pavement width of 6', from 36' to 42', at a point 152' south of Brooks Avenue; and
 - g. An increase of 6' on Genesee Street, from 36' to 42', beginning at the latter point above to Brooks Avenue.
2. The realignment of South Plymouth Avenue to connect with Brooks Avenue at the intersection of Genesee Street and Brooks Avenue;
 3. The issuance of bonds totaling \$1,000,000 and appropriation of the proceeds thereof to finance the cost of the public street improvements; and
 4. The acquisition, by negotiation or condemnation, of two parcels required for street purposes.

The street improvements will include reconstruction of a portion of Brooks Avenue and improvements to four intersections in the vicinity of the development area. The planned street improvements are based on a traffic study conducted by FRA Engineering in 1999. Subsequently, on October 23, 2001, City Council authorized an agreement with the FRA Engineering, P.C. for the planning and design of the project.

The transportation improvements involve intersection improvements at:

- Brooks Avenue and Genesee Street,
- Genesee Street and Genesee Park Boulevard,
- Genesee Street and Elmwood Avenue and Scottsville Road, and
- Elmwood Avenue and South Plymouth Avenue.

The project also involves reconstruction of Brooks Avenue from its intersection with South Plymouth Avenue to its intersection with Genesee Street and the removal of the Brooks Avenue / South Plymouth Avenue intersection.

The 53' pavement width on Scottsville Road will allow for a dedicated left turn lane, two thru lanes and a dedicated right turn lane in the eastbound direction, and two thru lanes in the westbound direction. The 61' pavement width on Genesee Street between the intersection with Genesee Park Boulevard and the intersection with Elmwood Avenue provides for a dedicated right turn lane, a combined thru / left turn lane and a dedicated left turn lane in the southbound direction, and two lanes in the northbound direction. The 65' to 71' variable pavement width on Elmwood Avenue will allow for two thru lanes in the east bound direction and a combined thru / left lane, a thru lane, and a dedicated right turn lane in the west bound direction.

The 6' widening on Genesee Street from Terrace Park to north of Terrace Park will allow for on-street parking for the customers of the businesses along this portion of Genesee Street.

The 6' widening on the east side of Genesee Street from 197' south of Brooks Avenue to Brooks Avenue will allow for one dedicated left turn lane, one dedi-

cated thru lane, one dedicated right turn lane in the north bound direction, and one lane in the south bound direction. Additional right-of-way needed for this widening will be dedicated as part of the subdivision approval process for the Brooks Landing project.

The geometric changes at the intersection of South Plymouth Avenue and Brooks Avenue are necessary in order to curb off the portion of South Plymouth Avenue through Genesee Valley Park south of Brooks Avenue. Access to this portion of South Plymouth Avenue will be provided through a curb cut at the new development. Additional right-of-way needed for the modifications to Brooks Avenue, east of Genesee Street, will be dedicated as part of the subdivision approval process for the Brooks Landing project.

Acquisition of two parcels will be required to accommodate the proposed improvements as follows:

<u>Address</u> <u>Owner</u>	<u>Easement Area</u> <u>Appraisal</u>
31 Scottsville Rd. Pilar Glasow	507 sq. ft. \$1,200
1331-1455 South Plymouth Ave. Plymouth Gardens, Inc.	660 sq. ft. <u>600</u>
Total	\$1,800

The appraised values were determined by Robert G. Pogel, SRPA. The acquisitions qualify as de minimus takings since each contains less than 2,000 square feet.

The total cost of acquisitions and closing costs is estimated to be \$2,200, which will be financed from proceeds of the proposed bond ordinance.

A public hearing on these changes is required.
Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-42.

Ordinance No. 2003-90
(Int. No. 130)

Authorizing Changes In The Pavement Width Of Scottsville Road, Genesee Street And Elmwood Avenue And Changes To The Intersection Of Brooks Avenue And South Plymouth Avenue As A Part Of The Brooks Landing Street Improvements Project

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

Section 1. The Council hereby approves the following changes in the pavement width as a part of the Brooks Landing Street Improvements Project:

- a. A variable increase on Scottsville Road beginning with the existing pavement width of 41 feet at a point 265 feet west of Genesee Street and increasing to a pavement width of 53 feet at Genesee Street; and
- b. An increase of 5 feet on Elmwood Avenue of pavement with an existing variable width, increasing from the existing width of 66 feet to 71 feet at Genesee Street and tapering to an increase in the pavement width from 60 feet to 65 feet at a point 165 feet east of Genesee Street;

and

- c. A variable increase on Elmwood Avenue beginning with the increase in the pavement width of 5 feet at the latter point above and tapering to the existing width of 56 feet at a point 265 feet east of Genesee Street; and
- d. An increase of 9 feet on Genesee Street, from 52 feet to 61 feet, from Scottsville Road to Genesee Park Boulevard; and
- e. An increase of 6 feet on the west side of Genesee Street, from 36 feet to 42 feet, from Terrace Park to a point 205 feet north of Terrace Park; and
- f. A variable increase along the east side of Genesee Street beginning with the existing pavement width of 36 feet at a point 197 feet south of Brooks Avenue, and increasing to a pavement width of 42 feet at a point 152 feet south of Brooks Avenue; and
- g. An increase of 6 feet on Genesee Street, from 36 feet to 42 feet, beginning at the latter point above to Brooks Avenue.

Section 2. The Council hereby further approves the realignment of South Plymouth Avenue at its connection with Brooks Avenue.

Section 3. Such changes and additional changes as a part of the Brooks Landing Street Improvements Project 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 by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Ordinance No. 2003-91
(Int. No. 131)

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 Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Landing Street Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction and reconstruction of certain streets, including but not limited to Brooks Avenue, Genesee Street, South Plymouth Avenue, Scottsville Road, Elmwood Avenue and Genesee Park Boulevard, as a part of the Brooks Landing Street Improvements 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 \$1,200,000. The plan of financing includes the issuance of \$1,000,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$200,000 bonds previously appropriated in Ordinance No. 2001-359, 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 an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Ordinance No. 2003-92
(Int. No. 132)

Authorizing The Acquisition By Negotiation Or Condemnation Of Permanent Easements For The Brooks Landing Street Improvements Project

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

Section 1. The Council hereby approves the acquisition of permanent easements over the following parcels for the construction and maintenance of municipal improvements as a part of the Brooks Landing Street Improvements Project:

<u>Address</u>	<u>Reputed Owner</u>	<u>Amount</u>
<u>SBL#</u>	<u>Easement Area</u>	
1331-1455 S. Plymouth Ave. Pt. of 135.35-01-17.1	Plymouth Gardens Inc. 660 sq. ft.	\$ 600
31 Scottsville Rd. Pt. of 135.50-01-29	Pilar Glasow 507 sq. ft.	1,200

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$1,800, and said amount, plus necessary closing costs which are estimated not to exceed \$400, shall be funded from a bond ordinance adopted for street improvements as a part of the Brooks Landing Street Improvements Project.

Section 3. In the event that any or all of said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Introductory No. 56 was introduced March 11, 2003, and appears in its original form with its transmittal letter on page 52 of the current Council Proceedings.

Attachment No. AC-43

Ordinance No. 2003-93
(Int. No. 56)

Adopting The Center City Master Plan And Amending Section 130-6 Of The Municipal Code

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

Section 1. The Council hereby approves and adopts the Center City Master Plan on file in the Office of the City Clerk as follows:

- (a) Adoption of the Plan for the Public Realm contained within the Center City Master Plan as guidelines and supporting documentation to be used in the design and review/approval, of future public realm projects or actions proposed within Center City to include streets, parks, trails, open space and other pedestrian enhancement areas.
- (b) Adoption of the Schematic Plan contained within the Center City Master Plan as guidelines and supporting documentation to be used in the design and review/approval of future public and private development projects or actions proposed within Center City.
- (c) Adoption of the Design Principles contained within the Center City Master Plan as guidelines to be included in the city's formal design review process.

Section 2. Section 130-6 of the Municipal Code, Strategies, is hereby amended by deleting the word "and" after subdivision A(7) thereof, replacing the period after subdivision A(8) with "; and", and by adding thereto the following new subsection A(9):

- (9) Center City Master Plan.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Griswold
April 8, 2003

To the Council:

The Public Services & The Arts Committee recommends for adoption the following entitled legisla-

tion:

Int. No. 110 - Authorizing An Application And Agreements For The 2003 Summer Food Service Program For Children

Int. No. 111 - Establishing Maximum Compensation For A Professional Services Agreement For The Monroe Branch Library Improvement Project

Respectfully submitted, Nancy K. Griswold Tony M. Thompson Gladys Santiago PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2003-94 Re: Agreements - 2003 Summer Food Service Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to the 2003 Summer Food Service Program for children. This legislation will authorize agreements with the following:

- 1. The New York State Department of Education for the receipt and use of such funds as may be allocated to the City for the 2003 program; and 2. The Rochester City School District for preparation and delivery of the breakfast and lunches to be provided under the program.

The Summer Food Service Program (SFSP) provides free meals during the summer to children 18 years of age or younger. Persons over age 18 who are determined by a state or local educational agency to be mentally and/or physically disabled and who are enrolled in a public or private non-profit program for children with disabilities during the school year are also eligible to participate in the meal program.

The Department of Parks, Recreation and Human Services has administered the SFSP since 1976. Until 1993, only lunches were served. Beginning in 1994, breakfast service was available to all sites. The Rochester City School District Central Kitchen prepares and delivers the meals to the program sites. Because the City School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals, all areas of the city are eligible for the SFSP program.

In 2003, the program will operate at approximately 100 sites from June 30 through August 22. The selection of the specific sites will be based on proximity to youth service activities and past participation in the program.

The City School District will prepare and deliver meals for SFSP at the following unit costs:

Table with 4 columns: Item, 2002 CSD Rate, 2003 CSD Rate, SFSP 2003 Reimbursement Rate. Row 1: Breakfast, \$1.05, \$1.08, \$1.32

Table with 4 columns: Lunch, 2.00, 2.05, 2.50

Provision for the Summer Food Service Program will be included in the revenue estimates and appropriations of the 2003-04 Department of Parks, Recreation and Human Services budget.

A three-year summary of total number of meals served is as follows:

Table with 3 columns: Year, Total Lunch Reimbursed, Total Breakfast Reimbursed. Rows: 2002, 2001, 2000

The 2002 reduction was a result of two factors: first, two additional city entities began serving as SFSP sponsors, which caused the number of delivered meals to decrease. Second the City was unable to hire adequate seasonal staffing, which adversely affected the daily monitoring and reporting processes for the sites.

For 2003, it is anticipated that the reimbursement will be \$408,500, based on the projected figures of 73,000 breakfasts and 135,000 lunches. This projected increase over 2002 figures is based on increased marketing efforts, a revised seasonal staffing structure, and enhancements to the monitoring and reporting processes. This reimbursement figure will also support \$52,900 in administrative and operating expenses and \$7,000 for limited refuse collection.

Respectfully submitted, William A. Johnson, Jr. Mayor Attachment No. AC-44

Ordinance No. 2003-94 (Int. No. 110)

Authorizing An Application And Agreements For The 2003 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 2003 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$408,500, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget and receipt of said funding.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-95
Re: Monroe Branch Library
Improvements

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Konopka Architecture, PC, 1501 East Avenue, Suite 1, to provide architectural services to upgrade the Monroe Branch Library facility's exterior envelope by correcting the deficiencies and curtailing further deterioration, and also by improving the plumbing systems within the facility. The maximum cost of the agreement will be \$40,100, which will be financed from the 2000-01 Cash Capital allocation of the Department of Environmental Services.

The Monroe Branch Library facility was constructed in 1932 and has many maintenance and repair needs because of its age. The project consultant will develop and recommend improvements and provide design, contract documents and construction administration services.

Proposals were solicited and received from four organizations. Konopka Architecture, PC is recommended to provide the design services because of the qualifications of the personnel to be assigned to the project.

The project design is scheduled to begin in Spring 2003 and be complete in Fall 2003. Construction is anticipated in the Spring and Summer of 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-95
(Int. No. 111)

Establishing Maximum Compensation For A Professional Services Agreement For The Monroe Branch Library Improvement Project

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

Section 1. The sum of \$40,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Konopka Architecture, P.C. for design services for the Monroe Branch Library Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
April 8, 2003

To the Council:

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

Int. No. 112 - Authorizing Agreements For The Adopt-A-Block Program

Int. No. 113 - Authorizing Agreements For Materials Testing Services

Int. No. 114 - Authorizing Agreements For The Adopt-A-Lot Program

Int. No. 115 - Establishing Maximum Compensation For A Professional Services Agreement With LEAD For Training And Facilitation Services

Int. No. 116 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The St. Paul Street Gateway (Ward Street To Bausch Street) Improvement Project

Int. No. 117 - Establishing Maximum Compensation For A Professional Services Agreement For Municipal Parking Garage Improvements

Int. No. 138 - Establishing Maximum Compensation For Professional Services Agreements And Appropriating Funds For The Fast Ferry Terminal

Int. No. 139 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,345,025 Bonds Of Said City To Finance The Cost Of Constructing Fast Ferry Terminal Facilities Within The City

Int. No. 140 - Authorizing Supplemental Agreements With The New York State Department Of Transportation For Port Of Rochester Public Improvement Projects

Int. No. 141 - Amending Ordinances For Port Of Rochester Public Improvement Projects

Int. No. 143 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

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

Int. No. 118 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

Int. No. 119 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 120 - Accepting Donation Of Real Estate For The Woodside/Goodwill Neighborhood Commercial Parking Lot

Int. No. 121 - Abandonment Of A Portion Of South Goodwill Street, As Amended

Int. No. 122 - Local Improvement Ordinance - Establishment Of The Woodside/Goodwill Neighborhood Commercial Parking Lot

Int. No. 133 - Amending Ordinance No. 2002-249 With Respect To Changes In The Pavement Width Of St. Paul Street As A Part Of The St. Paul Street Im-

provement Project From Avenue E To Norton Street,
As Amended

Int. No. 135 - Amending Ordinance No. 2002-207 With Respect To Changes In The Pavement Width Of Chili Avenue As A Part Of The Chili Avenue Improvement Project

Int. No. 136 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Services For The Chili Avenue Improvement Project

Int. No. 137 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The Chili Avenue Improvement Project

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-96
Re: Adopt-A-Block Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with eight organizations for participation in the 2003-04 Adopt-A-Block Program. The total maximum cost of these agreements will be \$162,374. The cost of the entire 2003-04 Adopt-A-Block program will be \$213,650, which will be financed from the Improve the Housing Stock and General Property Conditions Community Development Block Grant Program.

The Adopt-A-Block Program was initiated in 1988 to improve the cleanliness of highly visible areas of the city by increasing litter removal services. Under the program, neighborhood or community organizations contract with the City to supplement regular City cleaning services.

Proposals for participation in the 2003-04 program were solicited from 15 organizations. Fourteen organizations submitted proposals for the maintenance of 25 areas totaling 28.65 miles. All of these proposals are recommended for approval.

Each organization will provide a minimum of two workers to perform special hand sweeping and litter removal services for at least seven hours each day, two days per week between May and October, and for up to 160 hours on "fair-weather" days between November and April. Sidewalks, tree lawn areas, and curb lanes will be cleaned.

The organizations will provide all necessary equipment. The City will provide additional refuse collection services as required.

The fee to be paid for all 25 areas consist of the following:

Administrative services	\$1,500
Sweeping and litter removal services (May through October)	5,926

Sweeping and litter removal services - \$7.00 per worker hours up to 160 hours (November through May)	1,120
Total	\$8,546

The following organizations are participating in the program:

West Main Business Association	\$ 42,730
Coalition of Northeast Associations	17,092
ISLA	17,092
North East Block Club Alliance	17,092
South East Area Coalition	17,092
Calvary Saint Andrews Parish	17,092
Lyll Avenue Revitalization Committee	17,092
Southwest Area Neighborhood Association	17,092
Catholic Family Center Francis Center	8,546
Community Place of Greater Rochester	8,546
Montgomery	8,546
Portland Avenue Business Association	8,546
Maplewood Business Association	8,546
Holy Rosary Church	8,546
Total	\$213,650

Following is a summary of participation during the past 10 years:

Year	Number of Organizations	Contracts
1994-95	13	19
1995-96	12	22
1996-97	14	23
1997-98	14	26
1998-99	16	26
1999-2000	16	26
2000-01	17	27
2001-02	14	24
2002-03	15	26
2003-04 (proposed)	14	25

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-45

Ordinance No. 2003-96
(Int. No. 112)

Authorizing Agreements For The Adopt-A-Block Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations under the Adopt-A-Block Program:

Organization	Amount
Coalition of Northeast Associations (CONEA)	\$17,092
ISLA	17,092
North East Block Club Alliance (NEBCA)	17,092
South East Area Coalition (SEAC)	17,092
Calvary Saint Andrews Parish	17,092
Lyll Area Revitalization Committee (LARC)	17,092
Southwest Area Neighborhood Association (SWAN)	17,092
West Main Business Association	42,730

Section 2. The agreements authorized herein and additional Adopt-A-Block agreements shall obligate the City to pay an amount not to exceed \$213,650, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-97
Re: Agreements - Materials Testing

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing professional services agreements with the following companies for the testing and analysis of various construction materials:

<u>Company</u>	<u>Address</u>
Columbia Analytical Services	1 Mustard Street
CME Associates	385 Sherman Street
ENSR	360 Linden Oaks
Lozier Environmental Consulting	688 Winton Road N.
Nothnagle Drilling	1821 Scottsville-Mumford Road
Paradigm Environmental Services, Inc.	179 Lake Avenue
SJB Services, Inc.	535 Summit Point Drive

The costs of the testing will be financed from the annual budget of the departments using the services or from the capital funds, appropriated for construction projects.

The tests will involve exploratory drilling and sampling of soils, asbestos, asphalt, concrete, masonry, structural steel and road base materials. Such tests are routinely required by the Bureau of Architecture and Engineering for street, bridges, and building renovation projects.

The previous agreements for testing services were authorized by the City Council on May 15, 2001. Each of these agreements had an initial term of one year with provision for renewal for one additional year.

In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals from seven companies; all seven responded and are recommended.

Whenever tests are necessary, one or more of these companies will be utilized. The selection of a specific company will depend upon the type of test required,

the company's special skills, and its ability to accommodate the City's schedule. The volume of tests will depend upon the number of construction projects that are authorized. The cost of the tests will be based on the unit prices specified in the company's proposal.

Each of the agreements will have an initial term of one year with provision for renewal for an additional one-year period. Adjustment of the specified unit prices during the second year will be permitted but will be subject to approval by the City Engineer.

Following is a summary of the payments made under the agreements from 2001 through 2003:

<u>Company</u>	<u>Amount</u>
Columbia Analytical Services	\$ 765
CME Associates	81,160
ENSR	299,947
Lozier Environmental Consulting	24,071
Nothnagle Drilling	13,023
Paradigm Environmental Services, Inc.	189,138
Van De Horst (SJB Services)	31,167
Total	<u>\$639,271</u>

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-97
(Int. No. 113)

Authorizing Agreements For Materials Testing Services

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for the testing of various construction materials as required by the City:

<u>Company</u>	<u>Address</u>
Columbia Analytical Services	1 Mustard Street
CME Associates	325 Sherman Street
ENSR	360 Linden Oaks
Lozier Analytical Group	696 Winton Road N.
Nothnagle Drilling	1821 Scottsville-Mumford Road
Paradigm Environmental Services, Inc.	179 Lake Avenue
SJB Services, Inc.	535 Summit Point Drive

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional one year. Each agreement shall provide for a test to be performed on an as needed basis and shall establish a unit price to be paid for a particular test. The unit price may be adjusted during the renewal year with the approval of the City Engineer. The cost of said test shall be funded from the annual budget or from project appropriations.

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

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-98
Re: Adopt-A-Lot Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with eight neighborhood associations for the maintenance of vacant lots by Adopt-A-Lot. The total cost of the agreements will be \$113,850, which will be financed from the 2002-03 budget of the Department of Environmental Services.

Adopt-A-Lot, which began in 1983, is designed to increase the quality of vacant lot maintenance while decreasing its cost. Under the program, DES annually establishes the amount paid for maintenance of each vacant lot equivalent. Each lot equivalent represents a standard 40' x 100' parcel. DES prescribes maintenance standards and solicits proposals for such maintenance from the neighborhood associations in the areas in which the lots are located.

The maintenance standard prescribed for the associations is the same standard used by the department. The associations are required to perform maintenance four or five times each season, with an emphasis upon maintenance during the Spring.

Last season 495 lot equivalents were maintained by Adopt-A-Lot. This year the proposal is again for 495 lots.

The following organizations will participate in the 2003 program:

Organization	Amount
Coalition of Northeast Associations	\$ 35,190
Group 14621	7,130
Marketview Heights Association	20,700
Montgomery Neighborhood Center	5,060
North East Block Club Alliance	20,700
South West Area Neighborhood Association	15,870
Urban League of Rochester	4,600
West Main Business Association	4,600
Total	\$113,850

In total, the eight organizations will be responsible for maintaining 495 lot equivalents, of the 3,000 City-owned lots requiring maintenance. The established price for the 2003 program for yearly maintenance is \$230 per lot equivalent.

The eight organizations that participated in the 2002 program performed satisfactorily. They maintained 495 lot equivalents at a total cost of \$113,850.

The following is a summary of participation in the program since 1995.

Year	No. of Organizations	No. of Lots	Lot Equivalents
1995	4	384	399
1996	5	397	410
1997	5	342	365
1998	5	371	398

1999	5	359	369
2000	7	378	426
2001	7	378	426
2002	8	429	495

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-98
(Int. No. 114)

Authorizing Agreements For The Adopt-A-Lot Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations under the Adopt-A-Lot Program:

Organization	Amount
Coalition of Northeast Associations (CONEA)	\$35,190
Marketview Heights Association	20,700
North East Block Club Alliance (NEBCA)	20,700
Southwest Area Neighborhood Association (SWAN)	15,870

Section 2. The agreements authorized herein and additional Adopt-A-Lot agreements shall obligate the City to pay an amount not to exceed \$113,850, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Department of Environmental Services.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-99
Re: Amendatory Agreement - LEaD,
Training And Facilitation Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LEaD (principal: Lauren Spiker, 70 Linden Oaks), for continued training and facilitation services associated with the Department of Environmental Services' (DES) employee development plans. The maximum cost of the agreement will be \$20,000, which will be financed from the 2002-03 budget of DES.

LEaD (Leadership, Education, and Development) has provided training and assistance to DES since 1997 under periodic agreements. The most recent agreement, for training and facilitation services relating to leadership development, management fundamentals and customer service, was authorized by Council on May 14, 2002.

Under the proposed amendatory agreement, LEaD will provide an additional 100 hours of training or facilitation services. The hourly fee will continue to

be \$200. If the amendatory agreement is approved, the total cost of the agreement will increase to \$42,400 for a two-year period.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-99
(Int. No. 115)

Establishing Maximum Compensation For A Professional Services Agreement With LEaD For Training And Facilitation Services

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

Section 1. The sum of \$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 LEaD for the continuation of training and facilitation services associated with the Department of Environmental Services' employee development plans. Said amount shall be funded from the 2002-03 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-100
Re: St. Paul Street Gateway Improvements

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize issuance of bonds totaling \$200,000 and appropriate the proceeds thereof to finance a portion of the cost of certain Gateway Improvements within the Street Improvement Program.

St. Paul Street (Ward Street to Bausch Street) is one of several streets scheduled for milling and resurfacing under the 2003 Street Improvement Program.

In addition to the resurfacing treatment, the segment of St. Paul Street between Ward Street and Bausch Street will receive enhanced treatments to the tree lawn area and the street lighting to improve this important arterial gateway street into the Center City. Currently, the tree lawn area between the sidewalk and the curb is asphalt and there is standard arterial lighting. The gateway treatment will replace the tree lawn area with an exposed aggregate sidewalk and enhance the street lighting.

This implements objectives outlined by the Community at a 2002 St. Paul Street design charrette. This portion of St. Paul Street is one of the major gateways to the eastern portion of the High Falls and Center City areas. This treatment will enhance the streetscape for pedestrian use and augment the potential of economic redevelopment and growth within this area. Provision for these improvements is contained in the Capital Improvement Program.

Construction is scheduled to begin this summer and to be completed in the fall of 2003.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2003-100
(Int. No. 116)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The St. Paul Street Gateway (Ward Street to Bausch Street) Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the St. Paul Street Gateway (Ward Street to Bausch Street) 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 \$200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$200,000 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 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 an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

interest to be due and payable in such year.

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-101
Re: Agreement - MRA Architecture, P.C.,
Improvements at Seven Parking
Garages

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with MRA Architecture, P.C., 590 South Avenue, for architectural services relating to various repairs to seven municipal parking garages. The maximum cost of the agreement will be \$55,000, which will be funded from 2001-02 Cash Capital and the Cultural Center Commission.

The renovations include improvements to masonry and electric, and upgrades to the camera surveillance

systems at the Genesee Crossroads, High Falls, South Avenue, Sister Cities, Court Street, Washington Square and the East End Garages. The improvements will extend the useful life of the garages, update their appearance and improve security. The agreement will be financed from the Economic Development Department parking fund allocation, \$30,000, and from the Cultural Center Commission, \$25,000.

Proposals were solicited from six, and received from four organizations. MRA Architecture, P.C. is recommended to perform the design services based on qualifications and ability to perform within the time period specified by the City.

The design is scheduled to begin in Spring 2003 and it is anticipated that construction will begin in Fall 2003 and completed in Spring 2004. The cost of construction is estimated to be \$525,000 and is provided for in the 2001-02 Cash Capital allocation of the Economic Development Department (Parking Fund) \$296,000 and the Cultural Center Commission \$229,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-101
(Int. No. 117)

Establishing Maximum Compensation For a Professional Services Agreement For Municipal Parking Garage Improvements

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 MRA Architecture, P.C. for design services for improvements to the municipal parking garages. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$30,000 shall be funded from the 2001-02 Cash Capital Allocation and \$25,000 shall be funded by the Cultural Center Commission.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-102, 2003-103,
2003-104, And 2003-105
Re: Port of Rochester Public Improvement
Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation that will:

1. Authorize a professional services agreement with LeCesse Construction, 75 Thruway Park, Henrietta, 14586, for construction management services for the Fast Ferry Terminal Facilities project. The maximum cost of the agreement will be \$850,000 and will be financed from federal TEA-21 funds and the bond ordinance proposed below;

2. Amend Ord. No. 2003-40 to increase the compensation to LaBella Associates for construction phase design services from \$332,000 to \$665,000. The total increase of \$333,000 will be financed with \$41,460 from anticipated reimbursements from the Federal Highway Administration appropriated in Section 6 herein, \$250,000 from 1999-2000 Cash Capital, and \$41,540 from the bond ordinance proposed below.
3. Authorize the issuance of bonds totaling \$7,345,025 and appropriate the proceeds thereof to partially finance the construction of the Fast Ferry Terminal Facilities;
4. Appropriate \$5,042,000, (\$542,000 HPP, and \$4,500,000 2002 Ferry Boat Discretionary) from anticipated reimbursements from the Federal Highway Administration to partially finance construction of the Port of Rochester Public Improvement Projects;
5. Authorize supplemental agreements with NYSDOT as necessary to adjust the share distribution to add the cost of project administration and reflect actual eligible expenses as follows:

	<u>Federal</u>	
	<u>Admin.</u>	<u>Project</u>
Design	\$388,000	\$1,196,400
River St.	48,800	2,083,610
Site Prep.	0	215,000
Beach Ave.	6,400	894,000
Port Access	15,680	1,502,000
Marine Imp.	7,200	2,801,460
Total	\$466,080	\$8,692,470

	<u>NYS Marchiselli</u>	
	<u>Admin.</u>	<u>Project</u>
Design	\$72,750	\$ 84,500
River St.	9,150	391,000
Site Prep.	0	0
Beach Ave.	0	0
Port Access	2,940	282,000
Marine Imp.	0	0
Total	\$84,840	\$757,500

	<u>NYS</u>	
	<u>Multi-modal</u>	<u>Local</u>
Design	\$437,000	\$1,240,750
River St.	0	373,050
Site Prep.	0	55,000
Beach Ave.	0	1,495,600
Port Access	0	770,980
Marine Imp.	0	1,039,340
Total	\$437,000	\$4,974,720

	<u>Total</u>
Design	\$ 3,419,400
River St.	2,905,610
Site Prep.	270,000
Beach Ave.	2,396,000
Port Access	2,573,600
Marine Imp.	3,848,000
Total	\$15,412,610

6. Amend various ordinances to reduce appropriations of anticipated reimbursement of federal and state aid as follows:

Ord. No.	<u>P.L.N.</u>		Project	Variance
	<u>Original</u>	<u>Amendment</u>		
99-82	4752.60		Design/Engineering	
	\$2,100,000	\$ 796,400		\$1,303,600
2001-09	4753.02		River Street	
	2,521,000	2,083,610		437,390
2001-266	4753.45		Site Preparation	
	800,000	215,000		585,000
2003-40	4735.50		Marine Improvements	
	2,981,000	2,801,460		179,540
2003-62	4735.55		Steel fabrication	
	660,000	514,800		145,200

and reappropriate the balances, totaling \$2,650,730, to partially finance the cost of the Port of Rochester Public Improvement Projects.

7. Amend Ordinance 99-245 authorizing a design services agreement to reduce the amount of Federal Highway Administration (High Priority Projects Program) anticipated reimbursements appropriated by Ord. 99-82 by \$270,000 and finance that amount from Federal Highway Administration (Coordinated Border Infrastructure Program) anticipated reimbursements appropriated by said ordinance (Ord.99-245).
8. Amend Ordinance No. 2001-226 authorizing an amendatory design services agreement to reduce the amount financed from Ord. 99-82, Federal Highway Administration anticipated reimbursements by \$290,000 and finance said amount from Ord. 99-82, Monroe County anticipated reimbursements.
9. Amend Ordinance No. 99-246 to correct a technical reference. The description for the ordinance and Section 1 of the ordinance refers to \$410,000 in bonds previously authorized by Ord. No. 99-82. The \$410,000 was appropriated from anticipated reimbursements for the County of Monroe, not bonds.
10. Amend Ord. No. 2002-135 related to the Port Access Roads Project Resident Project Representation services agreement to revise the financing to fund \$35,880 from anticipated reimbursements from New York State Department of Transportation (NYSDOT) appropriated in Ord. No.2002 -362 in place of funding from the 1999-2000 Cash Capital allocation.

Construction Manager Agreement

The City solicited proposals from twelve firms; six of the firms responded. LeCesse was selected based on the firm's familiarity with the project and their qualifications, experience and the firm's approach to the project.

Construction Phase Design Services Agreement

The agreement authorized in Ord. 2003-40 with LaBella Associates is specified for construction phase design services related to the marine improvements project. The proposed increase in compensation will add construction phase design services for the terminal construction and site improvement projects. LaBella Associates was selected to provide the services based on the firm's familiarity with the project and its ability to perform within the period specified by the City.

Terminal Facilities

As you are aware, construction of the Fast Ferry Terminal Facilities includes renovation of the north warehouse, improvements to the river wall to provide vessel berthing, and construction of site improvements required for vehicular embarkation and debarkation and United States Bureau of Customs and Border Protection facilities. The public improvements will also provide utility and building system connections and services to future commercial space that will be developed for operation of a transportation terminal.

Construction of the Fast Ferry Terminal began in March 2003 with the Selective Demolition and Site Preparation contract, followed by the contract for reconstruction of the River wall and the contract for steel procurement for the terminal structure. It is anticipated that ten (10) prime contracts will be bid to complete the Fast Ferry Terminal facilities, 6 of which are currently being bid as follows:

- Federal ID No. 4753.53 Site Improvements
- Federal ID No. 4752.60 Roofing
- Federal ID No. 4752.60 HVAC
- Federal ID No. 4752.60 Plumbing and Fire Protection
- Federal ID No. 4752.60 Glazing, Aluminum Windows and Skylights
- Federal ID No. 4752.60 General Construction

Additional contracts will be bid pending design approval from the federal Bureau of Customs and Border Protection. Those contracts include:

- Federal ID No. 4752.60 Drywall, Acoustical, EFIS & Painting
- Federal ID No. 4752.60 Flooring
- Federal ID No. 4752.60 Pedestrian Gangway
- Federal ID No. 4753.53 Vehicle Ramp

The total cost of these contracts for the Fast Ferry Terminal Facilities are estimated to be \$14,972,900, which includes 17% allocated for items not in the contract, contingency and administration. The costs will be financed as follows:

Source	Construction	CM
HPP	\$ 1,786,600	\$520,200
FBD	4,129,830	0
1999-2000 Cash	0	0
Previous Bond	74,360	0
Proposed Bond	5,506,210	329,800
Total	\$11,497,000	\$850,000

Source	Construction Phase Design	Conting.
HPP	\$221,000	\$ 122,305
FBD	0	348,310
1999-2000 Cash	250,000	14,400
Previous Bond	62,460	0
Proposed Bond	41,540	1,449,350
Total	\$575,000	\$1,934,365

Source	NYS/City Admin.	Total
HPP	\$ 76,550	\$ 2,726,655
FBD	21,860	4,500,000
1999-2000 Cash	0	264,400
Previous Bond	0	136,820
Proposed Bond	18,125	7,345,025
Total	\$116,535	\$14,972,900

The funding authorizations are being requested herein to allow for expeditious award of the remaining contracts to facilitate the terminal completion scheduled for Spring 2004.

Port of Rochester Project Administration

The proposed supplemental agreements with the NYS-DOT and amendments to the project appropriations requested herein are required to formally allocate a portion of the available federal and state aid to cover the cost of State and City administration of the project. The legislation being requested herein shall set forth these costs for each project component for previously executed NYS Master Agreements.

Amend Various Ordinances

The legislative amendments are required to revise NYS Master Agreements and reflect actual project costs. Eligible project costs identified in these NYS Master Agreements were originally based on engineers' estimates prior to construction. The funds will be allocated to other port project components.

Design Agreement Funding Source

Monroe County funds are only eligible to finance preliminary design and engineering. These funds will replace anticipated reimbursements from the Federal Highway Administration which will be used to finance other port project components.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-46

Ordinance No. 2003-102
(Int. No. 138)

Establishing Maximum Compensation For Professional Services Agreements And Appropriating Funds For The Fast Ferry Terminal

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

Section 1. The sum of \$850,000, 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 LeCesse Construction for construction management services related to the Fast Ferry Terminal Facilities Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$520,200 shall be funded from the appropriation made in Section 3 and \$329,800 shall be funded from a bond ordinance adopted for construction of the Fast Ferry Terminal Facilities.

Section 2. The sum of \$333,000, 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 related to the Port of Rochester Public Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$41,460 shall be funded from the reappropriation of anticipated reimbursements from the Federal Highway Administration for construction of the Fast Ferry Terminal Facilities approved at this meeting, \$250,000

shall be funded from the 1999-2000 Cash Capital Allocation and \$41,540 shall be funded from a bond ordinance adopted for construction of the Fast Ferry Terminal Facilities.

Section 3. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$5,042,000, constituting \$542,000 in High Priority Projects Program Funds and \$4,500,000 in Ferry Boat Discretionary Funds, or so much thereof as may be necessary, to fund Port of Rochester Public Improvement Projects.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-103
(Int. No. 139)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$7,345,025 Bonds Of Said City To Finance The Cost Of Constructing Fast Ferry Terminal Facilities Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of constructing an approximately 56,000 square foot fast ferry terminal on City owned land on the west side of the Genesee River at 4752 Lake Avenue to provide facilities for U.S. Homeland Security border inspection of passengers and vehicles, as well as operations for the fast ferry including ticketing, baggage handling, departures, arrivals and offices, as well as commercial and retail space, within 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 \$15,520,875. The plan of financing includes the issuance of \$7,345,025 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$170,000 bonds of the City previously appropriated in Ordinance No. 2003-63, \$514,800 in funds from the Federal Highway Administration appropriated in Ordinance No. 2003-62, \$7,226,650 in funds expected to be appropriated and received from the Federal Highway Administration and \$264,400 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 \$7,345,025 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$7,345,025. 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.46 of the Law, is twenty (20) years.

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Ordinance No. 2003-104
(Int. No. 140)

Authorizing Supplemental Agreements With The New York State Department Of Transportation For Port Of Rochester Public Improvement Projects

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

Section 1. The Mayor is hereby authorized to enter into supplemental agreements with the New York State Department of Transportation for Port of Rochester Public Improvement Projects as may be necessary to adjust the share distribution to add the cost of project administration and reflect actual eligible expenses as follows:

	Federal	
	Admin.	Project
Design	\$388,000	\$1,196,400
River St.	48,800	2,083,610
Site Prep.	0	215,000
Beach Ave.	6,400	894,000
Port Access	15,680	1,502,000
Marine Imp.	7,200	2,801,460
Total	\$466,080	\$8,692,470

	NYS Marchiselli	
	Admin.	Project
Design	\$72,750	\$ 84,500
River St.	9,150	391,000
Site Prep.	0	0
Beach Ave.	0	0
Port Access	2,940	282,000
Marine Imp.	0	0
Total	\$84,840	\$757,500

	NYS	
	Multi-modal	Local
Design	\$437,000	\$1,240,750
River St.	0	373,050
Site Prep.	0	55,000
Beach Ave.	0	1,495,600
Port Access	0	770,980
Marine Imp.	0	1,039,340
Total	\$437,000	\$4,974,720

	Total
Design	\$ 3,419,400
River St.	2,905,610
Site Prep.	270,000
Beach Ave.	2,396,000
Port Access	2,573,600
Marine Imp.	3,848,000
Total	\$15,412,610

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-105
(Int. No. 141)

Amending Ordinances For Port Of Rochester

Public Improvement Projects

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

Section 1. The following Ordinances are hereby amended to reduce the appropriations of anticipated reimbursements from the Federal Highway Administration as follows:

Ord. No.	P.I.N.	Project		Variance
		Original	Amendment	
99-82	4752.60	Design/Engineering		
	\$2,100,000	\$ 796,400		\$1,303,600
2001-09	4753.02	River Street		
	2,521,000	2,083,610		437,390
2001-266	4753.45	Site Preparation		
	800,000	215,000		585,000
2003-40	4735.50	Marine Improvements		
	2,981,000	2,801,460		179,540
2003-62	4735.55	Steel fabrication		
	660,000	514,800		145,200
Total				\$2,650,730

Section 2. The amount of anticipated reimbursements from the Federal Highway Administration reduced in Section 1, totaling \$2,650,730, or so much thereof as may be necessary, is hereby reappropriated to fund the Port of Rochester Public Improvement Projects.

Section 3. Ordinance No. 99-245, relating to an agreement for architectural and engineering services, as amended, is hereby further amended by reducing the amount of funding for said agreement from the anticipated reimbursements from the Federal Highway Administration (High Priority Projects Program) appropriated in Section 3 of Ordinance No. 99-82 by the sum of \$270,000, and by replacing said amount with anticipated reimbursements from the Federal Highway Administration (Coordinated Border Infrastructure Program) appropriated in Section 2 of Ordinance No. 99-245.

Section 4. Ordinance No. 2001-226, relating to an amandatory agreement for design services, is hereby amended by reducing the amount of funding for said agreement from the anticipated reimbursements from the Federal Highway Administration (High Priority Projects Program) appropriated in Section 3 of Ordinance No. 99-82 by the sum of \$290,000, and by replacing said amount with anticipated reimbursements from the County of Monroe appropriated in Section 5 of Ordinance No. 99-82.

Section 5. Ordinance No. 2002-135, relating to an agreement for resident project representation services, is hereby amended by reducing the amount of funding for said agreement from the 1999-2000 Cash Capital Allocation by the sum of \$35,880, and by replacing said amount with anticipated reimbursements from the New York State Department of Transportation appropriated in Section 1 of Ordinance No. 2002-362.

Section 6. Ordinance No. 99-246, relating to a bond for design of the Fast Ferry Terminal Facilities, is hereby amended by changing the source of funds referenced in Section 1 therein from bonds previously authorized on Ordinance No. 99-82 to anticipated reimbursements from the County of Monroe appropriated in Section 5 of Ordinance No. 99-82.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-13
Re: RGRTA Appointments

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

Thomas R. Argust 37 Gaslight Lane Rochester, NY 14610	Paul E. Haney 424 Broadway Rochester, NY 14607
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Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGRTA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative bodies of the participating municipalities. Two nominations are required for each commissioner position, along with a recommendation of one of the two. Mr. Argust is so recommended.

In January 2002, City Council nominated Thomas P. Ryan, Jr. and Mr. Haney for this vacant seat. Subsequently, the Governor appointed Mr. Ryan and forwarded his nomination to the Senate for confirmation. The Senate adjourned in 2002 without acting on that confirmation, and Mr. Ryan passed away on March 14.

The City is entitled to three seats on the Authority Board; Stephen Horstman and Marilyn Schutte currently fill the other two seats. The proposed nominations are intended to fill the remaining vacant seat allocated to the City. The length of term for each Commissioner is five years. Mr. Argust's resume is on file in the City Clerk's office

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2003-13
(Int. No. 143)

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

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

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

Thomas R. Argust 37 Gaslight Lane Rochester, NY 14610	Paul E. Haney 424 Broadway Rochester, NY 14607
---	--

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Thomas R. Argust, to such position because of his interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

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

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1515
Re: Merchants/Winton Road Open Space
District

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the eighth annual maintenance budget for the Merchants/Culver Road Open Space District and apportioning this cost among the properties included in the district.

The district was established by the City Council on August 20, 1996 to preserve as open space approximately 1.5 acres of land on Merchants Road. The district includes 71 properties on Winton, Merchants, Royleston, Woodstock, Marsden and Elmcroft Roads.

The open spaced land consists of one parcel that was owned by the City prior to establishment of the district and one parcel that was acquired by the City in 1996 at a total cost of \$30,000. The cost of acquisition is being amortized over 10 years at a rate of 5%, or at about \$2,720 per year.

The budget for maintenance of the land is established annually. For 2003-04, the budget will be \$500, or the same as the 2002-03 budget.

The total charges will be apportioned among the properties within the district based upon their assessed values, without consideration of any exemptions. The properties are classified into two groups or tiers:

1. Properties that are within the triangular area that contains the open space; and
2. Properties that are across the street from the triangular area.

The charges for properties within the first group will be based upon total assessed values while charges for properties within the second group will be based upon two-thirds of their assessed values.

If the proposed maintenance budget is approved, the charges for the individual properties within the district will be prepared and submitted to the Council for consideration. The property owners will be provided with an opportunity to review these assessments and to comment upon them at a public meeting.

A public hearing on the proposed legislation is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-47

Local Improvement Ordinance No. 1515
(Int. No. 118)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

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

Section 1. The maintenance cost of the special work and services for the 2003-04 fiscal year for the Merchants/Winton Road Open Space District is established as \$500, which with the previously approved capital costs of \$2,719.60 establishes a total assessment of \$3,219.60, and said total amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1395.

Section 2. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1516
Re: Street Lighting Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the appropriations and assessments, for energy and maintenance costs only, for six street lighting districts.

District	2003-04	2002-03	Variance
Wilson Boulevard	\$ 523.85	\$ 523.85	\$0
Lyell Avenue I	2,105.41	2,105.41	0
Lyell Avenue II	2,310.36	2,310.36	0
Monroe I	1,379.20	1,379.20	0
Monroe II	601.19	601.19	0
Cascade Dr/Washington St	1,544.20	1,544.20	0
Norton Street	1,306.09	1,306.09	0
Lake Ave	3,906.08	3,906.08	0

The districts were established either to enhance lighting levels and thereby improve security and safety in the affected area or to enhance the aesthetic appearance of the area. The costs of the original enhancements were financed by the University of Rochester (Wilson Boulevard); Community Development Block Grants funds (Lyell I & II); City funds (Monroe I & II) and federal funds (Cascade/Washington & Norton).

The proposed assessments represent the costs of energy and maintenance or the amortization of capital costs. They will be apportioned among the properties within the districts on the basis of front footage.

The Wilson Boulevard district, which includes only

property owned by the U. of R., was established by the City Council on May 9, 1995. The enhancements involved the installation of six additional lighting fixtures.

The first Lyell Avenue district was established by the Council on August 11, 1992. It includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenue, Verona Street and Amber Place.

The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 25 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on four poles at the aforementioned intersection.

The second Lyell Avenue district was established by the Council on May 9, 1998. It includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets.

The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections.

The first Monroe Avenue district was established by the Council on March 18, 1998. It includes 102 properties along the portion of Monroe Avenue between the Inner Loop and Interstate 490.

The second Monroe Avenue district was established by the Council on March 18, 1998. It includes 68 properties along the portion of Monroe Avenue between Interstate 490 and Culver Road.

The enhancements on the Monroe Avenue districts include: pole fluting; material and labor to install pedestrian level lighting fixtures and banner brackets; and annual energy and maintenance costs for the light fixtures.

The Cascade/Washington district was established by Council on February 17, 1999. It includes 29 properties along Cascade Street and Washington Street from Main Street E to the north end. The enhancements consist of the differential between maintenance and operation of a standard davit system and the post top ornamental system.

The Norton district was established by Council on May 12, 1998. It includes nine properties along Excel Drive, from Norton and Bastian. The enhancements include pedestrian level lighting fixtures on Excel Drive and the retention of acorn fixtures on the north side of Norton Street; and the annual energy and maintenance costs for the light fixtures.

The Lake Avenue district was established by Council on August 24, 2000. It 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.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1516
(Int. No. 119)

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 2003-04:

Street Lighting District	Amount	LJO
Wilson Boulevard	\$ 523.85	1374
Lyll Avenue I	2,105.41	1502
Lyll Avenue II	2,310.36	1503
Monroe Avenue I	1,379.20	1413
Monroe Avenue II	601.19	1412
Cascade Historic	1,544.20	1429
Norton Street Urban Renewal	1,306.09	1422
Lake Avenue	3,906.08	1472

Section 2. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance Nos. 2003-106, 2003-107, And Local Improvement Ordinance No. 1517

Re: Neighborhood Commercial Parking Lot - West Ridge Road

R2010: Campaign 7 - Healthy Urban Neighborhoods
Campaign 9 - Quality Service

Transmitted herewith for your approval is legislation related to the establishment of a neighborhood commercial parking lot in conjunction with the New York State Department of Transportation West Ridge Road Public Improvement Project. The legislation will:

1. Authorize establishment of a neighborhood commercial off-street parking lot district;
2. Establish the 2003-2004 budget for the district;
3. Authorize the acceptance of donations of portions of three parcels needed for construction of the parking lot; and
4. Amend the Official Map to abandon a portion of South Goodwill Street.

A neighborhood commercial off-street parking lot is proposed as part of the West Ridge Road project to mitigate a loss of parking caused by construction of the project. The parking lot will be established pursuant to City Council Resolutions 79-15 and 79-16, approved on January 23, 1979. In accordance with these resolutions, the establishment is intended

to improve the competitiveness of the West Ridge Road businesses through the provision of additional off-street parking spaces.

The 120 space lot will be constructed on land to be donated to the City and land to be made available by the abandonment of a portion of South Goodwill Street. The NYSDOT has agreed to construct the parking lot as construction mitigation for the West Ridge Road reconstruction project. The parking lot construction is scheduled to begin this spring and to be completed this summer.

Donation of a portion of three properties will be required to accommodate the proposed improvements. Owners of the three properties have all agreed to donate the land. The properties are as follows:

Property SBL Number	Owner	Area to be Donated
090.26-02-3.2	Eastman Kodak Co.	22,883 sf
090.26-02-4.1	Eastman Kodak Co.	30,640 sf
090.26-02-20	Michael E. O'Connell	1,300 sf

The first year's operating and maintenance costs is estimated to be \$7,700 and such amount shall be billed against the parcels of property within the district for the 2003-04 year. The amount to be billed for succeeding years will be determined each year by a separate local improvement ordinance. The assessment for each property will be based upon its relative "parking deficit". The calculation of this deficit will be based upon the standards specified for the properties by the Zoning Ordinance, which considers building size and type of use.

The current parking deficit for the eight properties included in the proposed district is 300 spaces. Establishment of the district will therefore reduce this deficit by about 40%. The properties within the district and the first year's assessment percentage and assessment cost are as follows:

Street Address	Percentage	Amount
360 W. Ridge Road	4.0%	\$
308.00		
368 W. Ridge Road	1.7	130.90
374 W. Ridge Road	2.7	207.90
380-384 W. Ridge Road	15.4	1,185.80
398 W. Ridge Road	7.0	539.00
400-404 W. Ridge Road	34.4	2,648.80
408-412 W. Ridge Road	8.0	616.00
416 W. Ridge Road	26.8	2,063.60
Total	100.0%	\$7,700.00

A total of 62.5% of the property owners, accounting for 86.3% of the proposed total cost assessment, have signed a petition for establishment of the district. Under Council resolution 79-15, the signatures of at least 50% of the property owners, accounting for at least 75% of the proposed total cost assessment, is required.

The City Planning Commission will hear the request for the Official Map Amendment on March 24, 2003.

A public hearing on establishment of the parking lot district is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-48

ning.

Ordinance No. 2003-106
(Int. No. 120)

The above described parcel contains 0.170± acre of land more or less and is depicted on a drawing entitled "Municipal Resubdivision No. 1-2003", prepared February 20, 2003 by the City of Rochester Survey Department.

Accepting Donation Of Real Estate For The Woodside/Goodwill Neighborhood Commercial Parking Lot

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

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the following conditions: [provisions established by the City Planning Commission in its recommendations of March 24, 2003.]

Section 1. The Council hereby approves the acceptance of the donation of portions of the following parcels to be used for construction of the Woodside/Goodwill Neighborhood Commercial Parking Lot:

a. Acquisition by the City of portions of three adjoining parcels for construction of a Neighborhood Commercial Parking Lot;

SBL No.	Reputed Owner	Area (Sq. Ft.)
090.26-02-3.2	Eastman Kodak Co.	22,883
090.26-02-4.1	Eastman Kodak Co.	30,640
090.26-02-20	Michael E. O'Connell	1,300

b. The execution and filing of necessary easements for utilities and facilities; and

Section 2. Upon acquisition by the City, City taxes and other charges against said parcels shall be canceled. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled. Said parcels shall be accepted free and clear of any other outstanding liens or encumbrances.

c. The conditions shall be met within six months of the adoption of this ordinance by the applicant filing a written certification with the City Engineer, containing information satisfactory to the City Engineer. The City Engineer may extend this period for an additional twelve months if the applicant has made a good faith effort and circumstances beyond the applicant's control have prevented completion. Upon acceptance of the certification, the City Engineer shall file a letter with the City Clerk stating that the conditions have been met and the abandonment shall be effective.

Section 3. This ordinance shall take effect immediately.

Section 3. The Council hereby approves the granting of easements to the Rochester Pure Waters District and the Eastman Kodak Company and any other necessary parties for the maintenance of existing sewers and water mains and facilities.

Passed unanimously.

Ordinance No. 2003-107
(Int. No. 121, As Amended)

Abandonment Of A Portion Of South Goodwill Street

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

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

Bracketed material deleted; underlined material added.

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following parcel, heretofore dedicated to street purposes and constituting a portion of South Goodwill Street:

Passed unanimously.

Local Improvement Ordinance No. 1517
(Int. No. 122)

All that tract or parcel of land situate in Town Lot 25 of the 20,000 acre tract, City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Local Improvement Ordinance - Establishment Of The Woodside/Goodwill Neighborhood Commercial Parking Lot

Beginning at a point on the westerly street line of South Goodwill Street at a point 150.50 feet northerly from the northerly street line of West Ridge Road;

WHEREAS, the Council wishes to create a ten-year assessment district for the operation and maintenance of the Woodside/Goodwill Neighborhood Commercial Parking Lot.

Thence 1) N 30° 07' 40" E, along the westerly street line of South Goodwill Street, a distance of 147.85 feet to a point;

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

Thence 2) S 59° 52' 20" E, a distance of 50.00 feet to a point on the easterly street line of South Goodwill Street;

Section 1. The Woodside/Goodwill Neighborhood Commercial Parking Lot shall be operated and maintained for a period of ten years, commencing with the 2003-04 year. Such operation and maintenance shall include but not be limited to snow plowing, cleaning and lighting.

Thence 3) S 30° 07' 40" W, along said easterly street line a distance of 147.85 feet to a point;

Section 2. The Council hereby finds that the operation and maintenance of such parking lot will benefit the parcels of commercial property within a district described as follows:

Thence 4) N 59° 52' 20" W, a distance of 50.00 feet to the point or place of begin-

Address SBL Number

360 West Ridge Road	090.26-02-17
368 West Ridge Road	090.26-02-18
374 West Ridge Road	090.26-02-19
380-384 West Ridge Road	090.26-02-20
398 West Ridge Road	090.26-02-21
400-404 West Ridge Road	090.26-02-22
408-412 West Ridge Road	090.26-02-23
416 West Ridge Road	090.26-02-24

Such district is hereby defined to be the special assessment district for the operating and maintenance costs of the Woodside/Goodwill Neighborhood Commercial Parking Lot, and the full amount of the annual operating and maintenance costs of such parking lot shall be annually assessed against the parcels of commercial property within such district for each of the next ten years.

Section 3. The Council hereby finds that the operation and maintenance of the Woodside/Goodwill Neighborhood Commercial Parking Lot benefits each parcel of commercial property within the special assessment district according to each parcel's "parking space requirement". "Parking space requirement" is defined for purposes of this ordinance as the number of off-street parking spaces required for that property under the City's zoning ordinance, minus any parking spaces presently existing for the property. Thus, the annual operating and maintenance costs of the Woodside/Goodwill Neighborhood Commercial Parking Lot shall be allocated each year among the properties within the district in proportion to each parcel's "parking space requirement", based on its use at the beginning of that fiscal year.

Section 4. The cost of such operation and maintenance is estimated to be \$7,700 for the 2003-04 year, and such amount shall be billed as special assessments against the parcels of property within the district for the 2003-04 year. The amount to be billed for succeeding years shall be determined each year by a separate local improvement ordinance. Such amounts shall be appropriated from the special assessments. Such assessments shall be billed each year on the regular tax bill for the parcels of property within the district.

Section 5. The Council hereby determines that it is impracticable to have the parking lot operating and maintenance work done by competitive contract, and therefore authorizes the Mayor to enter into annual agreements for each of the next ten years with the merchants benefited by the parking lot, or an organization established by the merchants, to perform the annual operating and maintenance work.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-108
Re: St. Paul Street Improvement Project
(Avenue E to Norton Street)

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation relating to the St. Paul Street Public Improvement Project. This legislation will amend previously approved pavement-width changes to read as follows:

1. A taper on St. Paul Street from the existing pavement width of 50 feet to 40 feet, starting 100 feet north of Avenue E and ending 215 feet north of Avenue E;
2. An increase on St. Paul Street of 2 feet, from 38 feet to 40 feet, from the latter point to 220 feet south of Norton Street;
3. A taper from 40 feet to 42 feet, beginning at the latter point to 240 feet south of Norton Street;
4. An increase on St. Paul Street of 4 feet, from 38 feet to 42 feet, beginning at the latter point to Norton Street;
5. A recessed parking area 8 feet wide beginning 90 feet north of Saranac Street, northerly for a distance of 75 feet along the west side of St. Paul Street;
6. A recessed parking area 8 feet wide beginning 180 feet south of Norton Street, southerly for a distance of 55 feet along the west side of St. Paul Street;
7. An additional tapered narrowing from the proposed width of 40 feet to the proposed width of 35 feet, beginning 115 feet south of Dorbeth Road to Dorbeth Road;
8. An additional narrowing of 5 feet on the east side of St. Paul Street, beginning at a point 40 feet south of Northview Terrace to a point 40 feet north of Northview Terrace;
9. An additional narrowing of 5 feet on the east side of St. Paul Street, beginning at a point 40 feet south of Saranac Street to a point 40 feet north of Saranac Street; and
10. An additional narrowing of 5 feet on the east side of St. Paul Street, beginning at a point 37 feet south of Beach Street to a point 37 feet north of Beach Street.

The project consists of pavement reconstruction, new granite curbs, concrete sidewalks, catch basin, pavement markings and driveway aprons; a new water main, services and hydrants; a new street lighting system and tree plantings, topsoil and seed.

The preparation of the engineering design for this project, by Fisher Associates, was authorized by City Council on August 21, 2001. Pavement width changes were authorized by City Council on August 20, 2002; the proposed legislation will amend those prior changes.

Group 14621 Community Association held a design charrette for the St. Paul corridor on June 8, 2002. This design charrette was to come up with a plan for revitalization of St. Paul Street from the Inner Loop to the entrance to Seneca Park. The proposed changes to the geometrics are an outcome of this process.

The 40 foot width on St. Paul Street will allow for an 11 foot and a 10 foot travel lane in the southbound direction and an 11 foot travel lane and an 8 foot parking lane in the northbound direction. The 42 foot width

on St. Paul Street immediately south of Norton Street allows for the two southbound travel lanes to line up with the travel lanes north of the intersection and for an 11 foot combination through/left turn lane and a 10 foot right turn lane in the northbound direction. The additional narrowings are bump-outs located at intersections with Dorbeth Road, Northview Terrace, Saranac Street and Beach Street. The bump-outs will help to calm traffic and will shorten pedestrian crossing widths on St. Paul Street. The additional widenings are recessed parking lanes along the west side where parking is otherwise unavailable. One will be used for drop off and pick up at the Rochester School For The Deaf and the other will be used for parking for a small store. The recessed lanes will require property acquisitions for relocation of the sidewalk; approval of the acquisition will be requested at a future Council meeting.

Other enhancements which may be included as a part of the project as a result of the charrette are colored concrete sidewalks along the west side, brick crosswalks at signalized intersections, decorative light fixtures and banners on light poles and on banner poles. Additionally, at the intersections of St. Paul Street with Norton Street and Avenue E designs in the pavement, decorative walls behind the sidewalk and additional landscaping. The cost of these enhancements and the maintenance would be paid through a special assessment district that will be requested at a future Council meeting.

Construction of the St. Paul Street Improvements are scheduled to begin in the Summer of 2003 and be completed by the Fall, 2003.

The estimated cost of construction, including the proposed enhancements, inspection and contingencies is \$1,511,000. The current estimate with shares is as follows:

Improvement	Current Estimate
Street	\$ 758,000
Water	325,000
Sewer	53,000
Traffic	58,000
Enhancements (LIO)	317,000
Total	\$1,511,000

As planned in the CIP, the street and water improvements will be financed from general debt, the sewer improvements will be financed from the sewer bond authorized by City Council on June 18, 2002, the traffic improvements will be financed from anticipated reimbursements for Monroe County. The LIO will be requested at a future Council meeting.

A public informational meeting was held April 4, 2002. Minutes to this meeting were forwarded previously. Another public informational meeting is scheduled for March 25, 2003. Minutes to this meeting will be forthcoming.

The pavement width changes will be presented for endorsement to the Traffic Control Board on April 1, 2003.

A public hearing on these changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-49

Ordinance No. 2003-108
(Int. No. 133)

Amending Ordinance No. 2002-249 With Respect To Changes In The Pavement Width Of St. Paul Street As A Part Of The St. Paul Street Improvement Project From Avenue E To Norton Street

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

Section 1. The Council hereby amends Section 1 of Ordinance No. 2002-249 by amending the changes made therein to the pavement width of St. Paul Street as a part of the St. Paul Street Improvement Project to read in their entirety as follows:

1. A taper on St. Paul Street from the existing pavement width of 50 feet to 40 feet, starting 100 feet north of Avenue E and ending 215 feet north of Avenue E; and,
2. An increase on St. Paul Street of 2 feet, from 38 feet to 40 feet, from the latter point to 40 feet south of Saranac Street; and,
3. A taper from 40 feet to 42 feet, beginning at the latter point to Saranac Street; and,
4. An increase on St. Paul Street of 4 feet, from 38 feet to 42 feet, beginning at the latter point to 295 feet north of Saranac Street; and,
5. A taper from 42 feet to 40 feet, beginning at the latter point to 335 feet north of Saranac Street; and,
6. An increase on St. Paul Street of 2 feet, from 38 feet to 40 feet, from the latter point to 220 feet south of Norton Street; and,
7. A taper from 40 feet to 42 feet, beginning at the latter point to 240 feet south of Norton Street; and,
8. An increase on St. Paul Street of 4 feet, from 38 feet to 42 feet, beginning at the latter point to Norton Street; and,
9. A recessed parking area 8 feet wide beginning 90 feet north of Saranac Street, northerly for a distance of 75 feet along the west side of St. Paul Street; and,
10. A recessed parking area 8 feet wide beginning 180 feet south of Norton Street, southerly for a distance of 55 feet along the west side of St. Paul Street; and,
11. An additional tapered narrowing from the proposed width of 40 feet to the proposed width of 35 feet, beginning 115 feet south of Dorbeth Road to Dorbeth Road; and,
12. An additional narrowing of 5 feet on the east side of St. Paul Street, beginning at a point 40 feet south of Northview Terrace to a point 40 feet north of Northview Terrace; and,
13. An additional narrowing of 5 feet on the east side of St. Paul Street, beginning at a point 40 feet south of Saranac Street to a point 40 feet north of Saranac Street; and,
14. An additional narrowing of 5 feet on the east

side of St. Paul Street, beginning at a point 37 feet south of Beach Street to a point 37 feet north of Beach Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously,
TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-109, 2003-110,
And 2003-111
Re: Chili Avenue Improvement Project
(Canal Bridge to W. Main Street)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Chili Avenue Improvement Project. This legislation will:

1. Amend Section 1 of Ord. No. 2002-207 as follows:
 - a. Narrow from the existing 42' to 38' from the latter point to 75' east of Genesee Park Boulevard;
 - b. A gradual taper from 43' to 33', beginning at the latter point to 350' east of Genesee Park Boulevard; and
 - c. Install an additional 8' pavement width along Chili Avenue at the following locations:
 - 1) South side beginning 100' west of Thurston Road westerly to Salina Street;
 - 2) South side beginning at Thurston Road easterly for 775';
 - 3) North side beginning 50' east of Fillmore Street easterly to Hobart Street;
 - 4) North side beginning at Hobart Street easterly for 275'; and
 - 5) North side beginning at Lozier Street easterly for 280'.

The first two changes represent technical corrections of the prior legislation; they do not result in any change from the plans previously presented to the Council. The changes listed in Section c. reflect the removal of "bump outs" as discussed below.

2. Authorize an amendatory agreement with Dewberry-Goodkind, Inc., 700 Alliance Building, 183 East Main Street, Rochester, New York, for additional engineering design services for the project at a maximum cost of \$90,000, thereby increasing the maximum authorized amount of the agreement from \$750,000 to \$840,000;
3. Appropriate \$72,000 from anticipated reimbursements from the Federal Highway Administration to finance the federal share of the additional engineering design services for the project;
4. Appropriate \$13,500 from anticipated reimbursements from the State of New York to

finance the state share of the additional engineering design services for the project; the remaining \$4,500 will be funded from 1999-2000 Cash Capital;

5. Appropriate \$20,800 in anticipated reimbursements from the Federal Highway Administration to finance the Federal Share of the costs for a portion of the right of way appraisal, acquisition, closing costs, and project administration;
6. Appropriate \$3,900 in anticipated reimbursements from New York State to finance the State Share of the costs for a portion of the right of way appraisal, acquisition, closing costs, and project administration; and
7. Authorize the partial acquisition, by negotiation or condemnation, of 13 properties involved in the Chili Avenue improvement project.

As part of the Chili Avenue improvement project the New York State Office of Parks, Recreation & Historic Preservation must review the project for impacts to eligible and recommended eligible historical significant properties. As a result of their review, they have asserted that the proposed bump outs at the above locations would not maintain the historical nature of the street in the vicinity of these properties. To secure federal and state funding for the Chili Avenue project it is therefore necessary to remove these bump outs at the above locations.

Documentation of the existing conditions and preparation of reports submitted to the New York State Office of Parks, Recreation & Historic Preservation resulted in the additional design services in the amount of \$90,000 referenced above.

Partial property takings will be required to accommodate the proposed improvements. Partial acquisition of 13 properties are now requested. The properties are as follows:

Address	Sq. Ft.	Cost
244 Chili Ave.	191	
George M. & Joan L. Solomon		\$ 350
249 Chili Ave.	78	
Marilyn R. Schantz		200
305 Chili Ave.	47	
Douglas J. & Kathryn A. Elliott		100
532 Chili Ave.	252	
Marine Midland Bank, NA		7,400
554 Chili Ave.	579	
Daniel & Ludomira Homa		450
556 Chili Ave.	528	
Campanella & Archibald Corp.		400
564 Chili Ave.	326	
James White		250
572 Chili Ave.	326	
Charles & Bonita Cutaia		250
599 Chili Ave.	19	
Marwan Abed		100
647 Chili Ave.	457	
Margaret E. Bridgeland		300
733 Chili Ave.	107	
Glenna F. Osborne		100
930 Chili Ave.	84	
Nick Radimissis & John Taousanis		200
1100 Chili Ave.	872	
Hess Oil & Chemical Corp		7,000
Total		\$17,100

The acquisition values have been determined by an

independent appraisal performed by Robert G. Pogel, SRPA. The properties qualify as de minimus takings since each contains less than 2,000 square feet.

The total estimated cost of the partial property takings is as follows:

Appraisal	\$ 5,000
Acquisition	17,100
Closing Costs	<u>3,900</u>
Total	\$26,000

The Federal Highway Administration will fund 80% of the above costs (\$20,800) and New York State will fund 15% (\$3,900) of the above costs relating to the partial takings. The City of Rochester will fund the remaining 5% (\$1,300) from the 1999-2000 Cash Capital allocation.

Previous legislation for the Chili Avenue Improvement Project includes:

<u>Ord. No.</u>	<u>Date Approved</u>
<u>Description</u>	
2000-066	March 21, 2000
Authorization to Administer Project	
2001-236	July 17, 2001
Authorize Design by Goodkind & O'Dea, Inc.	
2002-207	June 18, 2002
Authorize Pavement Width Changes	
2003-015	January 14, 2003
Authorize Pavement Width Changes	

Construction of the project is anticipated to begin in Summer 2003, and be completed in Fall 2004.

Public informational meetings were held on April 29 and December 10, 2002. Copies of these meeting minutes were previously forwarded.

A public hearing on the geometric changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-50

Ordinance No. 2003-109
(Int. No. 135)

Amending Ordinance No. 2002-207 With Respect To Changes In The Pavement Width Of Chili Avenue As A Part Of The Chili Avenue Improvement Project

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

Section 1. The Council hereby amends Section 1 of Ordinance No. 2002-207 by amending the changes made therein to the pavement width of Chili Avenue as a part of the Chili Avenue Improvement Project to read in their entirety as follows:

1. Taper from the existing 42' to 38' from 400' east of Cairn Street to 500' east of Cairn Street; and
2. Narrow from the existing 42' to 38' from the latter point to 75' east of Genesee Park Boulevard; and
3. A gradual taper from 43' to 33', beginning at

the latter point to 350' east of Genesee Park Boulevard; and

4. Narrow from the existing 42' to 33', beginning at the latter point to Kenwood Avenue; and
5. Widening from 36' to 38', beginning at the latter point to West Avenue; and
6. Install an additional 8' pavement width along Chili Avenue at the following locations:
 - a. North side beginning at Gardiner Avenue westerly for 270'; and
 - b. South side beginning 100' west of Thurston Road westerly to Salina Street; and
 - c. South side beginning at Thurston Road easterly for 775'; and
 - d. North side beginning 50' east of Fillmore Street easterly to Hobart Street; and
 - e. North side beginning at Hobart Street easterly for 275'; and
 - f. South side beginning 40' east of Post Avenue, easterly for 160'; and
 - g. North side beginning at Lozier Street easterly for 280'.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-110
(Int. No. 136)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Services For The Chili Avenue Improvement Project

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

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Dewberry-Goodkind, Inc. for design services for the Chili Avenue Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$72,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$13,500 is hereby appropriated from anticipated reimbursements from New York State, and \$4,500 shall be funded from the 1999-2000 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-111
(Int. No. 137)

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The Chili Avenue Improvement Project

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

Section 1. The Council hereby approves the acquisition of portions of parcels for the construction and maintenance of municipal improvements as a part of the Chili Avenue Improvement Project as follows:

Address	Sq. Ft.	Owner	Cost
244 Chili Ave.	191	George M. & Joan L. Solomon	\$ 350
249 Chili Ave.	78	Marilyn R. Schantz	200
305 Chili Ave.	47	Douglas J. & Kathryn A. Elliott	100
532 Chili Ave.	252	Marine Midland Bank, NA	7,400
554 Chili Ave.	579	Daniel & Ludomira Homa	450
556 Chili Ave.	528	Campanella & Archibald Corp.	400
564 Chili Ave.	326	James White	250
572 Chili Ave.	326	Charles & Bonita Cutaia	250
599 Chili Ave.	19	Marwan Abed	100
647 Chili Ave.	457	Margaret E. Bridgeland	300
733 Chili Ave.	107	Glenna F. Osborne	100
930 Chili Ave.	84	Nick Radimissis & John Taousanis	200
1100 Chili Ave.	872	Hess Oil & Chemical Corp	7,000
Total			\$17,100

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$17,100, and of said amount, plus necessary closing costs which are estimated not to exceed \$3,900 and appraisal costs not to exceed \$5,000, for a total of \$26,000, \$20,800 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$3,900 is hereby appropriated from anticipated reimbursements from New York State, and \$1,300 shall be funded from the 1999-2000 Cash Capital Allocation.

Section 3. In the event that any or all of said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
April 8, 2003

To the Council:

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

Int. No. 123 - Establishing Maximum Compensation For An Agreement With The Protectives, Inc. For Property Protection And Salvage Services

Int. No. 124 - Authorizing An Application And Agreement For The STOP Violence Against Women Program And Amending Ordinance No. 2003-18, As Amended

Int. No. 125 - Amending The 2002-03 Budget For The Motor Vehicle Theft & Insurance Fraud Prevention Program

Int. No. 126 - Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2003, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

Int. No. 134 - Amending The 2002-03 Budget With Respect To Water

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-112
Re: Agreement - Protectives, Inc.

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

Transmitted herewith for your approval is legislation authorizing a three-year agreement with Protectives, Inc., for the continued provision of auxiliary services to the Fire Department. The costs of this agreement will be financed from the annual budgets of the Fire Department.

Protectives, Inc. is an organization of volunteers whose primary function is to protect private property at fire scenes from unnecessary damage. The volunteers either remove the property from structures affected by fires or, if removal is impossible, cover the property with tarps.

Protectives, Inc. has provided such services on an informal basis for many years. Since 1979, it has provided these services pursuant to periodic agreements authorized by City Council. The most recent agreement will expire on June 30, 2003.

At present, Protectives, Inc. has approximately 150 members, of whom about 50 are presently active. The Fire Department provides 5,600 square feet of space at its Andrews St. facility to the organization for office, storage and bunking purposes, and a truck and driver to transport equipment. The members of the Protectives report to fire scenes when requested by the Fire Department. Annually, over 30,000 hours of services are provided.

Under the proposed agreement, Protectives, Inc. will continue to provide such services during the next three fiscal years. The City will pay Protectives, Inc. the following amounts to finance the costs of janitorial services related to its facility, business services, and supplies related to the organization, and worker's compensation or disability insurance.

Year	Services And Supplies	Accident and Sickness Insurance	Total
------	-----------------------------	---------------------------------------	-------

Present	\$31,000	\$5,605	\$36,605
2003-04	32,000	5,717	37,717
2004-05	33,000	5,717	38,717
2005-06	34,000	5,717	39,717

In addition, the City will provide annual Hepatitis B vaccinations to all members and annual physicals to the members who use breathing apparatus at the fire scene. Similar vaccinations are currently provided by the City to other emergency personnel and such annual physicals are required under state and federal regulations.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-112
(Int. No. 123)

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 \$37,717, 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 \$38,717 and \$39,717 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 2003-04 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. 2003-113
Re: NYS/DCJS Stop Violence Against Women Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with New York State Division of Criminal Justice Services (DCJS), for receipt of a grant of \$87,000 under the New York State Stop Violence Against Women (STOP VAWA) program, for the period April 1, 2003 through March 31, 2004. The City must provide a 25% match totaling \$30,253; provision for said match will be included in the proposed 2003-04 budget.

The VAWA program has four main objectives:

1. Provide victims of domestic violence with assistance to ensure their safety and provide victims with necessary follow-up services to secure safe housing.
2. Offer advocacy and follow up services to domestic violence victims by contacting them prior to

the arraignment of the perpetrator.

3. Ensure the continued safety of domestic violence victims in high-risk targeted police patrol sections by providing intensive services to them.
4. Offer legal advocacy services and other appropriate assistance to domestic violence victims who are identified by reviewing Domestic Violence Incident Reports in order to ensure their safety.

This will be the City's fifth round of funding under the STOP VAWA program. The agreement for the previous award was authorized by Council on September 25, 2001.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-51

Ordinance No. 2003-113
(Int. No. 124, As Amended)

Authorizing An Application And Agreement For The STOP Violence Against Women Program And Amending Ordinance No. 2003-18

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the STOP Violence Against Women Program.

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

Section 3. Ordinance No. 2003-18, relating to a Pilot Drug Control Project, is hereby amended by authorizing the agreement for said Project to be with Harvard University instead of David Kennedy, at a maximum amount of \$60,000, which shall be funded from the total amount appropriated in said ordinance.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-114
Re: Auto Theft Grant Carryover

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending the 2002-03 budget of the Police Department by the sum of \$20,000. On February 13, 2002, City Council authorized an agreement between the City and the New York State Division of Criminal Justice Services (NYS/DCJS) for receipt of a grant of \$50,000 under the New York State Motor Vehicle Theft and Insurance Fraud Prevention Board program.

TUESDAY, APRIL 8, 2003

Page 129

Part of the grant (\$30,000) was planned to be expended during the current fiscal year and part (\$20,000) during the prior fiscal year. However, last year's portion of the grant was not spent and is therefore available for use this fiscal year. Funding will be used to reimburse overtime for officers assigned to the Anti Auto Theft program through March 31, 2003.

William A. Johnson, Jr.
Mayor

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-114
(Int. No. 125)

Amending The 2002-03 Budget For The
Motor Vehicle Theft & Insurance Fraud Prevention
Program

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

Section 1. Ordinance No. 2002-194,
the 2002-03 Budget of the City of Rochester, as
amended, is hereby further amended by increas-
ing the revenue estimates and appropriations to
the Rochester Police Department by the sum of
\$20,000, which amount is hereby appropriated
from funds to be received under an agreement with
the New York State Division of Criminal Justice
Services for funding for the Motor Vehicle Theft &
Insurance Fraud Prevention Program.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-115
Re: RAN - City School District

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legisla-
tion authorizing the issuance of a \$50 million
revenue anticipation note to meet City School
District cash flow needs in the event there is a delay
in receipt of New York State aid by the District.

At present, \$111.5 million of State Aid is scheduled
to be received by June 30, 2003. Of this amount,
\$36.7 million is scheduled to be received in early
April, and the balance by June 30, 2003. There
are indications that the State may delay remittance
of the aid until later in the State's fiscal year. It is
unclear at this time as to when the State may make
such remittance. Obviously, should the State fail
to make their payments in a timely fashion, the
District will experience a significant cash flow
problem.

In order to meet City School District's potential
cash flow shortfall this authorization is being re-
quested. It will ensure a sufficient cash balance for
the District's expected disbursements.

The amount to be borrowed may less than the
amount authorized depending on cash position.
That decision will be made by the Director of
Finance depending on when the State will make its
payments.

Respectfully submitted,

Ordinance No. 2003-115
(Int. No. 126)

Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2003, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Rochester, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$50,000,000, and any notes in renewal thereof, is hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the City School District in the current fiscal year from New York State Education Grants and Basic Formula Aid to Education; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City School District for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2004.

Section 4. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City School District and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. Subject to the provisions of this ordinance and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 6. The validity of the Notes 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. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the affiliated agency.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-116
Re: 2002-03 Budget Amendment -
Water Purchases

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation increasing the 2002-03 budget of the Department of Environmental Services by \$398,400 to provide for the purchase of water from the Monroe County Water Authority (MCWA), and increasing revenue from sale of water to MCWA by an equal amount.

Under the agreement authorized by the City Council on April 25, 1978, the City and MCWA buy and sell water to each other at various locations in the interconnected distribution systems. The purchase and sale price is equivalent to the cost of production of water at MCWA's Shoremont treatment plant. As a result of the completion of a number of capital improvement projects at the plant, the exchange rate increased January 1, 2003 to \$450 per million gallons. The detail calculation is listed below in millions of gallons (MG):

	<u>Budget</u>	<u>Projected</u>
Customer demand (MG)	\$ 10,800	\$ 11,000
Sales to other communities (MG)		
	300	275
Sales to MCWA (MG)	5,225	5,381
Total Demand (MG)	\$ 16,325	\$ 16,656
City production (MG)	12,410	12,775
City purchases from MCWA (MG)		
	3,915	3,881
Exchange rate	\$380	\$450
Purchase cost for the current year		
	\$1,487,700	\$1,746,500
Exchange rate increase for prior period (January 1, 2002 - June 30, 2002)		139,600

Total purchase cost	\$1,886,100
Original Budget	<u>1,487,700</u>
Difference	\$ 398,400

Because the City budget uses gross revenue and expense for this transaction, the amendment reflecting a total appropriation increase of \$398,400 is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-116
(Int. No. 134)

Amending The 2002-03 Budget With Respect To Water

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

Section 1. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$398,400, which amount is hereby appropriated from revenue from the sale of water to the Monroe County Water Authority, to fund the purchase of water from the Monroe County Water Authority.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 10:08 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

**REGULAR MEETING
MAY 13, 2003**

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

Absent - none - 0.

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

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

Recognition Ceremony

Retirement:

- Department of Environmental Services
 - *Joseph Palmiotto
- Rochester Fire Department
 - Robert E. Crandall
 - *Charles R. Dunn
 - **Charles H. French
 - *Robert L. King
 - *Robert E. Watters
- Rochester Police Department
 - *Evelyn Baez
 - *Paul J. Boccacino
 - *Margaret C. Flora
 - **Maurice R. LeGuerrier

*Not attending meeting.

**Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Santiago

RESOLVED, that the minutes of the Special Meeting of March 31, 2003 and the Regular Meeting of April 8, 2003, 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. 3717-7
- Regular Public Auction - June 19, 2003. 3718-7
- Schedule of Revenues and Expenditures. 3719-7
- Delinquent Receivables, as of March 31, 2003. 3720-7
- Professional Service Agreements, January 1- March 31, 2003. 3721-7
- Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3722-7
- The Director of Zoning Submits Notices of Environmental Determination. 1183 Monroe Avenue. 3723-7

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

None presented.

PUBLIC HEARINGS

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

Approving The Acquisition Of 35 Richmond Street By Negotiation Or Condemnation As A Part Of The East End Development Project Int. No. 150 No speakers.

Approval Of The Sale Of Land To XLI Corporation In The Western Gateway Project In The Outer Loop Industrial Park Of The Mt. Read-Emerson Urban Renewal Project Int. No. 152 No speakers.

Approving The Extended Consolidated Community Development Plan/2003-04 Annual Action Plan Int. No. 153 One speaker: Ruhi Maker.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement Int. No. 161 No speakers.

Abandonment Of A Portion Of Commercial Street And Approving An Acquisition By Negotiation Or Condemnation, Easements And Amendatory Lease Int. No. 170 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 171 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related

To Main Street Improvements Int. No. 172 No speakers.

Approving The Acquisition Of 578 Chili Avenue By Negotiation Or Condemnation As A Part Of The Chili Avenue Improvement Project Int. No. 186 One speaker: George Stam.

Approving The Dedication Of Parcels For The Chili Avenue Improvement Project Int. No. 187 No speakers.

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

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-117
Re: Agreement - City School District
and New York Bond Bank Agency

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is an ordinance authorizing the City to sign an agreement with the City School District, and the New York Bond Bank Agency (MBBA) with respect to issuance of bonds by MBBA to reimburse the Rochester City School District for prior years' School District building aid due the District.

The District is due funds from the State of New York for prior years' building aid reimbursement. The State of New York is using a financing mechanism of borrowing the amount through MBBA and reimbursing said amount to the District. In order for MBBA to market these obligations it requires a specific source of funds dedicated to the repayment thereof. The source of such funds will be future state building aid to the District, which is expected to be increased by the equivalent amount of debt service to be incurred. The proposed agreement will pledge a revenue intercept of such funds to ensure repayment.

Since the City School District is not fiscally independent, it has been determined by Counsel of MBBA that both the City School District and the City must approve the execution of the agreement. It is anticipated that the bonds will be issued prior to the next regularly scheduled Council meeting

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-117
(Int. No. 191)

Authorizing Cooperation And Assistance In Connection With A Transaction With The New York Municipal Bond Bank Agency For The Benefit Of The Rochester City School District

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

Section 1. At the request of and on behalf of the Rochester City School District (the "School District"), the Mayor and Administration are hereby authorized to cooperate with and assist the New York Municipal Bond Bank Agency ("MBBA") in furtherance of the School District's efforts to receive payment for prior years' claims for School District building aid payments.

Section 2. The City, at the request of the School District, shall review, negotiate according to customary terms and conditions, execute and deliver all agreements requested by MBBA, and, among other things, shall give such assurances and pledge such collateral (including, but not limited to, a pledge of future years' School District building aid payments to amortize MBBA's indebtedness) as shall be reasonable and appropriate under the circumstances.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the affiliated agency.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
May 13, 2003

To the Council:

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

Int. No. 145 - Authorizing The Sale Of Real Estate

Int. No. 146 - Amending Ordinance No. 2002-314 Relating To The Sale Of Real Estate And Amending Ordinance No. 2003-83, As Amended

Int. No. 147 - Authorizing An Agreement For The Fair Housing Enforcement Project And Amending Ordinance No. 2000-259, As Amended

Int. No. 148 - Approving The Asset Control Area Program, As Amended

Int. No. 151 - Determinations & Findings Relating To The Acquisition Of Parcels As Part Of The Brooks Landing Revitalization Project

Int. No. 129 - Authorizing Acquisitions By Condemnation For The Brooks Landing Revitalization Project

Int. No. 188 - Authorizing An Amendatory Agreement For The East End Garage Reserve Fund, As Amended

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

Int. No. 149 - Authorizing An Application And Agreements Relating To The Emergency Shelter Grant Program And Amending Ordinance No. 2002-180

Int. No. 150 - Approving The Acquisition Of 35

Richmond Street By Negotiation Or Condemnation As A Part Of The East End Development Project

Int. No. 152 - Approval Of The Sale Of Land To XLI Corporation In The Western Gateway Project In The Outer Loop Industrial Park Of The Mt. Read-Emerson Urban Renewal Project

Int. No. 153 - Approving The Extended Consolidated Community Development Plan/2003-04 Annual Action Plan

Int. No. 154 - Authorizing Submission Of The Extended Consolidated Community Development Plan/2003-04 Annual Action Plan And Execution Of The Grant Agreement With The United States Department Of Housing And Urban Development

Int. No. 155 - Appropriation Of Funds For The City Development Fund

Respectfully submitted, Wade S. Norwood Benjamin L. Douglas (Abstained vote on Introductory No. 149.) Lois J. Giess Gladys Santiago (Did not vote on Introductory No. 145, 146, and 147.) HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2003-118 And Ordinance No. 2003-119 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the sale of 12 properties and amending a prior ordinance.

Sales

The first property is a vacant lot that is being sold to the adjoining owner for its appraised value. The parcel will be developed as a parking lot to be used in conjunction with the purchaser's adjoining medical practice.

The next property is a single-family structure that is being sold for its appraised value. The structure will be rehabilitated and sold to an owner occupant with income not to exceed 80% of the median income for the area.

The last 10 properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable because of their size. Two of the parcels are being sold to City employees.

Amendment

On October 15, 2002, City Council approved the sale of 656 Frost Avenue to Barbara J. Dotson-Jackson. Subsequent to the request of the purchaser, an amendment is proposed to change the name of the buyer to Jeffrey Jackson.

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

Respectfully submitted, William A. Johnson, Jr.

Attachment No. AC-53

Ordinance No. 2003-118 (Int. No. 145)

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 at appraised value of the following parcel of vacant buildable land with proposal:

Address: 346-354 Arnett Blvd. S.B.L.#: 120.65-2-44&45 Price: \$4,500 Purchaser: His Branches, Inc.*

*Officers: William Morehouse, Glenn Fadner, Eugene Young, Ann Geyer

Section 2. The Council further approves the negotiated sale of the following parcel of improved property:

Address: 98 Grand Ave. S.B.L.#: 107.61-1-54 Price: \$6,500 Purchaser: Rochester Housing Development Development Fund Corporation*

*Officers: Jean A. Lowe, Alma Balonon-Rosen, Kevin V. Recchia, Robert M. Barrows

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

Table with 3 columns: Address, S.B.L.#, Sq. Ft. Purchaser. Lists 12 properties including WH 22 Bernard St., NH 12 Day Pl., SH 12 Day Pl., NH 13 Rugraff St., SH 13 Rugraff St., 1733-1735 St. Paul St., EH 37 Sobieski St., WH 37 Sobieski St., and 37 Tilden St.

*Officers: Efrain Cruz, Juanita Colon

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Griswold moved to amend Introductory No. 146.

The motion was seconded by councilmember Douglas.

The motion was adopted unanimously.

Ordinance No. 2003-119
(Int. No. 146, As Amended)

Amending Ordinance No. 2002-314 Relating To The Sale Of Real Estate And Amending Ordinance No. 2003-83

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

Section 1. Ordinance No. 2002-314, relating to the sale of real estate, as amended, is hereby further amended by changing the name of the purchaser of 656 Frost Avenue, as approved in Section 2 thereof, from Barbara J. Dotson-Jackson to Jeffrey Jackson.

Section 2. Ordinance No. 2003-83, relating to the Brooks Village Apartment Project, is hereby amended by amending Sections 1 and 2 to allow the sale and the loan to be made to Brooks Village Housing Development Fund Corp. and/or to Brooks Village Apartments, LP, and by adding to the end of Section 2 thereof the following new sentences:

Payment of accrued interest and principal shall be deferred until the end of year 30, except that when debt service exceeds 1.15, annual interest payments of 1% shall be made.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-120
Re: Fair Housing Enforcement Project -
Monroe County Legal Assistance
Corporation

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Legal Assistance Corporation (MCLAC) for the Fair Housing Enforcement Project (FHEP) at a maximum cost of \$43,046 and appropriating that amount from the following sources:

\$13,046 2001-02 Community Development Program - Improving Housing Stock and General Property Conditions Allocation

\$30,000 2002-03 Community Development Program - Improving Housing Stock and General Property Conditions Allocation

The project consists of two components. The first involves outreach and education to service providers and the public about Fair Housing laws and rights and it is this part of the project towards which City funds are applied. Along with Federal funds, City funding leverages approximately \$100,000 worth of pro bono services provided by the Advertising Council of Rochester.

The second component involves fielding inquiries and handling individual cases including enforcement action taken in Federal court and administrative actions pursued through the NYS Division of Human Rights or HUD.

During the most recent agreement term, April 1, 2002-March 31, 2003, MCLAC's accomplishments were:

Enforcement

- Housing discrimination cases opened - 32
Distribution of complaints: Disabilities 45%, Race 30%, Family status 16%, Other 9%.
- Enforcement actions
8 cases brought in Federal Court.

Outreach and education

- Six meetings of the advisory committee convened with 21 members, including elected officials and community leaders.
- 27 Fair housing presentations.
- 5 Broadcast media presentations.
- 2003 Multi-media Fair Housing education campaign underway.
- State of Fair Housing Conferences scheduled for April 19, 2002; second conference planned for April 15, 2003.
- Coordinated events for April, National Fair Housing Month.
- Convene representatives and leaders of specifically targeted audiences for an Impact Breakfast.

This project was begun in January 1998 and will continue as long as the need exists for these services and funds are available from HUD.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-120
(Int. No. 147, As Amended)

Authorizing An Agreement For The Fair Housing Enforcement Project And Amending Ordinance No. 2000-259

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Monroe County Legal Assistance Corporation for the Fair Housing Enforcement Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$[43,046] 45,886, and of said amount, or so much thereof as may be necessary, \$13,046 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program and \$30,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program and \$2,840 shall be funded from the appropriation made in Section 3 of Ordinance No. 98-359.

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

Section 4. Ordinance No. 2000-259, relating to an agreement for the Fair Housing Enforcement Project, is hereby amended by reducing the amount authorized therein from the appropriation made in Section 3 of Ordinance No. 98-359 by the sum of \$2,840, which amount is reauthorized in Section 2.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-121
Re: Approval of New Asset Control Area Partnerships Program (ACA) Plan

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the participation of the City of Rochester in a new ACA program agreement. The ACA program is a national HUD program that allows units of local government and not-for-profit developers to enter into agreements with HUD to purchase the inventory of HUD-owned assets at a discount within designated areas. The duration of the agreement will be two years, with a review after the first year. It is anticipated that approximately 150 properties will be purchased annually. New program guidelines have been released by HUD; the proposed rules include significant modifications from the original ACA agreement. For example, all properties will require rehabilitation before sale and the revitalization areas that define the ACA territory will be modified.

The original ACA agreement was part of a demonstration program between HUD and several select communities across the country. The Rochester agreement was signed in March 2000 and continued to operate until March 2002. The Homeownership Investment Program (HIP) was the portion of the ACA in which the City directly marketed properties that were acquired from HUD. The program was halted because of HUD's desire to develop program

regulations that will allow all communities across the country an opportunity to participate.

Under the new program guidelines and our business plan, properties will be rehabilitated and sold through two different development tracks. Track I will include properties that require significant repairs that will be rehabilitated through the Home Rochester program. The Rochester Housing Development Fund Corporation (RHDFC) will acquire the properties from the City and provide technical assistance to neighborhood and faith-based not-for-profit developers for the rehabilitation and sale of the properties. Development of these properties combines both public and private resources to fund the construction financing and permanent mortgages. Rehabilitation subsidy will be provided through the CDBG, HOME Investment Partnerships Program, State AHC and DHCR funding. Currently the RHDFC is funded at over \$9 million for this purpose.

Track II will involve properties that require moderate rehabilitation and will be developed with the City directly managing the rehabilitation of the properties. The acquisition and rehabilitation of these properties will be funded through ACA funds that are restricted to ACA related activities. It is anticipated that the rehabilitation of these properties will be less expensive than for those in Track I and that in the majority of cases the discount offered by HUD will offset the construction costs.

The Homeownership Investment Program is the result of an agreement between HUD and the City that allows the City to purchase HUD-owned homes at a discount and re-sell them to qualified buyers. The program first began advertising properties on June 24, 2000. At the end of March, there were 758 properties that had gone through the system; of these, 553 have been sold and 75% of those were sold to owner occupants. This is well above the original goal of 65% to be sold to owner occupants. An additional 77 properties have been recommended for demolition at HUD's expense. To date, 46 of these properties have been demolished and HUD has agreed to do the additional 31.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-121
(Int. No. 148, As Amended)

Approving The Asset Control Area Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Housing and Urban Development (HUD) for City participation in the Asset Control Area (ACA) Program for a term not to exceed two years.

Section 2. The Council hereby further approves the business plan for the acquisition of residential real estate from HUD and the resale of said real estate to the Rochester Housing Development Fund Corporation or eligible purchasers through the ACA Program without further Council approval. The Council hereby further approves the cancellation of outstanding City taxes and other charges against said parcels, upon their acquisition from HUD and extending through the date of their resale by 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.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-122
Re: Determinations and Findings -
Brooks Landing Revitalization Project

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings related to acquisition of fourteen properties as part of the Brooks Landing Revitalization Project. Such determinations and findings are required by Article 2 of the Eminent Domain Procedure Law.

Legislation providing for the acquisition of the fourteen properties by negotiation was approved by City Council on April 8, 2003. Companion legislation provided for the acquisition of those parcels by condemnation if negotiations for their acquisition were not successful. A public hearing on this matter was held by the Council on April 8, 2003. There were 7 speakers at the hearing.

Based on the comments presented at the public hearing, the following determinations and findings are proposed:

1. Project description - that the acquisitions include the specified fourteen full properties for redevelopment.
2. Project purpose - that the acquisition will eliminate blighted structures and permit the subsequent redevelopment and of the properties within Sub-Areas I, II & III, create new local jobs, enhance the economic vitality of the neighborhood and provide increased and enhanced public pedestrian access to the Genesee River / Erie Canal and Genesee Valley Park.
3. Project effect - that the acquisition and subsequent redevelopment of the properties in Sub-Areas I, II & III and required street modifications will have no significant adverse effect on the environment and indeed will assist in the revitalization of the neighborhood and increase jobs and investment within the City.

If these determinations and findings are approved, the legislation authorizing the property acquisitions (Introductory 129) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-122
(Int. No. 151)

Determinations & Findings Relating To The Acquisition Of Parcels As Part Of The Brooks Landing Revitalization Project

WHEREAS, the City of Rochester proposes to acquire fourteen (14) parcels as part of the Brooks Landing Revitalization Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on April 8, 2003 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of the parcels,

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 parcels as part of the Brooks Landing Revitalization Project:

- a. Project Location: The City proposes the public acquisition of the following:

<u>Sub-Area I</u>	<u>Sub-Area II</u>
15 Brooks Ave	4 Agnew Court
972 Genesee St	6 Agnew Court
998 Genesee St	920 Genesee St
1004 Genesee St	926 Genesee St
1008 Genesee St	930 Genesee St
	948 Genesee St
	954 Genesee St

Sub-Area III

- 951 Genesee St
- 953 Genesee St

Project Description: The Brooks Landing Project is located along the west bank of the Genesee River across from the University of Rochester campus and extends to the intersection of Brooks Avenue and Genesee Street, including various properties on the west and east sides of Genesee Street. In addition to the fourteen acquisition properties, the project site includes several City owned properties.

The development program for this project is as follows:

Sub-Area I (approximately 3.5 acres) includes a proposed hotel, restaurant and public waterfront. Acquisition of the five privately owned parcels is necessary in order to accommodate the proposed development.

Sub-Area II (approximately 2 acres) includes a proposed 25,000 square foot, two story office/retail building on the northeast corner of the intersection of Genesee Street and Brooks Avenue. Acquisition of the seven privately owned parcels is necessary in order to accommodate the proposed development.

Sub-Area III (approximately .25 acres) includes a proposed renovated two story commercial structure on the northwest corner of the intersection of Genesee Street and Brooks Avenue, with adjacent outdoor seating and parking. Acquisition of the two parcels is necessary to accommodate the proposed renovation project.

- b. Public purpose and general effect:

1. The acquisition will eliminate blighted struc-

tures and permit the subsequent redevelopment and of the properties within Sub-Areas I, II & III, create new local jobs, enhance the economic vitality of the neighborhood and provide increased and enhanced public pedestrian access to the Genesee River/Erie Canal and Genesee Valley Park.

- 2. Project effect - that the acquisition and subsequent redevelopment of the properties in Sub-Areas I, II & III and required street modifications will have no significant adverse effect on the environment and indeed will assist in the revitalization of the neighborhood and increase jobs and investment within the City.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Introductory No. 129 was introduced April 8, 2003 and appears in its original form with its transmittal letter on page 104 of the current Council Proceeding.

Ordinance No. 2003-123
(Int. No. 129)

Authorizing Acquisitions By Condemnation For The Brooks Landing Revitalization Project

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 188
Re: Cultural District Garage Fund

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation amending an agreement between the City of Rochester, County of Monroe and the Cultural Center Commission, for oversight and operation of the East End Garage (formally known as the Metro Center Garage).

The legislation will amend the purpose of the East End Garage reserve fund to allow for the allocation of up to \$400,000 into a separate interest-bearing account for the future demolition of a portion of the existing garage and construction of a minimum 46-space

covered parking facility for use by The Sagamore on East at 130 East Avenue. The fund was established in 1983 for the purpose of repairs or capital improvement to the garage. The agreement was executed in 1987 and expires upon the expiration of the Cultural Center Commission. As of March 15, 2003, the reserve fund had a balance of \$4,633,384.

The Sagamore on East is a mixed-use, high-end condominium project proposed for the property adjacent to the East End Garage at 130 East Avenue. Future tenants of The Sagamore on East will utilize the East End Garage for parking. In February, the City Council and the County Legislature authorized the Commission to loan \$1.5 million from the garage reserve fund to the developer of the Sagamore project.

When the current garage becomes unusable for parking, if the Cultural Center Commission or a future owner does not proceed with demolition and construction of a new garage, the proposed reserve account would be utilized. If, on the other hand, the owner of the existing garage proceeds with demolition and construction of a new garage, the proposed reserve account will be terminated and the proceeds deposited in the existing reserve fund.

The amendment is being requested to address concerns of the developer of The Sagamore on East that parking would not be available in the future for the owners of the residential condominium units. The parking facility is considered so essential to the success of the project that the developer will not move ahead with the project in the absence of the proposed amendment.

The first phase of the East End Garage opened in 1983 and the addition in 1992. With proper maintenance, the life of the garage is 45 to 50 years.

The Cultural Center Commission is expected to approve the allocation from the reserve fund at their May 13 meeting.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to return Introductory No. 188 to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 188

AUTHORIZING AN AMENDATORY AGREEMENT FOR THE EAST END GARAGE RESERVE FUND, AS AMENDED

WHEREAS, the City and the County of Monroe and the Cultural Center Commission have entered into an agreement for the East End Garage and have established a reserve fund to pay the costs of the Garage, and

WHEREAS, the Cultural Center Commission has agreed to the sale of the parcel adjacent to the East End Garage at 130 East Avenue for the development of a mixed-use condominium project containing retail and office space and housing units, and

WHEREAS, parking for the tenants of this project will be provided by the Commission in the current

East End Garage and in a possible 46 space covered structure for which the Commission wishes to set aside funds from the reserve fund, and

WHEREAS, the provision of parking for this development conforms to the purposes of the Cultural Center Commission as set forth in Chapter 613 of the Laws of 1979 and will further the Cultural District Plan and serve a public purpose,

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 amendatory agreement with the County of Monroe and the Cultural Center Commission for oversight and operation of the East End Garage, whereby the purposes of the East End Garage Reserve Fund may include demolition of the existing garage and construction of a new parking facility. The amendatory agreement shall allow for up to \$400,000 in the East End Garage Reserve Fund to be placed in a separate interest-bearing account for the future demolition of the existing garage and construction of a minimum 46-space covered parking facility for use by tenants of The Sagamore on East at 130 East Avenue.

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.

Underlined material added.

Item held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-124
Re: Agreements and Appropriations -
Emergency Shelter Grant Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation relating to the 2003-04 Emergency Shelter Grant (ESG) Program. This legislation will:

1. Authorize an application and agreement with the U.S. Department of Housing and Urban Development for funding under the Emergency Shelter Grant Program in the amount of \$410,000;
2. Further authorize agreements with community organizations for projects under the ESG Program;
3. Appropriate the sum of \$20,665 so much thereof as may be necessary from ESG funds, to pay for administrative expenses; and
4. Amend the 2002-03 ESG Program Budget by reappropriating the sum of \$48,000 from a canceled project with St. Mary's to fund the 2003-04 program.

Organization Purpose	Prior Allocation	Proposed Allocation
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Alternatives for Battered Women Operating Expenses & Essential Services	\$23,000	\$25,000
Baden St. Settlement Homeless Prevention	10,000	11,000
Blessed Sacrament Operating Expenses, Essential Services & Homeless Prevention	12,700	14,000
Cameron Community Ministries Operating Expenses	5,500	6,000
Catherine McAuley Housing/ Families First Operating Expenses	14,000	14,000
Catherine McAuley Housing/ Melita House Operating Expenses	13,000	17,000
Catholic Charities Homeless Prevention	12,500	12,500
Catholic Family Center: - Francis Center Operating Expenses	18,000	18,000
- Women's Place Essential Services & Operating Expenses	30,000	30,000
- Emergency Services Homeless Prevention	12,500	12,500
- Sanctuary House Essential Services	10,000	14,000
The Center for Youth Operating Expenses & Essential Services	16,000	18,000
The Community Place Homeless Prevention	12,000	12,000
Cephas Attica Operating Expenses	3,000	9,000
Dimitri House Operating Expenses	18,000	18,000
Grace Urban Ministries/ Mary Magdalene Women's Operating Outreach Essential Services & Expenses	14,000	15,927
The Health Association Essential Services	14,000	14,000
Hillside Children's Center Homeless Prevention & Operating Expenses	7,000	8,200
Housing Council/Homeless Prevention Program Homeless Prevention	7,000	7,000
Housing Council/ School 17 Project Homeless Prevention	20,223	20,223
Oxford House Operating Expenses	4,000	5,000
Salvation Army	N/A	19,000

Essential Services		
Spiritus Christi/Jennifer House	10,000	11,000
Essential Services & Operating Expenses		
St. Martins Place	8,985	8,985
Operating Expenses		
Sojourner House	23,000	26,000
Operating Expenses		
Southeast Ecumenical Ministry	2,000	2,000
Essential Services		
Togetherhness in Love Community	7,000	7,000
Operating Expenses		
Veteran's Outreach Center	17,000	17,000
Essential Services		
Volunteers of America Homeless Prevention Center	10,000	10,000
Homeless Prevention		
Volunteers of America	8,000	8,000
Operating Expenses		
Emergency Housing		
Wilson Commencement Park	22,000	22,000
Operating Expenses		
YWCA	5,000	5,000
Operating Expenses		

In January 2003, proposals were solicited from individuals/organizations. Thirty-three proposals were received from 27 organizations, totaling \$616,020.

These proposals were evaluated by staff from the Department of Parks, Recreation and Human Services and community representatives. The evaluation criteria included:

1. Compliance with applicable federal guidelines;
2. Provision by the program of facilities or services to under-served populations;
3. Provision of services that meet priority needs identified in the RFP, the Center for Government Research's 1995 Homeless Population Study Update, the Consolidated Community Development Plan; and *Rochester 2010*; and
4. The ability to expend or encumber all project funds within 12 months.

Thirty-two projects were recommended for funding; one proposal was not funded. If the proposed legislation is approved, the total amount allocated to date for homeless programs will be \$4,972,873.

Regarding the reprogramming, in 2002-03, a homeless services project was planned for St. Mary's; however, they were not granted a location permit, and the program was never funded.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-54

Ordinance No. 2003-124
(Int. No. 149)

Authorizing An Application And Agreements Relating To The Emergency Shelter Grant Program And Amending Ordinance No. 2002-180

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Housing and Urban Development for funding under the Emergency Shelter Grant Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$25,000
Baden Street Settlement	11,000
Blessed Sacrament	14,000
Cameron Community Ministries	6,000
Catherine McAuley Housing/Families First	14,000
Catherine McAuley Housing/Melita House	17,000
Catholic Charities	12,500
Catholic Family Center/Francis Center	18,000
Catholic Family Center/Women's Place	30,000
Catholic Family Center/Emergency Services	12,500
Catholic Family Center/Sanctuary House	14,000
The Center	18,000
The Community Place	12,000
Cephas Attica	9,000
Dimitri House	18,000
Grace Urban Ministries/Mary Magdalene House	15,927
The Health Association	14,000
Hillside Children's Center	8,200
Housing Council/Homeless Prevention Program	7,000
Housing Council/School 17 Project	20,223
Oxford House	5,000
Salvation Army	19,000
Spiritus Christi/Jennifer House	11,000
St. Martins Place	8,985
Sojourner House	26,000
Southeast Ecumenical Ministry	2,000
Togetherhness in Love Community	7,000
Veteran's Outreach Center	17,000
Volunteers of America	10,000
Volunteers of America	8,000
Wilson Commencement Park	22,000
YWCA	5,000

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$437,335, and said amount, and \$20,665 for administrative expenses, or so much thereof as may be necessary, is hereby appropriated from Emergency Shelter Grant Funds.

Section 4. Ordinance No. 2002-180, relating to the Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated for St. Mary's Church by the amount of \$48,000, which amount is reappropriated herein. The Mayor is authorized to enter into an amendatory agreement to implement this reduction.

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

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Mains, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

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

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

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 150
Re: Acquisition of 35 Richmond Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition through negotiation or condemnation of 35 Richmond Street as part of the East End Development Project. Pertinent information regarding the property to be acquired is as follows:

Address: 35 Richmond Street
Owner: Assembly of Spiritual Truth
Lot Size: 30' x 120'
Acquisition Amount: \$48,000

The acquisition amount was established through an independent appraisal prepared by Kevin L. Bruckner, MAI.

The property will be demolished after it has been acquired and a pedestrian walkway will be constructed that will link Richmond Street to Charlotte Street.

Total cost of the acquisition, including demolition, relocation and closing costs, will not exceed \$85,000 and will be funded from the 2002-03 Cash Capital Allocation for Acquisition.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to return Introductory No. 150 to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 150

APPROVING THE ACQUISITION OF 35 RICHMOND STREET BY NEGOTIATION OR CONDEMNATION AS A PART OF THE EAST END DEVELOPMENT PROJECT

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

Section 1. The Council hereby approves the acquisition of 35 Richmond Street, SBL #106.81-2-28, reputed owner Assembly of Spiritual Truth, for the sum of \$48,000, as a part of the East End Development Project.

Section 2. The acquisition, closing, demolition and relocation costs shall obligate the City to pay an amount not to exceed \$85,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. In the event that said property cannot be obtained by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings to obtain said property.

Section 4. 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 5. This ordinance shall take effect immediately.

Item held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-125
Re: XLI Corporation - Western Gateway Project/Outer Loop Industrial Park

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the sale of a City-owned parcel to XLI Corporation as part of the Western Gateway Project in the Outer Loop Industrial Park. This legislation will:

- 1. Authorize the sale of Parcel 3, 55 Road A, to XLI Corporation for \$1.00.
- 2. Authorize a temporary easement for XLI Corporation that permits the use of the existing access road until it is dedicated as a public street.

XLI is a manufacturer of parts for the copier and health services industries. The company has 45 employees and is currently located in a 20,000 square-foot building at 950 Exchange Street in the city. XLI is proposing construction of a 32,000 square-foot building on Parcel 3 of the Western Gateway Project, which contains 3.894 acres. A map showing the location of the parcel is attached. The project also involves the purchase of equipment.

The parcel is a Brownfield site that was formerly part of the City's Emerson Street Landfill. It is being sold to XLI for \$1.00 as an incentive for the company to develop this project in the former landfill and to provide partial compensation to the company for the development penalty of the site, which is estimated at \$277,000. The largest cost associated with the penalty is the relocation, by XLI Corporation, of the ash that was deposited on the site when it was being used as part of the City landfill. The ash will be relocated to

another City-owned parcel on McCrackanville Street, which is within the former landfill.

The land for the project was appraised by Kevin Bruckner for a range of \$10,000 to \$20,000 per acre. The maximum appraised value of the XLI parcel, therefore, would be \$78,000. Since the site is located in the Mt. Read-Emerson Urban Renewal District, the City can sell the land for less than the appraised value, or \$1.00 in this case. The site is also located in the Empire Zone.

The cost of the project is estimated at \$2,811,000, including \$2,336,000 for construction of the building and \$475,000 for the purchase of equipment.

The proposed financing includes the following:

Building

Bank (M&T Bank)	\$ 901,000
New York State Job Development Authority	901,000
City Industrial Revolving Loan Fund	200,000
Empire State Development Corp.	
Empire Opportunity Fund (grant)	100,000
Equity (cash)	234,000
Total	<u>\$2,336,000</u>

Equipment (several machining centers and accessories)

Bank (M&T Bank)	\$237,500
JDA	190,000
Equity (cash)	47,500
Total	<u>\$475,000</u>

As you will note, the financing includes a \$100,000 Empire Opportunity Fund grant from the Empire State Development Corp. which is being provided to stimulate Brownfield development. It also includes a \$200,000 City loan from the Industrial Revolving Loan Fund that will be used for site preparation and construction. XLI will be eligible to receive job credits for hiring city residents; those credits can be used to offset a portion of the principal and interest payments on the City loan.

Construction is expected to begin in May, 2003 and to be completed by the end of the year. XLI has estimated that the project will result in the creation of 58 new jobs, increasing company employment from 45 to 103.

The road providing access to the development sites south of Emerson Street, currently known as Road A, was constructed by the City in 2000. The public right-of-way is currently being subdivided and it is expected that the street will be dedicated in 2003. This legislation provides XLI with a temporary easement to use the street until the time that it is dedicated.

The XLI building is the third facility to be constructed in the Western Gateway Project south of Emerson Street. All sites south of Emerson Street are now developed or in the process of being developed. The first building, containing 77,000 square feet, was constructed by JADA Precision Plastics in 1998 on a 7.6 acre parcel. The second building, consisting of approximately 137,000 square feet, will be constructed in 2003 by Klein Steel on a 13.4 acre parcel.

The City will provide environmental indemnification to XLI and to any future owners of its property for the land. This indemnification will cover any environmental conditions for which the City is responsible

and which occurred during the period of City ownership of the land.

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

A public hearing on the land sale is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-55

Ordinance No. 2003-125
(Int. No. 152)

Approval Of The Sale Of Land To XLI Corporation In The Western Gateway Project In The Outer Loop Industrial Park Of The Mt. Read-Emerson Urban Renewal Project

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

Section 1. The Council hereby approves the sale of approximately 3.894 acres of land constituting Parcel 3 in the Western Gateway Project in the Outer Loop Industrial Park of the Mt. Read-Emerson Urban Renewal Project to XLI Corporation for the sum of \$1.00. The Council hereby approves the grant of a temporary easement to XLI Corporation to use Road A in the Western Gateway Project until it is dedicated as a public street.

Section 2. The Council hereby further authorizes environmental indemnification of XLI Corporation and future owners regarding hazardous substances.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to effectuate this project. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-126, 2003-127,
And 2003-128
Re: Extended Consolidated Community
Development Plan/2003-04 Draft
Annual Action Plan

R2010: All Campaigns

Transmitted herewith for your approval is legislation relating to the Extended Consolidated Community Development Plan/2003-04 Draft Annual Action Plan. The legislation will:

1. Extend the Consolidated Community Development Plan that was prepared in 2000 for two additional years;
2. Approve the 2003-04 Draft Annual Action Plan;

3. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements; and
4. Approve the appropriation and the use of Urban Development Action Grant principal and interest repayments projected to be received during the 2003-04 program year.

In 1995, the Consolidated Community Development Plan replaced all U.S. Department of Housing and Urban Development planning and application requirements for HUD's formula grant programs, including the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant Program and the Housing Opportunities for Persons with AIDS. Under the revised requirements, jurisdictions prepare multi-year strategies and one-year action plans for use of federal funds.

The City prepared a Consolidated Plan in 2000. The plan contained a community profile, housing market analysis, housing and homeless needs assessment, a housing market analysis, a three-year strategic plan and an annual action plan.

The United States Department of Housing and Urban Development (HUD) has acknowledged that a special tabulation of 2000 Census data relevant to the Consolidated Plan will not be available to the City in Fiscal Year 2003. As a result, it is recommended that the current three-year plan be extended for two more years.

The City's extended plan will add goals and specific objectives so that the strategic plan covers a five-year period. It will comply with relevant statutory and regulatory requirements such as a description of the citizen participation and consultation process, action plan and certifications.

The action plan is based on the extended Consolidated Community Development Program. It covers the period from July 1, 2003 to June 30, 2004. The plan describes federal and other resources expected to be available during this period and specific projects and activities the City will undertake.

The plan is designed to build upon the progress made in prior years. In 1994, the City, in partnership with a variety of neighborhood associations, began a neighborhood planning effort known as "Neighbors Building Neighborhoods" (N.B.N.). This process involved the preparation of strategic plans and action steps for 10 planning sectors. Further, the City adopted in April 1999 a comprehensive plan, *Rochester 2010: The Renaissance Plan*. This plan drives and informs all decisions regarding City priorities and funding.

The proposed Consolidated Plan provides for the allocation of \$18,795,619. Of this amount, \$13,295,000 is available from the Community Development Block Grant, \$3,793,619 is available from the HOME Program, \$410,000 is available from the Emergency Shelter Grant and \$597,000 from the Housing Opportunities for Persons with AIDS Program. An additional \$700,000 in Urban Development Action Grant loan and interest repayments is available for the City Development Fund.

Under the plan, the following funds are provided for activities that address the following objectives:

Objective	Amount	Of Total
Support NBN	\$ 888,100	5%
Economic Stability	3,537,800	19
Housing Stock	11,378,919	60
Community Needs	2,363,300	13
Other	627,500	3
Total	\$18,795,619	100%

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26, which was adopted on May 24, 1983.

A public hearing on the plan is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-126
(Int. No. 153)

Approving The Extended Consolidated Community Development Plan/2003-04 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Extended Consolidated Community Development Plan/2003-04 Annual Action Plan to be financed with \$18,765,619 available to the City of Rochester from the Community Development Block Grant, HOME Program, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program, and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the proposed plan extends the Consolidated Community Development Plan prepared in 2000 for an additional two years; and

WHEREAS, the proposed plan was prepared according to a Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Extended Consolidated Community Development Plan/2003-04 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 Extended Consolidated Community Development Plan/2003-04 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. 2003-127
(Int. No. 154)

Percent

Authorizing Submission Of The Extended Consolidated Community Development Plan/2003-04 Annual Action Plan And Execution Of The Grant Agreement With The United States Department Of Housing And Urban Development

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

Section 1. The Mayor is hereby authorized to submit an Extended Consolidated Community Development Plan/2003-04 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to execute a grant agreement with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2003.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-128
(Int. No. 155)

Appropriation Of Funds For The City Development Fund

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

Section 1. As part of the Consolidated Community Development Program/2003-04 Annual Action Plan, the Council hereby appropriates the sum of \$700,000 in anticipated UDAG Loan Repayment Funds and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Griswold
May 13, 2003

To the Council:

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

Int. No. 156 - Authorizing Agreements And Appropriating Funds For Human Services Projects

Int. No. 158 - Authorizing Amendatory Agreements For A Truancy Reduction And Counseling Program And Amending The 2002-03 Budget

Int. No. 159 - Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

Int. No. 160 - Establishing Maximum Compensation For Professional Services Agreements For Services As A Grant Writer For The Rochester Cemeteries

Heritage Foundation

Int. No. 179 - Authorizing Applications And Agreements Relating To The 2003 Good Grades Pay Program

The Public Services & The Arts Committee recommends for Consideration the following entitled legislation:

Int. No. 161 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

Int. No. 182 - Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

The following entitled legislation is being held in committee:

Int. No. 157 - Authorizing An Application And Agreements Relating To The Rochester After School Academy Program And Amending The 2002-03 Budget

Respectfully submitted,
Tim O. Mains
Tony M. Thompson
Lois J. Giess
Gladys Santiago
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-129
Re: Human Services CDBG Projects

- R2010: Campaign 2 - Educational Excellence
- Campaign 3 - Health, Safety, and Responsibility
- Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Northeast Neighborhood Alliance Summer on the City Farm	\$48,900
YMCA of Greater Rochester Reidman Summer Science and Technology Camp	30,000
Cameron Community Ministries Northwest Youth Programs	32,000

The above projects are considered Projects with Matching Funds and are eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June, 1981. The proposed agreement for the Northwest Youth Programs represents the third year of CDBG funding. The proposed agreements for the Reidman Summer Science

and Technology Camp and Summer on the City Farm represent the fourth year of CDBG funding.

The cost of the agreements will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-56

Ordinance No. 2003-129
(Int. No. 156)

Authorizing Agreements And Appropriating Funds For Human Services Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for human services projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Northeast Neighborhood Alliance Summer on the City Farm	\$48,900
YMCA Reidman Summer Science and Technology Camp	30,000
Cameron Community Ministries Northwest Youth Programs	32,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$110,900, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-130
Re: TRAC-ASSIST Grant

R2010: Campaign 3 - Health, Safety, and
Responsibility

Transmitted herewith for your approval is legislation authorizing two amendatory agreements related to a truancy intervention program. The first is with the State University of New York at Buffalo (UB) for the receipt and use of funds totaling \$21,296; the second is with Revelation Sovocational Program Inc. to provide partial reimbursement for counseling and related services provided during 2002-03. The program is intended to provide intervention and counseling services to children who are truant from Rochester City schools following their apprehension

and subsequent clearance from the Truancy Reduction and Assessment Center (TRAC). The proposed legislation will also amend the 2002-03 budget of the Rochester Police Department to reflect the receipt and use of these funds to continue these services during the 2002-03 school year.

From October 2002 through March 2003, the Truancy Center has referred 88 children to the program, known as TRAC-ASSIST, for interventions centering on obeying authority figures and following rules on punctuality and attendance. Details on the referrals for the past two quarters are attached.

TRAC-ASSIST indicates that it has provided truancy intervention for 32 students illegally absent from school four or more times within a 20 day attendance period. These interventions include mentoring classes for 15 students prone to truancy that provided training on conflict resolution, social skills, anger management, and resiliency, as well as follow-up services to 5 students. TRAC-ASSIST staff conduct home visits, home contacts, and/or weekly student-teacher contacts at Madison and Dr. Freddie Thomas Middle schools, for all referrals. They regularly attend meetings with parent groups, school personnel and the superintendent to discuss strategies to strengthen the home, school and community connection.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-57

Ordinance No. 2003-130
(Int. No. 158)

Authorizing Amendatory Agreements For A Truancy Reduction And Counseling Program And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the State University of New York at Buffalo for funding for a Rochester Police Department Truancy Reduction and Counseling Program.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with Revelation Sovocational Program, Inc. for services as a part of the Rochester Police Department Truancy Reduction and Counseling Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$21,296, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Rochester Police Department.

Section 4. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$21,300, which amount is hereby appropriated from funds to be received through the agreement authorized in Section 1.

Section 5. The amendatory agreements shall contain such 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:

Ordinance No. 2003-131
Re: Special Events Sound and
Lighting Services

R2010: Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Northeastern Production Systems, Inc., P.O. Box 23199, Rochester, New York 14692, for sound and lighting services at special and cultural events. The maximum cost of this agreement will be \$176,000, \$159,000 of which will be financed from the 2003-04 and future budgets of the Department of Parks, Recreation and Human Services and \$17,000 of which will be financed from the Rochester Events Network.

Special events and cultural events in the performing arts series typically require the provision of various sound and lighting services. The most recent agreement for these services was authorized by the Council on June 20, 2000. This agreement expires on June 30, 2003. In January 2003, the Special Events Office advertised a request for proposals for these services. Two proposals were received and rated by City staff and community event producers. Northeastern Production Systems, Inc. was rated highly superior.

Under its proposed agreement, Northeastern will provide the sound and lighting equipment required for all special events and cultural arts performances provided by the DPRHS Special Events Office, including the summer evening concerts in Manhattan Square Park, RPO concerts, Holidays On Ice event at the Blue Cross Arena, and various other concerts throughout the year.

The agreement will have an initial term of one year with provision for renewal for two additional one-year periods upon mutual consent. If the agreement is renewed, the specified prices will be adjusted by a percentage equivalent to the annual increase in the consumer price index for urban areas. The maximum cost for the 2003-04 year will be \$57,000 and the two following years with estimated consumer price index annual increase of 3% at \$58,700 and \$60,300, respectively.

The total cost of sound and lighting services during 1998-99 was \$51,500. Increases for the next three years are due to increased technical support for national talent for some concerts at Manhattan Square Park and the possible need for roof rentals for rain dates.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-131
(Int. No. 159)

Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

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

Section 1. The sum of \$57,000, or so much thereof as may be necessary, is hereby established as the City compensation to be paid for a professional services agreement between the City and Northeastern Production Systems, Inc. for sound and lighting services for the Special Events Performing Art Series for a term of one year, with two (2) one year options for renewal at amounts not to exceed \$58,700 and \$60,300, respectively. Said amounts shall be funded from the 2003-04 and subsequent Budgets of the Department of Parks, Recreation and Human Services, contingent upon approval of said budgets, and \$17,000 shall be funded from the Rochester Events Network.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-132
Re: Grant Writing for Mt. Hope Cemetery

R2010: Campaign 4 - Environmental
Stewardship
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation establishing maximum compensation for an agreement with Maranne McDade Clay, 42 Winbourne Road, Rochester, New York 14611. The maximum cost of this agreement will be \$15,000, which will be financed from the 2002-03 budget of the Department of Parks, Recreation and Human Services.

The services to be provided include the research, development and preparation of applications for grants and other public funds for submission by the Rochester Cemeteries Heritage Foundation, Inc.

The proposed agreement will have a term of one year with provision for renewal for three additional periods of one year each.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-58

Ordinance No. 2003-132
(Int. No. 160)

Establishing Maximum Compensation For Professional Services Agreements For Services As A Grant Writer For The Rochester Cemeteries Heritage Foundation

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Maranne McDade Clay for services as a Grant Writer for the Rochester Cemeteries Heritage Foundation for a term of one year, with three one-year renewal options. Said amounts shall be funded from the 2002-03 and subsequent Budgets of the Department of Parks, Recreation and Human Services, contingent on approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-133
Re: Good Grades Pay Program

R2010: Campaign 2 - Educational Excellence
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the Good Grades Pay program. This legislation will:

1. Appropriate \$297,763 from the proposed 2003-04 budget of the Department of Parks, Recreation and Human Services and \$60,000 of Community Development Block Grant funds from 1999-2000 to fund the program; and
2. Authorize an agreement with the City School District at a maximum cost of \$139,351 to operate a portion of the program. The cost of said agreement will be partially funded from the above appropriations supplemented by \$11,536 from the 2002-03 budget of the Department of Parks, Recreation and Human Services.

The Good Grades Pay (GGP) program provides City middle school and high schools students between the ages of 14 and 21 who meet the GGP criteria with a summer work experience or vocational exploration opportunity. The GGP minimum criteria include at least a 2.0 GPA for the marking period and a 90% minimum attendance with no long-term suspension for the school year.

Last year, the GGP vocational educational programs for 14 and 15 year olds were redesigned to provide participants with information and experience in specific career clusters highlighting the educational requirements and upward mobility of those areas. This emphasis will continue for the summer of 2003.

In addition to the funded vocational exploration programs, the following components are also part of the Good Grades Pay program:

Good Grades Pay Plus will provide work experience for 27 high schoolers who are 16 years of age or older and exceed the GGP criteria by having at least a 3.0 GPA for the marking period and 95% or better school attendance; they will be paid \$6.00/hour in an internship-like experience.

Teens on Patrol (TOPS) and Community Conservation Corps (CCC) each enroll 30 youth at minimum wage to work in City recreation centers or with police-sponsored programs. The duration of the programs is seven and eight weeks, respectively. Funds for these components will be included in the proposed 2003-04 budget.

The Rochester City School District will provide payroll processing services and check distribution for the TOPS, CCC, GGP+, and Jr. Recreation Leader programs. The agreement for \$139,351 is for youth wages and fringe benefits plus administrative costs. Of that amount, \$11,536 from the 2002-03 Department of Parks, Recreation and Human Services budget will be used for summer wages for the Jr. Recreation Leader into the Good Grades Pay payroll process.

In January of 2003, the Good Grades Pay 2003 Request for Proposal was released and 10 agencies responded. The programs listed below are recommended for funding based on description of proposed services, past performance, and the amount of available funding.

In Good Grades Pay 2003, \$229,948 will fund the following six programs to serve 169 14- and 15-year olds:

Agency	Number Enrolled	Cost per Enrollee	Amount Recommended	Project Description
Action for a Better Community	24	\$1,375	\$33,000	Career exploration in areas of business and helping professions
American Red Cross	30	1,057	31,700	Employability skills training and work experience focusing on careers in human services
Arts & Cultural Council	40	1,431	57,248	Arts-based job readiness initiative where students work under guidance of professional artists
Baden Street Settlement	25	1,640	41,000	Continuation of summer funding for an engineer prep program that began last summer and was funded during the school year by the DOT
Catholic Family Center	25	1,560	39,000	Teen Biz program designed to impart entrepreneurship knowledge, skills, and attitudes which will enable students to initiate a business venture on their own
Community Place	25	1,120	28,000	Non-traditional career exploration for young women in the NE Quadrant

The total number of youth served through Good Grades Pay 2003 will be 280 at a total cost of \$369,299.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-59

Ordinance No. 2003-133
(Int. No. 179)

Authorizing Applications And Agreements Relating To The 2003 Good Grades Pay Program

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

Section 1. The Mayor is hereby authorized to enter into agreements or amendatory agreements with the following organizations in amounts not to exceed the following for the operation of projects and/or administration of projects for the 2003 Good Grades Pay Program:

Contractor	Total
Action for a Better Community	\$ 33,000
American Red Cross	31,700
Arts & Cultural Council	57,248
Baden Street Settlement	41,000
Catholic Family Center	39,000
Community Place	28,000
Rochester City School District	139,351

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$369,299, and of said amount, or so much thereof as may be necessary, \$297,763 shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget, \$11,536 shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services and \$60,000 is hereby appropriated from the General Community Needs Allocation of the 1999-2000 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Mains, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

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

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

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1518
Re: Downtown Guides Program

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation relating to the Downtown Guides Program. This legislation will:

1. Approve the 2003-04 budget of the program and apportion the budget costs among the various properties within the District; and
2. Authorize an agreement with Downtown Special Services, Inc. for continued administration of the program.

The program was authorized by the City Council on March 15, 1994 and re-authorized on May 11, 1999. The guides walk regular routes within downtown and

provide people with directions and information about downtown activities, events and attractions. They also report, via radio, any emergency situations.

The program is operated within the Inner Loop and in the High Falls, Frontier Field and Kodak office building areas. It is administered by a not-for-profit corporation, Downtown Special Services, Inc., which is directed by an 11-member board consisting of representatives from downtown businesses, the tourist industry, and the City and County governments.

The costs of the program are apportioned among all non-homestead properties within the program or district boundaries except those owned by the federal or state governments. The apportionment is based upon relative assessed valuation.

For 2003-04, the budget for the program will be \$315,000. Of this amount, \$766 will be financed from interest earnings and unused assessments from 2002-03. After an addition of a reserve for delinquent accounts of 5.5%, total assessments will be \$315,260, which is \$4,655 less than the 2002-03 assessment.

If the proposed legislation is approved, the assessments for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review these assessments and to comment upon them at a public hearing.

A public hearing on the proposed legislation is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-60

Local Improvement Ordinance No. 1518
(Int. No. 161)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

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

Section 1. The cost of the special work and services for the 2003-04 fiscal year for the Downtown Guides is established at \$315,260, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinance No. 1446.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Guides Program. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-134
Re: Agreement - Monroe Community
College AmeriCorps Program

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe Community College, as agent for the Rochester AmeriCorps Jobs Collaborative, for continued financial support of the AmeriCorps Program. The maximum cost of this agreement will \$85,000, which will be financed from the 2003-04 Undistributed account.

The AmeriCorps program is a federal community service initiative for individuals ages 17 or older. The City's participation in the program was authorized by City Council on September 29, 1994.

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

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

More than 800 individuals have participated in the program since its inception in 1994. Of this number, 540 successfully completed the requirement of 1,700 hours of community service and 88 are currently enrolled.

Under the proposed agreement, AmeriCorps members will continue to work in police section offices, NET offices, recreation centers and Teen Court. The cost of the agreement is \$25,000 higher than the present agreement because of the elimination of County support for the program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-134
(Int. No. 182)

Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

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

Section 1. The sum of \$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 Monroe Community College, as agent for the Rochester AmeriCorps Jobs Collaborative, for the AmeriCorps Program. Said

amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Mains abstained vote because he has an intern from AmeriCorp.

Councilmember Griswold moved to have Introductory No. 157 discharged out of committee.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-135
Re: Agreements - New York 21st Century
Community Learning Centers Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the New York 21st Century Community Learning Centers Program. This legislation will:

1. Authorize agreements with:
 - a. the New York State Department of Education for the receipt of a maximum grant of \$2,595,000 for the operation of the Rochester After School Academy (RASA) program. The funding will come in two phases: a "start-up" period of six months (January through June, 2003) in an amount not to exceed \$865,000, and a subsequent full program year (July, 2003 through June, 2004) in an amount not to exceed \$1,730,000. Indirect cost of \$21,000 for 2002-03 and \$42,231 for 2003-04 are included in those totals.
 - b. the following agencies that comprise RASA (listed with their school sites):

<u>Agency</u>	<u>2002-03</u>	<u>2003-04</u>
<u>School Partner</u>		
Puerto Rican Youth Development		
Edison Tech	\$ 18,731	\$ 123,002
Boys and Girls Club of Rochester		
Benjamin Franklin	87,871	148,810
The Center for Dispute Settlement		
The New Lofton		
Academy	28,035	140,600
Soc./Protection and Care of Children		
Frederick Douglas School	12,379	138,762
YMCA of Greater Rochester		
Monroe Middle School	33,587	149,185
School 36	59,212	139,928
Charter School/Sci. & Tech.	59,212	147,960
Baden Street Settlement		
School #9	85,206	139,095

North East Area Development		
School #33	60,475	141,069
City Bureau of Recreation		
School #28	21,105	144,768
School #39	27,235	127,951
Total	\$493,048	\$1,541,130

- Appropriate a portion of the grant funds and amend the 2002-03 budget of the Department of Parks, Recreation and Human Services by \$55,465 to finance the costs of administration of the grant (\$7,125) and the costs of operation of RASA programs at School #28 and School #39.

Provision for the remaining \$490,466 will be made in the 2003-04 budget of DPRHS. In March of 2003, the New York State Department of Education awarded a 21st Century Community Learning Centers Program grant to the City of Rochester for the Rochester After School Academy (RASA) program. RASA is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA will operate 11 Academies (Community Learning Center sites) at Title I schools, and will serve 1,105 students and 325 family members. The full grant period will extend through June 30, 2007 and will involve a total grant of \$7,785,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Griswold moved to amend Introductory No. 157.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2003-135
(Int. No. 157, As Amended)

Authorizing An Application And Agreements Relating To The Rochester After School Academy Program And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects for eighteen months under the Rochester After School Academy Program:

Agency	2002-03	2003-04
School/Agency Partner		
Puerto Rican Youth Development		
Edison Tech	\$ 18,731	\$ 123,002
Boys and Girls Club of Rochester		
Benjamin Franklin	87,871	148,810
The Center for Dispute Settlement		
The New Lofton Academy	28,035	140,600

Soc./Protection and Care of Children		
Frederick Douglas School	12,379	138,762
YMCA of Greater Rochester		
Monroe Middle School	33,587	149,185
School 36	59,212	139,928
Charter School/Sci. & Tech.	59,212	147,960
Baden Street Settlement		
School #9	85,206	139,095
North East Area Development		
School #33	60,475	141,069
City Bureau of Recreation		
School #28	21,105	144,768
School #39	27,235	127,951
City Bureau of Human Services		
Church of Love	0	31,000
Baden St. Settlement	0	33,500
Puerto Rican Youth Dev.	0	47,990
Coordinated Care Svcs., Inc.	1,709	82,691

Total \$[493,048] \$[1,541,130]
494,757 1,736,311

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$[2,104,534] 2,595,000, or so much thereof as may be necessary, to fund the agreements authorized herein, indirect and administrative expenses.

Section 4. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$[55,500] 7,100, which amount shall be funded from the appropriation made in Section 3 hereof.

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

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Stevenson
May 13, 2003

To the Council:

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

Int. No. 162 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Construction Of Street Improvements In Connection With The Atlantic Woodstock Subdivision Project

Int. No. 163 - Establishing Maximum Compensation For A Professional Services Agreement For The Atlantic Woodstock Subdivision Project

Int. No. 164 - Establishing Maximum Compensation For A Professional Services Agreement For The State Street Underpass Access Improvement Project

Int. No. 165 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of

\$820,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Underpass Improvements Related To The State Street Underpass Access Improvement Project

Int. No. 166 - Authorizing An Agreement With The County Of Monroe For The Disposal Of Solid Waste And The Processing Of Recyclables

Int. No. 167 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$770,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2003 Water Main Extension And Improvements Program In The City

Int. No. 168 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 169 - Authorizing Agreements For Environmental Site Assessments

Int. No. 180 - Authorizing Amendatory Agreements For The Adopt-A-Block Program And Amending Ordinances

Int. No. 181 - Authorizing Agreements For The Genesee Riverway Trail And Amending The 2002-03 Budget And Repealing Ordinance No. 2002-364

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

Int. No. 170 - Abandonment Of A Portion Of Commercial Street And Approving An Acquisition By Negotiation Or Condemnation, Easements And Amendatory Lease

Int. No. 171 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 172 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 183 - Establishing Maximum Compensation For A Professional Services Agreement For The Chili Avenue Improvement Project And Appropriating Funds

Int. No. 184 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$575,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Chili Avenue Improvement Project

Int. No. 185 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,361,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To Chili Avenue Improvement Project

Int. No. 186 - Approving The Acquisition Of 578 Chili Avenue By Negotiation Or Condemnation As A Part Of The Chili Avenue Improvement Project

Int. No. 187 - Approving The Dedication Of Parcels For The Chili Avenue Improvement Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran

Tony M. Thompson
PARKS, PUBLIC WORKS & THE ENVIRONMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-136 And
Ordinance No. 2003-137
Re: Atlantic Woodstock Subdivision

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Atlantic Woodstock Subdivision Project. The legislation will:

1. Authorize the issuance of bonds in the amount of \$800,000 and appropriate the proceeds thereof to finance the cost of the improvements; and
2. Authorize a professional services agreement with The Sear-Brown Group for resident project representation services for the Atlantic Woodstock Subdivision Project at a maximum cost of \$92,000.

The Atlantic Woodstock Subdivision is a proposed housing subdivision being developed by the City. The project consists of approximately seven acres located on the former APCO contractor's yard on Atlantic Avenue. The project involves resubdividing the existing parcels into 27 new housing lots and a right-of-way for a new cul-de-sac roadway. The project includes the construction of an 900', cul-de-sac street which extends northerly from Atlantic Avenue, between Woodstock Street and Akron Street. This new street will include new: water main with services; storm and sanitary sewers with laterals; granite curb; concrete sidewalks; asphalt pavement; driveway aprons, residential street lighting; and landscaping. Twenty-two housing lots will front on the new roadway. Additionally, curb cuts with driveway aprons, new sidewalk, sewer laterals and water services will be installed for four parcels fronting on Woodstock Street and one parcel fronting on East Main Street.

Environmental remediation of the contaminated soils on the site is currently underway by the City of Rochester Environmental Quality Division and The Sear-Brown Group, and is expected to be completed by the fall of 2003.

The Sear-Brown Group originally investigated the environmental remediation of this site under an agreement approved by Ordinance 98-404 passed by Council in November, 1998. City Council authorized the clean-up of the site by The Sear-Brown Group by Ordinances 2001-309 and 2001-310 on August 30, 2001. City Council authorized the planning and design agreement with The Sear-Brown Group on April 16, 2002 by ordinance 2002-96.

Bids for construction were received on April 14, 2003. The work will be performed by Ferguson Hall Construction, at a cost of \$711,900, which is 21% less than the engineer's estimate. An additional \$86,000 will be allocated for contingencies, street lighting, and trees.

Construction	\$711,900
RPR	92,000

Contingency	86,000
Total	\$889,900

The cost of the improvements will be financed from the proceeds of the proposed bond ordinance and by \$89,000 from the 2000-01 Cash Capital allocation made for this project.

The Sear Brown Group is recommended for resident project representation (RPR) because of the availability and qualifications of the personnel assigned to the project. The agreement will commence upon execution by the parties and will terminate three months after completion of a two-year guarantee inspection of the project. The cost of the agreement will be financed from the appropriation requested herein.

Construction is scheduled to begin in Summer 2003 and be substantially complete in Fall 2003.

A public informational meeting was held on June 26, 2002. A copy of the meeting minutes is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-61

Ordinance No. 2003-136
(Int. No. 162)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Construction Of Street Improvements In Connection With The Atlantic Woodstock Subdivision Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing street improvements, including but not limited to the construction of a new cul-de-sac street extending northerly from Atlantic Avenue between Woodstock Street and Akron Street, with new water mains and services, storm and sanitary sewers with laterals, curbs, sidewalks, driveway aprons, street lighting and landscaping, in connection with the Atlantic Woodstock Subdivision Project within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$889,900. The plan of financing includes the issuance of \$800,000 bonds of the City, and said amount is hereby appropriated therefor, together with \$89,900 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 \$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 the amount of \$800,000. 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.20(c) of the Law, is fifteen (15) years.

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

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

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

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

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

the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

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

Nays - None - 0.

Ordinance No. 2003-137
(Int. No. 163)

Establishing Maximum Compensation For A Professional Services Agreement For The Atlantic Woodstock Subdivision Project

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 The Sear Brown Group for resident project representation services for the Atlantic Woodstock Subdivision Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-138 And
Ordinance No. 2003-139
Re: State Street Underpass Access
Improvement Project

R2010: Campaign 7 - Quality Services
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation related to the State Street Underpass Access Improvement Project. The legislation will:

1. Authorize a professional services agreement with Dewberry, Inc., 700 Alliance Building, 183 East Main Street, Rochester, NY for resident project representation services for the State Street Underpass Access Improvement Project, at a maximum cost of \$90,000; and
2. Authorize the issuance of bonds totaling \$820,000 and the subsequent appropriation of the proceeds thereof to finance the cost of construction for the project.

The State Street Underpass access improvements are intended to improve and enhance the physical and visual gateway between downtown and the High Falls Entertainment District. The physical and visual barriers include both the Inner Loop and CSXT underpasses at State Street.

The primary objective of the project is to provide a strong linear linkage between the Center City, High

Falls Entertainment District, and Frontier Field. Incorporating various aesthetic, safety, pedestrian and lighting enhancements, the project will provide a creative, safe and distinctive gateway into and through the area. It will incorporate color, texture, material, mass and scale to emphasize the gateway and highlight the connection between the district and the Center City.

On March 19, 2002, City Council authorized a professional services agreement with Dewberry, Inc. for design services related to the project. Dewberry, Inc. was chosen for resident project representation services because of the firm's familiarity with the project and the quality of the team assigned to the project. The cost of the agreement will be financed from a portion of the proceeds of the proposed bond.

Construction of the project is scheduled to begin in the Summer of 2003 and be substantially completed by the Winter of 2003. A public workshop was held on October 2, 2002 and followed up with two project-related charrettes on January 15, 2003 and February 5, 2003. Copies of the minutes of these meetings are attached. An additional public informational meeting will be held prior to the start of construction.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-62

Councilmember Thompson moved to amend Introductory No 164.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Ordinance No. 2003-138
(Int. No. 164, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The State Street Underpass Access Improvement Project And Amending Ordinances No. 2003-56 And 2003-57 Relating To The Lake Avenue Improvement Project

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

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dewberry-Goodkind, Inc., for resident project representation services for the State Street Underpass Access Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2003-56, relating to the Lake Avenue Improvement Project, is hereby amended by amending Section 3 thereof to read in its entirety as follows:

Section 3. The agreements shall obligate the City to reimburse the State in an amount not to exceed \$1,560,000 for the water improvements, and of said amount, or so much thereof as may be necessary, \$1,100,000 shall be funded from a bond ordinance adopted for this purpose, \$210,000

shall be funded from the 2000-01 Cash Capital Allocation and \$250,000 shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. Ordinance No. 2003-57, a bond ordinance for reconstruction of water mains as a part of the Lake Avenue Improvement Project, is hereby amended by amending Section 1 thereof by increasing the estimated maximum cost of said purpose to \$1,560,000, an increase of \$210,000, which amount shall be funded from the 2000-01 Cash capital Allocation.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2003-139
(Int. No. 165)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$820,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Underpass Improvements Related To The State Street Underpass Access Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of construction and reconstruction of certain improvements to the Inner Loop and CSX Railroad Underpasses on State Street within the City including, but not limited to, pedestrian and vehicle safety, aesthetic and street lighting improvements (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$950,000. The plan of financing includes the issuance of \$820,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$130,000 bonds previously appropriated in Ordinance No. 2002-56, 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 \$820,000 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 \$820,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds

authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.10 of the Law, is twenty (20) years.

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-140
Re: Agreement - Monroe County for
Solid Waste Disposal

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the continued disposal of solid waste and the processing of recyclable materials.

The proposed agreement will supersede the current agreement that was authorized by City Council on August 19, 1997. Under the agreements, the City is required to deliver to the Mill Seat Landfill in Riga all refuse collected by the City, and the County is required to accept all such refuse.

The City presently delivers approximately 124,200 tons of refuse annually to the landfill. The present landfill fees paid by the City are \$50.00 per ton for residential and commercial refuse.

The term of the proposed agreement will begin on July 1, 2003, and extend through June 30, 2012. During the first two years of the agreement, the landfill fee will be \$46.00 per ton. The landfill fee will increase to \$47.00 in the subsequent two years. Effective July 1, 2007 through June 30, 2012 the landfill rate will increase by 2% per year.

It is estimated that the decrease in the fee will result in annual cost reductions of \$496,800 during the first two years of the agreement and \$372,600 for the next two years. The net aggregate projected savings over the course of the nine-year agreement will be \$1,439,300.

There will be no change in the fee for recyclable materials, which is \$0. In addition, under the new agreement, the County will begin to accept up to 10,000 cubic yards per year of construction and demolition debris from City projects at no cost to the City. This will result in further cost avoidance for disposal of these materials.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-140
(Int. No. 166)

Authorizing An Agreement With The County Of Monroe For The Disposal Of Solid Waste And The Processing Of Recyclables

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for the disposal of solid waste and the processing of recyclables. The agreement shall extend for a term of nine (9) years. The agreement shall take effect on July 1, 2003 and shall replace the current solid waste agreement. During the first two (2) years, a flat fee of \$46 per ton shall be established for all solid waste (both commercial and residential), with a flat fee of \$47 per ton for the next two (2) years. Beginning on July 1, 2007, this fee shall increase 2% per year. Under the terms of this agreement, the County shall continue

to accept recyclables, wood, brush and tires without cost to the City. The County shall also accept up to 10,000 cubic yards of construction and demolition debris per year at no cost to the City. The cost of this agreement shall be funded from the annual budgets of the Department of Environmental Services.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-141
Re: Bond Water Main Extensions and
Improvements Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$770,000 and appropriating the proceeds thereof for the annual Water Main Extensions and Improvements Program.

The Water Main Extensions and Improvements Program provides for the scheduled replacement of deteriorated and inadequate water mains. There are approximately 599 miles of pipe within the City's distribution system; approximately 400 miles of this pipe are over 75 years of age, the expected useful life of water mains.

The proposed bond issue will finance water main improvements in the following locations:

<u>Location</u>		
	<u>From</u>	<u>To</u>
Arvine Park	Genesee Street	East dead end
Linden Street	Mt. Vernon Street	Meigs Street
Wellesley Street	Oxford Street	Wilmer Street
Royleston Road	Merchants Road	Winton Road
Glide Street	Lyell Avenue	Otis Street
Clark Street	Garson Avenue	South dead end
Bellwood Place	Goodman Street	West dead end

These improvements, which comprise approximately 1.0 miles of mains, are designed to improve water pressure and flow for regular consumption and fire protection.

Bids for the improvements were received April 3, 2003. The work will be performed by Gordon J. Phillips, Inc. at a maximum cost of \$699,036, which is approximately \$100,000 less than the engineering estimate; an additional \$70,964 (10%) will be pro-

vided for contingencies.

The improvements are scheduled to begin in June and be completed by December 2003. Project inspection services will be performed by Water and Lighting personnel.

Respectfully submitted,
William Johnson, Jr.
Mayor

Attachment No. AC-63

Ordinance No. 2003-141
(Int. No. 167)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$770,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2003 Water Main Extension And Improvements Program In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2003 Water Main Extension and Improvements Program, including but not limited to water mains along Arvine Park, Linden Street, Wellesley Street, Royleston Road, Glide Street, Clark Street and Bellwood Place 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 \$770,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$770,000 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 \$770,000 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 \$770,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable

real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-142
Re: City Code - Wholesale Water Rate

R2010: Campaign 5 - Regional Partners

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for the following:

- 1. Lima Water Districts 1 and 2; and
- 2. Town of West Bloomfield.

The present wholesale rate for the Town and Village of Lima, Water Districts 1 and 2 was established by the City Council on July 23, 2002. That Ordinance set a rate of \$1.18 per 1,000 gallons. This legislation is proposing an increase of 1.71% (Consumer Price Index for the calendar year 2002), which equals a \$0.02 increase, resulting in a proposed rate of \$1.20 per 1,000. The estimated additional revenue is \$1,700.

The present wholesale rate for West Bloomfield was established by the City Council on June 19, 2001. West Bloomfield is being billed at a rate of \$1.15 per 1,000 gallons. The proposed increase to this rate is 4.54% or \$0.05 bringing the rate to \$1.20 per 1,000 gallons. This rate is derived from the 2001 CPI of 2.83% plus the 2002 CPI of 1.71%. The estimated additional revenue is \$2,400.

The cost increase is primarily related to maintaining an aging system. The Water Bureau is commencing a major Conduit Modernization Program that will be ongoing for many years to come.

Future rate adjustments to the wholesale rate for Lima and W. Bloomfield will be based upon changes in the Consumer Price Index. Rate changes are expected to be proposed on an annual basis for Lima and every two years for W. Bloomfield. The proposed rate increases will go into effect on July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-142
(Int. No. 168)

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: \$1.20 per 1,000 gallons.

Section 2. This ordinance shall take effect on July 1, 2003.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-143
Re: Agreements - Environmental Site Assessments

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing professional service agreements with the following companies for environmental assessments, investigations, and remedial phase services:

Company	Address
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Day Environmental, Inc.	40 Commercial Street
LaBella Associates	300 State Street
Leader Professional Services, Inc.	640 Kreag Road
Lu Engineers	2230 Penfield Road
Larsen Engineers	700 West Metro Park
Sear Brown Group	85 Metro Park
Bergmann Associates	28 East Main Street

The 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.

Under the proposed agreements the following Phase I site assessment services will be provided:

- 1. A review of title and deed history records;
- 2. An examination of other public records, including aerial photographs, that may contain relevant environmental information;
- 3. Governmental agency review (NYSDEC, City of Rochester, MCDOH, etc.);
- 4. An inspection of the property and observation of adjacent properties; and
- 5. The preparation of a report with recommendations based on the findings.

If requested by the City, additional Phase II investigation and environmental engineering and remedial services will be provided which may include the following:

- 1. The performance of subsurface soil and groundwater testing;
- 2. The collection and analysis of wastes, soil, and groundwater samples;
- 3. Identification of remedial options; and
- 4. The preparation of a report documenting findings and recommendations.

The City routinely performs site assessments prior to acquiring commercial and industrial properties. The most recent agreements for these assessments with Bergmann Associates, Clough Harbour Associates (CHA), Day Environmental, Larsen Engineers and Sear Brown were authorized by the City Council on January 20, 2000.

In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals from eight companies, all of which responded. We are recommending agreements with seven of those firms.

Under the agreements, whenever various departments require environmental assessment, environmental testing, or environmental remediation professional services, proposals from one or more of these companies will be requested. The selection of a specific company will depend upon the type of environmental

investigation required, its ability to meet the City's schedule, and the quality and cost of its proposal.

The volume of projects will depend on the needs of departments that are planning to acquire property requiring assessment and testing. The cost of the project-specific proposals will be based on the unit prices specified in each company's proposal.

Each of the agreements will have an initial term of one year with provisions for renewal for an additional one-year period based on mutual written agreement. Adjustment to the specific unit prices during the second year will be permitted subject to the City's approval.

It is anticipated that at the expiration of the agreements, requests for proposals for environmental site assessment and remediation services will be issued to local environmental consultants for new agreements.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-143
(Int. No. 169)

Authorizing Agreements For Environmental Site Assessments

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for environmental site assessments as required by the City:

Company	Address
Day Environmental, Inc.	40 Commercial Street
LaBella Associates	300 State Street
Leader Professional Services, Inc.	640 Kreag Road
Lu Engineers	2230 Penfield Road
Larsen Engineers	700 West Metro Park
The Sear Brown Group	85 Metro Park
Bergmann Associates	200 First Federal Plaza

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional one year. Each agreement shall provide for an assessment to be performed on an as needed basis, and shall establish a unit price to be paid for a particular assessment. The unit price may be adjusted during the renewal year 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. 2003-144

Re: Adopt-A-Block Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation increasing the 2003-04 Adopt-A-Block Program by authorizing additional agreements with four organizations for the maintenance of seven areas. These agreements will be financed from the Improve the Housing Stock and General Property conditions allocations of the 1996-97, 1999-00, and 2000-01 Community Development Block Grant Programs.

On April 8, 2003, Council authorized the appropriation of \$213,650 from the Improve the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program to fund agreements with various organizations for the maintenance of 25 areas under the 2003-04 Adopt-A-Block program. The proposed legislation will increase the number of areas to 32, and will be funded by reappropriating the above-referenced Block Grant funds from prior years. A summary of the proposed increases follows:

Organization	Original	Proposed	Variance
West Main Business Association	\$42,730	\$42,730	\$ 0
Coalition of Northeast Associations	17,092	34,184	17,092
ISLA	17,092	34,184	17,092
North East Block Club Alliance	17,092	17,092	0
South East Area Coalition	17,092	17,092	0
Calvary Saint Andrews Parish	17,092	17,092	0
Lyell Avenue Revitalization Committee	17,092	34,184	17,092
Southwest Area Neighborhood Association	17,092	17,092	0
Catholic Family Center Francis Center	8,546	8,546	0
Community Place of Greater Rochester	8,546	8,546	0
Montgomery	8,546	8,546	0
Portland Avenue Business Association	8,546	8,546	0
Maplewood Business Association	8,546	8,546	0
Holy Rosary Church	8,546	17,092	8,546
Total	\$213,650	\$273,472	\$59,822

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-144
(Int. No. 180)

Authorizing Amendatory Agreements For The Adopt-A-Block Program And Amending Ordinances

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

Section 1. The Mayor is hereby authorized to enter into amendatory agreements with the following organizations under the Adopt-A-Block Program:

Organization	Amount
Coalition of Northeast Associations (CONEA)	\$17,092
ISLA	17,092
Lyell Area Revitalization Committee (LARC)	17,092
Holy Rosary Church	8,546

Section 2. The amendatory agreements authorized herein shall obligate the City to pay an amount not to exceed \$59,822, and of said amount, or so much thereof as may be necessary, \$9,320 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 1996-97 Community Development Program, \$35,467 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 1999-2000 Community Development Program and \$15,035 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program.

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

Section 4. Ordinance No. 2001-84, relating to the Adopt-A-Block Program, is hereby amended by reducing the amount authorized and appropriated therein from the 2000-01 Community Development Program by the sum of \$15,035, which amount is reappropriated in Section 2 hereof.

Section 5. Ordinance No. 2000-101, relating to the Adopt-A-Block Program, is hereby amended by reducing the amount authorized and appropriated therein from the 1999-2000 Community Development Program by the sum of \$35,467, which amount is reappropriated in Section 2 hereof.

Section 6. Ordinance No. 97-156, relating to the Adopt-A-Block Program, is hereby amended by reducing the amount authorized and appropriated therein from the 1996-97 Community Development Program by the sum of \$9,320, which amount is reappropriated in Section 2 hereof.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Griswold abstained vote because she is an employee of one of the affiliating agencies.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-145
Re: Genesee Riverway Trail - Neighborhood Connections Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing:

1. the receipt of \$10,000 from the Genesee Transportation Council's Priority Trails Advancement Funding Program for partial funding of the Neighborhood Trail Connections Project and amending the 2002-03 Cash Capital allocation to reflect receipt and use of this grant;
2. cancellation of a prior ordinance that authorized an agreement with GTC for this project; and
3. a design agreement with FRA Engineering, 245 Summit Point Drive, Henrietta, NY 14467 to perform the project at a maximum cost of \$30,000, which will be funded from the above-referenced grant and the 2000-01 Cash Capital allocation.

The Neighborhood Trail Connections Project will create trail access for the Edgerton and South Wedge neighborhoods to the Genesee Riverway Trail.

On November 19, 2002, City Council authorized \$15,000 for participation in a five-municipality project being conducted by the Genesee Transportation Council. That legislation authorized a City allocation for similar designated design work. Since that time, it has been learned that there are incompatibilities between the standard contract language that the City requires and that which GTC requires. Accordingly, the City will proceed with the project directly.

A request for proposal was issued via the NYS Contract Reporter. An assessment of the seven submissions responding to the project specifications resulted in the recommendation of FRA Engineering.

Neighborhood connections to our trail system are a significant objective within the Regional Trails Initiative. This agreement will provide for the planning process necessary to carry out the actual construction of the connectors for which City Cash Capital funds (\$150,000) are identified. The Edgerton Neighborhood connector would utilize the former Hastings Street right-of-way to create a trail that would link with the Genesee Riverway Trail at the Lower Falls. The South Wedge Neighborhood connector would create a trail from the Mt Hope Avenue - South Avenue junction to the east bank of the Genesee Riverway Trail. This would also add a much-needed route to Downtown for the residents of the South Wedge.

The concept planning and necessary schematics would be completed in time for the Summer 2003 construction season. The planning for the trail connectors will provide solid quality of life enhancements for both of these neighborhoods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-145
(Int. No. 181)

Authorizing Agreements For The Genesee Riverway Trail And Amending The 2002-03 Budget And Repealing Ordinance No. 2002-364

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

Section 1. The Mayor is hereby authorized to enter

into an agreement with the Genesee Transportation Council for funding under the Priority Trails Advancement Funding Program for the Neighborhood Trails Connection Project of the Genesee Riverway Trail.

Section 2. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C. for design services for the Neighborhood Trails Connection Project of the Genesee Riverway Trail. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$10,000 shall be funded from the 2002-03 Cash Capital Allocation and \$20,000 shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$10,000, which amount is hereby appropriated from Priority Trails Advancement Funding Program 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. Ordinance No. 2002-364, relating to the Neighborhood Trails Connection Project of the Genesee Riverway Trail, is hereby repealed.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-146
Re: Commercial Street Abandonment

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to abandonment of a portion of Commercial Street, adjacent to the City Festival Site in the High Falls Entertainment District. The legislation will authorize:

1. An amendment to the Official Map that abandons a portion of Commercial Street;
2. Acquisition by purchase, lease, or if necessary, condemnation of a portion of the abandoned area;
3. Various easements to the High Falls Development Corp. and local utility companies; and
4. An amendatory agreement with the High Falls Development Corporation for lease of additional land for parking.

In 1999, improvements at 40 Commercial Street (including the overlook terrace) and a portion of the Commercial Street right-of-way were completed for the City's Festival Site in the High Falls District. During non-festival/event times, 40 Commercial Street is used for parking for tenants of the High Falls Building at 4-18 Commercial Street. The western portion of the Festival Site, between Browns Race Street and 40

Commercial Street, remained as right-of-way for the purpose of providing short-term parking and a drop-off area for the visitors to the overlook terrace.

The abandonment of that area will allow the Festival Site to be secured from 11:00 p.m. to 6:00 a.m. when it is not being used for festival/event purposes. The secluded character of the site makes it difficult to prevent vandalism and other incidents that occur there during the late night and early morning hours.

Upon abandonment of the 16,497 square foot area, a majority of the land would revert to City ownership, with 2,640 square feet reverting to the ownership of New York Central Lines, LLC. The City will acquire the New York Central Lines parcel by purchase, lease, or if necessary, condemnation, for its appraised value of \$5,300. The acquisition will be financed from the 2001-02 Cash Capital Allocation of the Economic Development Department for Acquisition and Demolition.

Easements in the abandoned area will be provided to the Rochester Pure Waters District, Rochester Gas & Electric Corporation (including access to the RG&E #2 Rack House), Frontier Communications, and Time Warner. An easement will also be provided to the High Falls Development Corporation for access to the private property at 4-18 Commercial Street.

The original agreement with the High Falls Development Corporation for lease of the site for parking was authorized by the Council on October 14, 1997. On November 10, 1998, Council approved an amendment to the Official Map relating to the development of the Festival Site. The ordinance approved dedication of a parcel for public right-of-way and the abandonment of a portion of Commercial Street. The ordinance also approved an amendment to the lease with the High Falls Development Corporation to reflect the increase in the lot size resulting from the abandonment.

The proposed amendatory agreement will reflect the additional increase in the size of the site and the increase in available parking spaces from 66 to 87. The High Falls Development Corporation will assume all maintenance responsibilities for the additional area.

The street abandonment was considered by the Planning Commission at its meeting on March 24. By a vote of 5-0, the Commission recommended approval of the abandonment; copies of the minutes of that meeting are attached.

No changes to the abandoned area will be made except for the installation of a fence/gate to prohibit access as specified. The fence/gate will be subject to a Certificate of Appropriateness from the Rochester Preservation Board. A mechanism will be implemented to allow 24-hour access to the site for emergency and easement access.

The abandoned area will function in the same manner as it does today, allowing for pedestrian and vehicular access to the site and overlook terrace. The handicapped parking spaces will be maintained for the public for convenient access to the overlook terrace.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-64

Ordinance No. 2003-146
(Int. No. 170)

Abandonment Of A Portion Of Commercial Street And Approving An Acquisition By Negotiation Or Condemnation, Easements And Amendatory Lease

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following parcel, heretofore dedicated to street purposes and constituting a portion of Commercial Street:

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

Beginning at a point on the southerly street line of Commercial Street at it's intersection of the westerly line of lands owned now or formerly by the City of Rochester as per a deed recorded in the Monroe County Clerk's Office on July 3, 2001 and filed in Liber 9480 of deeds at page 488.

Said part being the southwest corner of Lot R-1 as shown on a resubdivision map of the Gorsline Building as filed in the Monroe County Clerk's Office in Liber 313 of maps at page 94;

Thence 1) S 62° 46' 15" W along the southerly line of Commercial Street a distance of 128.82 feet to a point;

Thence 2) N 27° 13' 45" W a distance of 88.89 feet to the northerly line of Commercial Street;

Thence 3) N 25° 05' 56" E along the northerly line of Commercial Street a distance of 90.73 feet to an angle point;

Thence 4) N 66° 30' 00" E continuing along the northerly line of Commercial Street a distance of 57.13 feet to a point;

Thence 5) S 27° 13' 45" E along the westerly line of said High Falls Development Corporation's lands a distance of 140.62 feet to the point or place of beginning.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the following conditions:

- a. Acquisition by the City of a parcel within the abandonment area which will revert to New York Central Lines, LLC, or the lease of said parcel;
- b. The execution and filing of necessary easements for utilities and access; and
- c. The conditions shall be met within six months of the adoption of this ordinance by the applicant filing a written certification with the City Engineer, containing information satisfactory to the City Engineer. The City Engineer may extend this period for an additional twelve months if the applicant has made a good faith effort and circumstances beyond the applicant's control

have prevented completion. Upon acceptance of the certification, the City Engineer shall file a letter with the City Clerk stating that the conditions have been met and the abandonment shall be effective.

Section 3. The Council hereby approves the granting of easements to the Rochester Pure Waters District, Rochester Gas & Electric Corporation, Frontier Communications, Time Warner and the High Falls Development Corporation and other necessary parties for the maintenance of existing utilities and access to property.

Section 4. The Council hereby approves the acquisition by the City of the portion of the abandonment area reverting to New York Central Lines, LLC, for the sum of \$5,300. Said amount shall be funded from the 2001-02 Cash Capital Allocation. If said parcel cannot be acquired at present, the Council approves the lease of said parcel at rent to be approved by the Director of Real Estate.

Section 5. 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.

Section 6. The Mayor is hereby further authorized to enter into an amendatory lease agreement with High Falls Development Corporation which will expand the boundaries of the public parking lot operated at Commercial Street.

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

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1519
Re: Special Assessment District
Parking Lots

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to seven neighborhood commercial and/or residential parking areas. This legislation will approve the assessments and appropriate a total of \$65,884.26 for the operation and maintenance of the parking areas during 2003-04.

Special Assessment Districts for those areas were established by the City Council pursuant to Resolutions 79-15, 79-16 and 79-47. Under the provisions of these resolutions, the annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the costs of snow plowing, cleaning, landscape maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

The assessments required and the total appropriations

available for the Fiscal Year 2003-04 and any balances remaining from the assessments of prior years are as follows:

Parking Lot Assessments - July 1, 2003	
\$60,800.00	
Unused Assessment - Prior Years	-
<u>5,084.26</u>	
Total	
\$65,884.26	

There are two districts for which no assessments are imposed for 2003-04. For the Wadsworth Square Assessment District, the parking area is leased to Ralph Parking, Inc. and under the terms of the lease agreement, Ralph Parking supplies necessary maintenance and operation and parking privileges at no charge to assessment district residents. Similarly, no assessments will be imposed for 2003-04 upon the properties included in the South Avenue Assessment District because there are enough unused assessment balances to cover the upcoming year. Any unused assessments from prior years for the Wadsworth Square Assessment District will be applied toward future capital improvement expenditures associated with this parking lot.

A summary of the Special Assessment District Charges is attached.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-65

Local Improvement Ordinance No. 1519
(Int. No. 171)

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 2003-04:

Parking Area	LI	Unused Assessments From Prior Years	Total Amount
Culver-Merchants	1357		
\$29,100.00	\$ -0-		\$29,100.00
Monroe Avenue	1441		
14,500.00	1,000.00		15,500.00
Parker Place	1489		
3,000.00	-0-		3,000.00
South Avenue	1468		
-0-	1,650.00		1,650.00
Wadsworth Square	1416		
-0-	2,434.26		2,434.26
North Street	1258		
7,000.00	-0-		7,000.00

Lyell Avenue	1382	
7,200.00	-0-	7,200.00

Section 2. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1520
Re: 2003-04 Downtown Enhancement
District Budget

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation approving the 2003-04 budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the various properties in the District.

The District was originally authorized by the City Council on May 16, 1989 and was reauthorized on May 10, 1994 and again on May 11, 1999. It is designed to provide a special or enhanced level of care and maintenance in the downtown area.

Under the authorizing legislation, the annual budget for the district may not exceed the base (1989) amount "...increased annually, in a cumulative manner, by the Consumer Price Index...." unless a higher amount is specifically recommended by the district advisory council.

The maximum permissible budget for 2003-04 based upon the 14-year cumulative increase in the CPI (48.6%) is \$594,400. The recommended budget is \$510,100, which is \$12,600 (2.5%) higher than the 2002-03 amount.

Category of Expense	2002-03	Proposed 2003-04	Variance
Salaries & Wages	\$334,600	\$349,900	\$15,300
Employee Benefits	<u>55,300</u>	<u>56,000</u>	<u>700</u>
Personal Services	389,900	405,900	16,000
Materials & Supplies	<u>82,600</u>	<u>78,400</u>	<u>4,200</u>
Contractual Services	<u>30,000</u>	<u>33,400</u>	<u>3,400</u>
Operational Expense	502,500	517,700	15,200
Less Operating Revenues	<u>(15,000)</u>	<u>(18,000)</u>	<u>(3,000)</u>
Required Assessments	487,500	499,700	12,200
Reserve for Uncollected Accounts	<u>10,000</u>	<u>10,400</u>	<u>400</u>
Total	\$497,500	\$510,100	\$12,600

The increase in the allocation for salaries and wages reflects a 2.75% negotiated wage settlement with Local 1635 of the American Federation of State, County and Municipal Employees. This wage settle-

ment accounts for virtually all of the operating budget increase. An increase in contracted services was more than offset by decreases in material costs. The Enhancement District Committee approved the proposed budget by a vote of 5 to 0 on March 2, 2003.

The budget costs will continue to be allocated among the properties within the district in accordance with a two-factor, two-zone formula. With respect to factors, 50% will be allocated based upon the assessed valuation of a property, while 50% will be allocated based upon its gross area. With respect to zones, the allocation factors of properties directly on Main Street or with direct access to Main Street via the enclosed walkway system and within the primary district boundaries will be "weighed" at twice the factors of all other properties. All parking lots and garages, regardless of location, will be included in the latter category.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-66

Local Improvement Ordinance No. 1520
(Int. No. 172)

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 2003-04 fiscal year for the Downtown Enhancement District is established at \$510,100. Said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinance No. 1355 and Local Improvement Ordinance No. 1444.

Section 2. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-147, 2003-148, 2003-149, 2003-150, And Introductory No. 186

Re: Chili Avenue Improvement Project
(Canal Bridge to W. Main Street)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Chili Avenue Improvement Project. This legislation will:

- 1. Appropriate \$5,263,000 from anticipated reimbursements from the Federal Highway

Administration to finance the Federal share of the project;

- 2. Appropriate \$987,000 from anticipated reimbursements from the State of New York to finance the State's share of the project;
- 3. Authorize the issuance of bonds totaling \$575,000 and appropriate the proceeds thereof to finance the residual costs of street improvements;
- 4. Authorize the issuance of bonds totaling \$1,361,000 and appropriate the proceeds thereof to finance the residual costs of the water improvements;
- 5. Authorize a professional service agreement with Dewberry-Goodkind, Inc., 183 East Main Street, for resident project representation services at a maximum cost of \$890,000;
- 6. Authorize the acquisition, by negotiation or condemnation, of one property required for the construction of a temporary parking lot as part of the Chili Avenue Improvement Project; and
- 7. Authorize an Official Map Amendment by dedicating lands previously authorized by City Council for acquisition as additional public right-of-way.

Previous legislation for the Chili Avenue Improvement Project includes:

<u>Ordinance No.</u>	<u>Date Approved</u>	<u>Description</u>
2000-66	March 21, 2000	Authorization to Administer Project
2001-236	July 17, 2001	Authorize Design Agreement with Goodkind & O'Dea, Inc.
2002-207	June 18, 2002	Authorize Pavement Width Changes
2003-015	January 14, 2003	Authorize Pavement Width Changes
2003-111	April 8, 2003	Authorize Amendatory Design Agreement, Funding Appropriations, and Right-Of-Way Acquisitions

The project includes pavement reconstruction, new stone curbing, new concrete sidewalks, driveway apron replacements, parking lot construction, hydrant and water service upgrades and partial water main replacement, drainage improvements, street lighting upgrades, pavement markings and signalized intersection improvements, and landscaping improvements.

Bids for construction were received on April 15, 2003. The work will be performed by Villager Construction, at a cost of \$6,298,290, which is 12% less than the engineer's estimate. An additional \$1,053,710 will be allocated for contingencies, administration, and street lighting costs.

<u>Share</u>	<u>Construction</u>	<u>Contingency</u>	<u>Total</u>
	<u>Inspection</u>		
Federal	\$3,959,693	\$743,770	
	\$559,537	\$5,263,000	
State	742,443	139,644	
	104,913	987,000	
City Streets	433,948	76,597	
	64,455	575,000	

City Water	1,113,950	89,639
	157,411	1,361,000
MC Traffic	26,070	2,246
	3,684	32,000
Sewer	22,186	1,814
	0	24,000
Total	\$6,298,290	\$1,053,710
	\$890,000	\$8,242,000

The Chili Avenue Project is a Federal/State aid project which is being administered by the City. Of the total amount, \$5,263,000 will be financed by the Federal government. New York State will finance a portion (\$987,000) of the non-Federal share under the Marchiselli Aid Program. The City will finance the remaining non-Federal share and betterments with General and Water debt.

The local share of the proposed sewer improvements will be financed from the proceeds of the City sewer bond authorized by Council on March 19, 2002. The local share of the traffic related improvements will be financed by reimbursements from Monroe County.

Dewberry-Goodkind, Inc. was chosen for resident project representation services because of the firm's familiarity with the project and the quality of the team assigned to the project.

A Federal/State eligible temporary off-street parking lot is proposed to be constructed on land to be acquired by the City as part of the Chili Avenue project to mitigate a loss of parking caused by construction of the project.

Address: 578 Chili Avenue
 Owner: Salahuddin Malik
 Appraised Value: \$20,000

The acquisition values have been determined by an independent appraisal performed by Robert G. Pogel, SRPA. The total cost of appraisal, acquisition and closing costs for this property is estimated to be \$25,000 and will be funded through proceeds of the above requested Gateway Bonding authorization. Portions of the Gateway bond will also be used to finance the cost of the non-aidable aesthetic improvements to the parking lot; the local share (5%) of aid-eligible gateway improvements through the project area; and the non-aid eligible gateway node being constructed at the City line.

Upon completion of the street reconstruction, it is anticipated that the temporary parking lot will be converted to a permanent neighborhood commercial parking lot providing nine spaces. Subsequent to the completion of the project, legislation will be submitted to Council to effect such a permanent lot.

Finally, the proposed legislation will dedicate as right-of-way the 13 properties authorized by City Council for acquisition on April 8, along with a portion of 578 Chili Avenue. The City Planning Commission heard the request for the Official Map Amendment on April 28, 2003. A copy of the Commission's recommendations will be forwarded to Council.

Public informational meetings were held on April 29 and December 10, 2002. Copies of these meeting minutes were previously forwarded.

Public hearings are required on the acquisition of 578 Chili Avenue and the dedications.

Respectfully submitted,

William A. Johnson, Jr.
 Mayor

Attachment No. AC-67

Ordinance No. 2003-147
 (Int. No. 183)

Establishing Maximum Compensation For A Professional Services Agreement For The Chili Avenue Improvement Project And Appropriating Funds

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

Section 1. The sum of \$890,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dewberry-Goodkind, Inc., for resident project representation services for the Chili Avenue Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$64,455 shall be funded from a bond ordinance adopted for street improvements, \$157,411 shall be funded from a bond ordinance adopted for water main improvements, \$559,537 shall be funded from the appropriation made in Section 2, \$104,913 shall be funded from the appropriation made in Section 3 and \$3,684 shall be funded from anticipated reimbursements from the County of Monroe.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$5,263,000, or so much thereof as may be necessary, to fund the Chili Avenue Improvement Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$987,000, or so much thereof as may be necessary, to fund the Chili Avenue Improvement Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-148
 (Int. No. 184)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$575,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Chili Avenue Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction and reconstruction of certain streets as a part of the Chili Avenue (Canal Bridge-West Main Street) 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 \$5,657,000. The plan of financing includes the issuance of \$575,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$4,279,000 from Federal Highway

Administration reimbursements appropriated at this meeting and \$803,000 from State of New York reimbursements appropriated at this meeting, 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 \$575,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

- (a) such obligations are authorized for an object

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Ordinance No. 2003-149
(Int. No. 185)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,361,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To Chili 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 Chili Avenue (Canal Bridge-West Main Street) Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,450,000. The plan of financing includes the issuance of \$1,361,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$75,000 from Federal Highway Administration reimbursements appropriated at this meeting and \$14,000 from State of New York reimbursements appropriated at this meeting, 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 \$1,361,000 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 \$1,361,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Ordinance No. 2003-150
(Int. No. 187)

Approving The Dedication Of Parcels For The Chili Avenue Improvement Project

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following parcels to street purposes and adding said parcels to Chili Avenue:

Portion of 244 Chili Avenue

All that tract or parcel of land containing 191± square feet (17.8± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Acquisition", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-19, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing northerly highway boundary of Chili Avenue (width varies), with the existing easterly street boundary of Appleton Street (50' wide); thence

N 25°29'35" W, along said existing easterly street boundary, a distance of 26.12 feet (7.962 m) to a point; thence

S 54°46'41" E, a distance of 29.95 feet (9.129 m) to a point on the said existing northerly highway boundary; thence

S 64°30'25" W, along said existing southerly highway boundary, a distance of 14.65 feet (4.466 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 249 Chili Avenue

All that tract or parcel of land containing 78± square feet (7.3± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Acquisition", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-18, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing southerly highway boundary of Chili Avenue (width varies), with the existing westerly street boundary of Rugby Avenue (50' wide); thence

S 00°27'55" E, along said existing easterly street boundary, a distance of 16.11 feet (4.911 m) to a point; thence

N 40°31'03" W, a distance of 15.12 feet (4.608 m) to a point on the said existing southerly highway boundary; thence

N 64°30'25" E, along said existing southerly highway boundary, a distance of 10.74 feet (3.272 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 305 Chili Avenue

All that tract or parcel of land containing 47 +/- square feet (4.4 square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated June 25, 2002, and having drawing number 01052-SU-15, and being more particularly bounded and described as follows:

Beginning at the point of the intersection of the existing southerly highway boundary of Chili Avenue (width varies), with the existing westerly street boundary of Normandy Avenue (50' wide); thence

S 00° 27' 55" E, along the said street boundary, a distance of 10.28 feet (3.134 m) to a point; thence

N 57°17'39" W, a distance of 10.96 feet (3.341 m) to a point on said existing southerly highway boundary of Chili Avenue; thence

N 64°30'25" E, along said existing southerly highway boundary, a distance of 10.13 feet (3.086 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 532 Chili Avenue

All that tract or parcel of land containing 252± square feet (23.5± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Acquisition", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated June 25, 2002, and having drawing number 01052-SU-14, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing southerly highway boundary of Chili Avenue (width varies), with the existing easterly street boundary of Gardiner Avenue (66' wide); thence

N 01°02'30" W, along the said street boundary, a distance of 22.39 feet (6.825 m) to a point; thence

S 62°44'58" E, a distance of 25.62 feet (7.810 m) to a point on said existing northerly highway boundary of Chili Avenue; thence

S 64°31'50" E, along said existing northerly highway boundary, a distance of 24.78 feet (7.553 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 554 Chili Avenue

All that tract or parcel of land containing 580± square feet (53.9± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-13, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing northerly highway boundary of Chili Avenue (width varies), with the existing westerly street boundary of Gardiner Avenue (66' wide); thence

N 01°02'30" W, along the said street boundary, a distance of 7.73 feet (2.357 m) to a point; thence

S 64°54'20" W, a distance of 82.13 feet (25.033 m) to a point on the division line between the property of Daniel Homa & Ludomira Homa (reputed owners) on the east and the property of Campanella & Archibald Corp. (reputed owner) on the west; thence

S 01°02'33" E, along said division line, a distance of 7.73 feet (2.357 m) to a point on said existing northerly highway boundary of Chili Avenue; thence

N 64°54'20" E, along said existing northerly highway boundary, a distance of 82.13 feet (25.033 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 556 Chili Avenue

All that tract or parcel of land containing 530± square feet (49.2± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-12, and being more particularly bounded and described as follows:

Beginning at a point on the existing northerly highway boundary of Chili Avenue (width varies), at its intersection with the division line between the property of Campanella & Archibald Corp. (reputed owner) on the east and the property of James White (reputed owner) on the west; thence

N 00°25'11" W, along the said division line, a distance of 7.77 feet (2.368 m) to a point; thence

N 64°54'20" E, a distance of 74.99 feet (22.856 m) to a point on the division line between the property of Campanella & Archibald Corp. (reputed owner) on the west and the property of Daniel Homa & Ludomira Homa (reputed owners) on the east; thence

S 01°02'33" E, along the last mentioned division line, a distance of 7.73 feet (2.357 m) to a point on said existing northerly highway boundary of

Chili Avenue; thence

S 64°54'20" W, along said existing northerly highway boundary, a distance of 75.08 feet (22.884 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.
Portion of 564 Chili Avenue

All that tract or parcel of land containing 328± square feet (30.4± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-11, and being more particularly bounded and described as follows:

Beginning at a point on the existing northerly highway boundary of Chili Avenue (width varies), at its intersection with the division line between the property of James White (reputed owner) on the east and the property of Charles Cutaia & Bonita J. Cutaia (reputed owners) on the west; thence

N 00°25'22" W, along the said division line, a distance of 7.77 feet (2.368 m) to a point; thence

N 64°54'20" E, a distance of 46.40 feet (14.143 meters) to a point on the division line between the property of James White (reputed owner) on the west and the property of Campanella & Archibald Corp. (reputed owner) on the east; thence

S 00°25'11" E, along the last mentioned division line, a distance of 7.77 feet (2.368 meters) to a point on said existing northerly highway boundary of Chili Avenue; thence

S 64°54'20" W, along said existing northerly highway boundary, a distance of 46.40 feet (14.143 meters) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 572 Chili Avenue

All that tract or parcel of land containing 328± square feet (30.4± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-10, and being more particularly bounded and described as follows:

Beginning at a point on the existing northerly highway boundary of Chili Avenue (width varies), at its intersection with the division line between the property of Charles Cutaia & Bonita J. Cutaia (reputed owners) on the east and the property of Perry E. Smith (reputed owner) on the west; thence

N 00°25'13" W, along the said division line, a distance of 7.77 feet (2.368 m) to a point; thence

N 64°54'20" E, a distance of 46.41 feet (14.146 m) to a point on the division line between the property of Charles Cutaia & Bonita J. Cutaia (reputed owners) on the west and the property of James White (reputed owner) on the east; thence

S 00°25'22" E, along the last mentioned division line, a distance of 7.77 feet (2.368 m) to a point on said existing northerly highway boundary of Chili Avenue; thence

S 64°54'20" W, along said existing northerly highway boundary, a distance of 46.41 feet (14.146 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 578 Chili Avenue

All that tract or parcel of land containing 328± square feet (30.4± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Acquisition", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated September 3, 2002, and having drawing number 01052-SU-20, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing northerly highway boundary of Chili Avenue (width varies), with the existing easterly street boundary of Salina Street (50' wide); thence

N 00°25'06" W, along said existing easterly street boundary, a distance of 7.77 feet (2.368 m) to a point; thence

N 64°54'20" E, a distance of 46.41 feet (14.146 m) to a point on the division line between the property of Perry E. Smith (reputed owner) on the west and the property of Charles Cutaia & Bonita J. Cutaia (reputed owners) on the east; thence

S 00°25'13" E, along the last mentioned division line, a distance of 7.77 feet (2.368 m) to a point on said existing northerly highway boundary of Chili Avenue; thence

S 64°54'20" W, along said existing northerly highway boundary, a distance of 46.41 feet (14.146 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 599 Chili Avenue

All that tract or parcel of land containing 19± square feet (1.8± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 3, 2002, and having drawing number 01052-SU-9, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing southerly highway boundary of Chili Avenue (width varies), with the existing westerly street boundary of Salina Street (50' wide);

thence

S 00°57'29" E, along said existing westerly street boundary, a distance of 6.47 feet (1.972 m) to a point; thence

N 57°48'46" W, a distance of 7.02 feet (2.139 m) to a point on the said existing southerly highway boundary; thence

N 64°54'20" E, along said existing southerly highway boundary, a distance of 6.44 feet (1.963 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 647 Chili Avenue

All that tract or parcel of land containing 457± square feet (42.4± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-8, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing southerly highway boundary of Chili Avenue (width varies), with the existing easterly street boundary of Turner Street (50' wide); thence

S 00°48'42" E, along said existing easterly street boundary, a distance of 115.00 feet (35.052 m) to a point; thence

N 88°54'03" E, a distance of 3.94 feet (1.201 m) to a point; thence

N 00°48'42" W, a distance of 116.76 feet (35.588 m) to a point on the said existing southerly highway boundary; thence

S 64°54'20" W, along said existing southerly highway boundary, a distance of 4.32 feet (1.317 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 733 Chili Avenue

All that tract or parcel of land containing 107± square feet (9.9± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 3, 2002, and having drawing number 01052-SU-7, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing southerly highway boundary of Chili Avenue (width varies), and the existing westerly street boundary of Westgate Terrace (50' wide); thence

S 00°26'38" E, along said existing westerly street boundary, a distance of 14.38 feet (4.384 m) to a point; thence

N 63°22'18" W, a distance of 16.68 feet (5.083

m) to a point on said existing southerly highway boundary; thence

N 64°58'19" E, along said existing southerly highway boundary, a distance of 16.33 feet (4.977 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 930 Chili Avenue

All that tract or parcel of land containing 84± square feet (7.8± square meters), more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Easement", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated June 25, 2002, and having drawing number 01052-SU-5, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the existing northerly highway boundary of Chili Avenue (width varies), with the existing westerly street boundary of Fessenden Street (60 feet wide); thence

N 25°46'35" W, along said existing westerly street boundary, a distance of 12.69 feet (3.868 m) to a point; thence

S 20°34'10" W, a distance of 18.38 feet (5.604 m) to a point on the said existing northerly highway boundary; thence

N 64°13'25" E, along said existing northerly highway boundary, a distance of 13.30 feet (4.054 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Portion of 1100 Chili Avenue

All that tract or parcel of land containing 872± square feet (81.0± square meters) situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Proposed Acquisition", prepared by Fisher Associates, P.E., L.S., P.C., of Rochester, New York, dated August 27, 2002, and having drawing number 01052-SU-17B, being more particularly bounded and described as follows:

Commencing at a point on the existing easterly street boundary of Cairn Street (49.5' wide) at its intersection with the division line between the property of Hess Oil & Chemical Corp. (reputed owner) on the north and New York State Department of Transportation (reputed owner) on the south, thence N 59°03'13" E, along the said division line, a distance of 20.25 feet (6.172 m) to the Point Of Beginning, thence S 30°56'47" E, continuing along the said division line, a distance of 27.57 feet (8.403 m) to a point; thence continuing along the said division line, along a curve to the left having a delta angle of 88°40'15", radius of 25.00 feet (7.620 m) and a length of 38.69 feet (11.793 m) to a point; thence N 60°22'23" E, continuing along the said division line, a distance of 14.02 feet (4.274 m) to a point; thence N 66°57'25" W, a distance of 65.38 feet (19.928 m) to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Section 2. This ordinance shall take effect upon acquisition of said parcels by the City.

Passed unanimously.

Councilmember Stevenson moved to return Introductory No. 186 to committee.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Introductory No. 186

APPROVING THE ACQUISITION OF 578 CHILI AVENUE BY NEGOTIATION OR CONDEMNATION AS A PART OF THE CHILI AVENUE IMPROVEMENT PROJECT

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

Section 1. The Council hereby approves the acquisition of 578 Chili Avenue, SBL #120.55-3-18, reputed owner Salahuddin Malik, for the sum of \$20,000, for construction of a temporary off-street parking lot as a part of the Chili Avenue Improvement Project.

Section 2. The acquisition, appraisal and closing costs shall obligate the City to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for gateway improvements.

Section 3. In the event that said property cannot be obtained by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings to obtain said property.

Section 4. 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 5. This ordinance shall take effect immediately.

Item held.

By Councilmember Douglas
May 13, 2003

To the Council:

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

Int. No. 173 - Approving Apportionment Of Taxes And Charges

Int. No. 174 - Amending The 2002-03 Budget Of The Rochester Fire Department

Int. No. 175 - Establishing Maximum Compensation For A Professional Services Agreement For Additional Audit Services

Int. No. 176 - Bond Ordinance Of The City Of Rochester, New York, Authorizing Issuance Of \$75,000 Bonds Of Said City, To Finance The Costs Of The Replacement Of Structural Flooring In The Hudson Avenue Fire Facility Within The City

Int. No. 178 - Amending The 2002-03 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 189 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2003 Assessment Roll

Int. No. 190 - Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2003 Assessment Roll

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

Int. No. 177 - Authorizing An Agreement For Operation Of The Sister Cities, Genesee Crossroads And Court Street Parking Garages

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-151
Re: Apportionment of Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 46 properties. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2002-03. These taxes and charges, which total \$258,352.08, 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 2003 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-151
(Int. No. 174)

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 9, 2003, 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 Gentleman:

Ordinance No. 2003-152
Re: Budget Amendment - Fire Department

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation increasing the 2002-03 Budget of the Fire Department by transferring \$114,000 from the Emergency Medical Training Fund to finance the acquisition of an enhancement to the current personnel accountability system being used by the Department.

The G.E.M. T-Pass 3 Evacuate System, a product of Grace Industries, will allow an on-site Incident Manager or Accountability Officer to know of a PASS alarm activation, identify the firefighter(s) involved and to notify personnel of evacuation orders.

The "Employee Monitoring System" control console will provide real-time accountability so that the Incident Command System may maintain an accurate census of all personnel within a particular hazard zone.

The budget for this project is:

Micro Repeater (for use in high-rise buildings)	4 units	\$ 2,000
T-3 Command Base	1 unit	7,000
T-Pass 3 (Transceiving NFPA Compliant Pass to be worn by each firefighter)	140 units	105,000
Total		\$114,000

The appropriation increase will be financed from the Emergency Medical Training Fund. This fund, which contains reimbursements from New York State for emergency medical training for firefighters, presently has an accumulated balance of \$116,132.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-152
(Int. No. 174)

Amending The 2002-03 Budget Of The Rochester Fire Department

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

Section 1. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$114,000, which amount is hereby appropriated from the Emergency Medical Training Fund to fund personnel accountability enhancements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-153
Re: Amendment - Deloitte & Touche LLP

R2010: Campaign 7 - Quality Service

Transmitted herewith for your consideration is an amendment to a prior ordinance that authorized a contract with Deloitte & Touche LLP for the performance of audits for the City and City School District for fiscal years ending June 30, 2003, 2004, 2005, 2006, and 2007.

This proposed amendment will specifically authorize the performance of the Cultural Center Commission audit and the expenditure of amount not to exceed \$50,000 for additional accounting services as needed at an hourly rate ranging from \$90 to \$102.

As you will recall, on March 11, City Council approved a five-year agreement with Deloitte & Touche for the conduct of the annual audits of the City and City School District, as well as the audits of REDCO, the Economic Development Zone, and the Cultural Center Commission. While the transmittal letter accompanying that item indicated that Deloitte & Touche would also concurrently be engaged to perform the audits of those other agencies, the specific authorization was inadvertently omitted from the legislation.

Because the Cultural Commission audit is paid directly by the City, it is necessary to provide such specific authority for that expenditure. A total of \$63,500 of City funds for the five-year audit period is required. The Cultural Commission audit work will be 50% reimbursed by the County.

In addition, as part of the engagement, the request for proposal indicated that the successful firm would be engaged to provide additional services, if required, at an hourly rate, with total compensation not to exceed \$50,000. The cost of these services will be charged to the department requesting the service.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-153
(Int. No. 175)

Establishing Maximum Compensation For A Professional Services Agreement For Additional Audit Services

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

Section 1. The sum of \$63,500, 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 Deloitte & Touche LLP for annual independent audits of the financial statements of the Cultural Center Commission, for a term of three years, with provision for two one-year renewals. Said amount shall be funded from the 2003-04 and subsequent Budgets of the City, contingent

upon approval of said budgets.

Section 2. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Deloitte & Touche LLP for special audits and/or services as requested by the City, for a term of three years, with provision for two one-year renewals. Said amount shall be funded from the 2003-04 and subsequent Budgets of the City, contingent upon approval of said budgets.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-154
Re: Hudson Avenue Firehouse Floor Replacement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Hudson Firehouse Structural Floor Replacement Project. This legislation will authorize the issuance of bonds totaling \$75,000 and the appropriation of the proceeds thereof to finance the cost of construction of the project.

On November 20, 2001, Council authorized the design of the Hudson Avenue Firehouse Structural Floor Replacement Project by Ravi Engineering & Land Surveying, P.C. The construction involves removal of the existing wood structure with concrete topping and the replacement of the floor slab with poured in place concrete and steel reinforcement. The work will also include the replacement of incandescent lighting with new energy efficient fluorescent lighting; the new floor will accommodate the new fire equipment loads.

Bids for construction of the project were received on April 8. The apparent low bid of \$64,440, which was submitted by GRH Architecture and Construction, is \$20,000 under the architect's estimate. An additional 10% will be allocated for contingency.

Construction is scheduled to begin in the Summer of 2003 and be completed in the Fall.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-68

Ordinance No. 2003-154
(Int. No. 176)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$75,000 Bonds Of Said City, To Finance The Costs Of The Replacement Of Structural Flooring In The Hudson Avenue Fire Facility Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the replacement of structural flooring in the Hudson Avenue Fire Facility at 704 Hudson Avenue in the City of Rochester,

New York (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$75,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$75,000 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 \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said 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 \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12 of the Law, is twenty (20) years.

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

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

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation

of the sale of said bonds, may be contested only if:

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-155
Re: Appropriation of Forfeiture Funds

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing the appropriation of \$18,000 from forfeited property revenues and amending the 2002-03 Police Department budget by that amount to provide startup funds for the Greater Rochester Area Narcotics Enforcement Team (GRANET), for the period January 1 through June 30, 2003.

The mission of GRANET is to achieve maximum coordination and cooperation and bring to bear the combined resources of member agencies to investigate primarily mid- and upper-level narcotic related offenses in the greater Rochester/Monroe County area.

GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice and the Monroe County District Attorney's Office. During its term of operation, GRANET will utilize asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. It is anticipated that GRANET will reimburse the funds advanced by the City for the startup costs authorized by this proposed legislation. Salaries and overtime for participants will be paid by each officer's respective agency.

The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (July 1990).

The undesignated balance in the City's forfeiture fund as of April 22, 2003 was \$163,932.75. Previous appropriations from this fund in the current fiscal year included: \$100,000 to augment expenditures for confidential funds and overtime in the Special Investigations Section; \$20,000 for an agreement with Rochester Area Crimestoppers; \$6,700 for training; and \$57,000 for the purchase of less-lethal weapons.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-69

Ordinance No. 2003-155
(Int. No. 178)

Amending The 2002-03 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. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$18,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the Greater Rochester Area Narcotics Enforcement Team.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-156 And
Ordinance No. 2003-157
Re: Tax Apportionment Assessment Classes

Transmitted herewith for your approval is legislation certifying certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves determination of the "base proportion". In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class.

This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2002 data. The second is the calculation of the adjusted base proportions using 2002 and 2003 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 1, are as follows:

Homestead	.4107719
Non-Homestead	.5892281
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4061302
Non-Homestead	.5938698
Total	1.0000000

These new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead	-1.0%
Non-Homestead	+0.7%

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-70

Ordinance No. 2003-156
(Int. No. 189)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2003 Assessment Roll

Section 1. Under Section 1063 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 2003 assessment roll as follows:

	Homestead Class	Non-Homestead Class
Adjusted base proportion	.4061302	.5938698
Taxable assessed value	2,799,446,159	1,881,811,914
Net change in assessed value from 2002 resulting from physical and quantity changes	-1,067,900	+42,734,400
Net change in assessed value from 2002 resulting from other than physical and quantity changes	-7,706,900	-39,957,255

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.

Ordinance No. 2003-157
(Int. No. 190)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2003 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 2003 assessment roll as follows:

	Homestead Class	Non-Homestead Class
Current base proportions	41.07719%	58.92281%
Current percentage	59.52250%	40.47750%
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.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-158
Re: Agreement - Municipal Parking
Garages

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with the Ralph Parking Company, 120 East Main Street, for the operation of the Court Street, Genesee Crossroads, and Sister Cities parking garages. The Ralph Parking Company will operate the above-referenced garages and provide enhanced services that address customer satisfaction, quality maintenance assurance standards and security coverage.

Private parking operators were solicited to re-submit proposals based on using revised criteria because of the City's anticipated budgetary constraints. The original Request for Proposals contained provisions whereby the City would be responsible for certain operating costs such as utilities, water and various assessment charges. However, upon completion of an evaluation of various budget scenarios for 2003-04, it was decided to issue a revised Request for Proposals that would require the operator to pay for all operating costs.

On February 12, 2003, City Council authorized 90-day extensions of the current agreements for the Court Street and Sister Cities parking garages. The agreement for the Genesee Crossroads Garage already authorized such an extension, and the Administration exercised this option.

Proposals from four companies were received with annual remittances of net revenue as follows:

Current Net Revenue:

Company	Percentage	Estimated Net Revenue
Allright New York Parking, Inc.	45%	\$1,027,098

Proposed Net Revenue:

Company	Percentage	Estimated Net Revenue
Ralph Parking Co.	40.85%	\$1,072,700
Pro Park, LLC	30.58	829,753
Ampco System Parking	28.68	767,507
Allright New York Parking, Inc.	28.50	702,932

The review criteria involved how well the proposal demonstrated enhancements to the proposal opera-

tion of the parking garages and the annual financial return to the City.

Under the agreement, Ralph Parking Company will provide full-time managers and all other personnel required for the operation of the parking garages, including cashiers, security guards and maintenance staff. The Ralph Parking Company will also be responsible for the costs of materials and supplies; maintaining service agreements on major equipment, which includes elevator services; insurance; a performance bond; all utility costs; Pure Water Capital Charges/Assessment; Downtown Enhancement District charges; and Downtown Guides charges for the parking garages.

The agreement will have an initial term of two years with provisions for two additional one-year terms.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-71

Ordinance No. 2003-158
(Int. No. 177)

Authorizing An Agreement For Operation Of The Sister Cities, Genesee Crossroads And Court Street Parking Garages

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Ralph Parking Company for the operation of the Sister Cities, Genesee Crossroads and Court Street Parking Garages. Ralph shall provide full-time managers and all other personnel required for operation of the garages, including cashiers, security guards and maintenance staff. Ralph shall be responsible for the costs of materials and supplies, maintaining service agreements on major equipment including elevator services, insurances, a performance bond for the garages, all utility costs, Pure Waters capital charges/assessments, Downtown Enhancement District charges and Downtown Guides charges. The agreement shall be for a term of two years, with two additional options to renew for one-year terms.

Section 2. The agreement shall obligate Ralph Parking Company to pay to the City 40.85% of the annual net revenue of the garages.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:15 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
JUNE 6, 2003

Present - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Santiago, Stevenson - 7.

Absent - Councilmembers Mains, Thompson - 2.

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

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

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

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2003-14

Re: Home Rule Message - Genesee Valley Parkland Alienation

- R2010: Campaign 6 - Economic Vitality
- Campaign 7 - Quality Service
- Campaign 8 - Tourism Destination
- Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is a home rule resolution relating to amended legislation that currently is being considered by the New York State Legislature. The legislation would amend the language of previously approved legislation regarding the parkland/open space alienation of a parcel within Genesee Valley Park. The alienation is required for the Brooks Landing development project, which will include an extended stay hotel and restaurant. The overall project will help to revitalize the Brooks/Genesee neighborhood commercial area and will offer a unique tourist opportunity along the NYS Erie Canal system.

On March 31, City Council held a Special Meeting to provide a Home Rule message in response to an amended version of the original bill that had been introduced in the Assembly. That house had scheduled a meeting on April 2 to discuss the amended bill and a Home Rule Message was a prerequisite for such action. Subsequently, it was learned that the Senate did not introduce their amended version of the bill until April 1. State law requires that a Home Rule Message be approved subsequent to the introduction of the bill in each house of the Legislature. On April 8, City Council approved another Home Rule message to address this problem.

Subsequently, the Governor has indicated that additional language referencing commitments to observe various federal requirements should be added to the bills prior to his signing them. The proposed Home Rule legislation supports this change. There will be no net impact on the project as a result of this change.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-14
(Int. No. 251)

Resolution For The Purpose Of A Home Rule Message Regarding State Legislation Relative To Complying With Federal Requirements Pertaining To Discontinuing The Use Of Certain Lands As

Park Lands

Concurring in the request by the Mayor of the City of Rochester to the Senate and Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to requiring the City of Rochester to comply with any federal regulations relating to discontinuing the use of certain lands as park lands.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council hereby concurs in the request of William A. Johnson, Jr., Mayor of the City of Rochester, to the Senate and Assembly of the State of New York, constituting the New York State Legislature, that said Legislation enact the legislation set forth in the following bill entitled:

AN ACT to amend a chapter of the laws of 2003 relating to authorizing the city of Rochester to discontinue the use of certain lands as park lands, as proposed in legislative bills numbers S.1784-B and A.4300-A, in relation to requiring the city of Rochester to comply with any federal regulations pertaining to the alienation or conversion of such park lands

Being Senate Bill No. S.5428 and Assembly Bill No. A.8769.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Santiago, Stevenson - 5.

Nays - None - 0.

Councilmember Curran abstained vote because of the proximity of the parkland to his home.

Councilmember Norwood abstained vote because he is an employee of the New York State Assembly.

The meeting was adjourned at 4:45 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGETS
JUNE 11, 2003
7:30 P.M.

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

Absent - none - 0.

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

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

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 2003-04 Fiscal Year, And Appro-

priation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 244 One speaker: Gloria Locke.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004, And Appropriation Of Sums Set Forth Therein Int. No. 253 One speaker: Dave Adias.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004 Int. No. 247 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2003 And Expiring June 30, 2004 Int. No. 248 No speakers.

The meeting was adjourned at 7:45 P.M.

CAROLEE A. CONKLIN
City Clerk

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REGULAR MEETING
JUNE 17, 2003

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

Absent - none - 0.

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

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

Recognition Ceremony

- Retirement:
 - City Clerk's Office
 - Geraldine Agnello
 - Rochester Police Department
 - Evelyn Baez
 - *Richard A. Fantanza
 - Frank Fortuna
 - *Thomas R. Johns
 - *Christopher J. Piro
 - *Dale R. Roets

*Not attending meeting.

APPROVAL OF THE MINUTES
By Councilmember Norwood

RESOLVED, that the minutes of the Regular Meeting of May 13, 2003, 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. 3724-7
 - Request For Proposal Sale - July 28, 2003.

3725-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3726-7 And 3727-7

The Director of Zoning Submits Notices of Environmental Determination.

17-57 Bay Street/236-238 Portland Avenue. 3728-7

1991 Lake Avenue. 3729-7

East side of North Clinton Avenue's 800 block between Hoeltzer and Sullivan Streets. 3730-7

1127 Dewey Avenue. 3731-7

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

None received.

PUBLIC HEARINGS

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

Amending The Official Map By Dedication Of Vanguard Parkway In The Outer Loop Industrial Subdivision Int. No. 212 No speakers.

Changing The Zoning Classification Of 1991 Lake Avenue From T-P Transitional Parking To R-1 Low Density Residential Int. No. 213 No speakers.

Changing The Zoning Classification Of 17-35, 45, 49 And A Portion Of 57 Bay Street, And 236-238 Portland Avenue, From R-2 Medium Density Residential To C-1 Neighborhood Center Int. No. 214 One speaker: Frank Adams.

Amending Chapter 120 Of The Municipal Code, The Zoning Code, As Amended Int. No. 215 No speakers.

Authorizing An Amendatory 2000-01 Community Development Program Plan, Reallocating And Reappropriating Funds For The Good Grades Pay And Job Creation/Youth Development Programs And Amending Ordinances Int. No. 220 No speakers.

Authorizing Changes In The Pavement Width Of Smith Street, Driving Park Avenue And Lexington Avenue As A Part Of The Lake Avenue (Lyell Avenue To Ridgeway Avenue) Improvement Project Int. No. 230 No speakers.

Authorizing Changes In The Pavement Width Of Bernice Street, Extension Of Eastman Avenue And Realignment Of Mayflower Street As A Part Of The West Ridge Road (Hanford Landing To West City Line) Improvement Project Int. No. 231 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
June 17, 2003

To the Council:

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

Int. No. 192 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 193 - Amending Ordinance No. 2003-88 To Cancel Taxes On Parcels Acquired For The Brooks Landing Revitalization Project

Int. No. 194 - Approving The Sale Of A Portion Of Block F To The Cultural Center Commission

Int. No. 195 - Authorizing An Agreement With The Enterprise Foundation For Housing Services

Int. No. 196 - Authorizing An Agreement For Housing Development Support

Int. No. 197 - Authorizing An Agreement For The Home Store

Int. No. 198 - Authorizing An Agreement For Housing Development Services

Int. No. 199 - Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

Int. No. 200 - Authorizing An Agreement With The Housing Council In The Monroe County Area, Inc. For The Continued Provision Of Mortgage Services

Int. No. 201 - Authorizing Agreements For Landlord And Tenant Services

Int. No. 202 - Authorizing Agreements With Neighborhood Organizations For Administration Of The Residential Assistance Program

Int. No. 203 - Appropriation Of Funds And Authorizing Agreements For The Emergency Assistance From City Hall (EACH) Program

Int. No. 204 - Authorizing An Amendatory Agreement For Continued Administration Of The Joint Energy Conservation Program

Int. No. 205 - Amending Ordinances And Transferring Funds Relating To Housing

Int. No. 206 - Local Law Amending The City Charter With Respect To The Board Of Examiners Of Stationary Engineers And Refrigeration Operators

Int. No. 207 - Approving The 2003-04 Operating And Capital Budgets Of The Cultural Center Commission

Int. No. 208 - Approving Business Programs

Int. No. 209 - Determination And Findings Relating To The Acquisition Of 35 Richmond Street As Part Of The East End Development Plan

Int. No. 150 - Approving The Acquisition Of 35 Richmond Street By Negotiation Or Condemnation As A Part Of The East End Development Project

Int. No. 210 - Authorizing Acquisitions For The North Clinton Avenue Revitalization Project

Int. No. 211 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$450,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property As A Part Of The City's North Clinton Avenue Revitalization Project

Int. No. 250 - Bond Ordinance Of The City Of

Rochester, New York, Authorizing The Issuance Of \$175,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Landing Street Improvements Project

Int. No. 188 - Authorizing An Amendatory Agreement For The East End Garage Reserve Fund, As Amended

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

Int. No. 212 - Amending The Official Map By Dedication Of Vanguard Parkway In The Outer Loop Industrial Subdivision

Int. No. 213 - Changing The Zoning Classification Of 1991 Lake Avenue From T-P Transitional Parking To R-1 Low Density Residential

Int. No. 214 - Changing The Zoning Classification Of 17-35, 45, 49 And A Portion Of 57 Bay Street, And 236-238 Portland Avenue, From R-2 Medium Density Residential To C-1 Neighborhood Center

Int. No. 215 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, As Amended

Int. No. 215A - Amending Chapter 120 Of The Municipal Code, The Zoning Code, As Amended (Amending items 65 and 66, therein.)

The following entitled legislation is being held in committee:

Int. No. 239 - Amending The Municipal Code With Respect To Peeling Paint

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Gladys Santiago (Did not vote on Int. No. 192 through Int. No. 196.)
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-159 And
Ordinance No. 2003-160
Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of eight properties and amending a prior ordinance.

Sales

The first two properties are single family structures that are being sold to the RHDfC for their appraised value. The structures will be rehabilitated and resold to owner occupants with incomes not to exceed 80% of the median income for the Rochester Metropolitan Statistical Area.

The next three properties are vacant lots that are being sold to Temprow Development Company, Inc. for their

appraised values. The parcels will accommodate the construction of three single family homes that will be used in conjunction with Monroe County Social Services to provide emergency housing.

The last three properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable because of their size.

Amendment

On April 8, Council approved the acquisition of several parcels for the Brooks Landing Project. The normal legislative language canceling current taxes from the date of acquisition forward was inadvertently omitted from that legislation. The proposed amendment will correct the oversight.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-72

Ordinance No. 2003-159
(Int. No. 192, 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 improved property:

Address S.B.L.#	Price Purchaser
4019 Lake Ave . 061.21-1-77	\$10,500 Rochester Housing Development Fund Corporation*
123 Rosemary Dr. 091.83-3-34	7,000 Rochester Housing Development Fund Corporation*

*Officers: Jean A. Lowe, Alma Balanon-Rosen, Kevin V. Recchia, Robert M. Barrows

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

Address S.B.L.#	Price Purchaser
130 Avenue D 091.77-5-31	\$425 Tempro Development Com- pany, Inc.*
321 Bay St. 106.51-2-7	425 Tempro Development Com- pany, Inc.*
432 Bay St. 106.44-4-26	425 Tempro Development Com- pany, Inc.*

*Officers: Lorraine Wolch, James Littwitz, Thomas Fink, Richard Rosen]

Section [3] 2. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft. Purchaser
--------------------	----------------------

791 Hudson Ave.	3051±
106.25-1-9	Arthur Peters
58 Lewis St.	1987±
106.65-1-37	Gregory & Patricia Byrd
8 Mt. Pleasant Pk.	2500
120.84-2-26	David Knoll & David Skinner

Section [4] 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section [5] 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2003-160
(Int. No. 193)

Amending Ordinance No. 2003-88 To Cancel Taxes On Parcels Acquired For The Brooks Landing Revitalization Project

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

Section 1. Ordinance No. 2003-88, relating to the acquisition of parcels for the Brooks Landing Revitalization Project, is hereby amended by renumbering Section 3 thereof as Section 4 and by adding thereto the following new Section 3:

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

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-161
Re: Sale of a Portion of Block F

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing the sale of a small parcel of land at the northeast corner of East Main Street and Chestnut Street to the Cultural Center Commission. During the 1980's, a project was expected to be completed on the Block F site known as Chestnut Court. The developer requested that a small strip of the property be used for installation of a pre-construction sign to stir interest in the real estate buying community.

The project was never developed and the sign was eventually removed and the site became abandoned property and was ultimately acquired by the City. The

Cultural Center Commission now wants to reacquire this parcel in order to complete ownership of all of Block F.

The subject parcel of land is comprised of approximately 96 square feet (4' x 24') and will be sold to the Commission for the amount of \$100.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-73

Ordinance No. 2003-161
(Int. No. 194)

Approving The Sale Of A Portion Of Block F To The Cultural Center Commission

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

Section 1. The Council hereby approves the sale of a portion of Block F, comprising approximately 96 square feet at the northeast corner of East Main Street and Chestnut Street, to the Cultural Center Commission for the sum of \$100.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-162
Re: The Enterprise Foundation, Housing Development Agreement

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation regarding the Enterprise Foundation and the continued provision of housing and community development activities. The proposed legislation will:

1. Appropriate \$100,000 from the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant; and
2. Establish that amount as maximum compensation for an agreement with the Enterprise Foundation.

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

Enterprise established an office in Rochester in 1997. In conjunction with the City, Citibank, Daisy Marquis Jones Foundation, United Way of Greater Rochester, and JP Morgan Chase Bank, it formed the Rochester Community Development Collaborative (RCDC) in August 2000. Additional funders also include Rochester Gas & Electric (RG&E) and the Bruner Foundation.

Enterprise has provided a total of \$300,000 in grants to the RCDC organizations noted below:

1. North East Neighborhood Alliance
2. Ibero-American Development Corporation
3. NCS Development Corporation (formerly Northwest Community Services)
4. North East Area Development, Inc.

The RCDC operating support has enabled these organizations to leverage over \$10 million in neighborhood investment for housing and commercial real estate projects. Over 90 homes have been rehabilitated, of which 57 have been sold to new homeowners since the RCDC began. Over 55,000 square feet of commercial space has also been developed by these organizations during this period. It is anticipated that a fifth organization serving southwest Rochester will be included in the RCDC during summer 2003.

Under the proposed agreement, Enterprise will provide the following services:

1. Continue to administer the RCDC program and provide technical assistance to the four agencies participating in it;
2. Provide business planning and technical assistance to the RCDC organization which will be serving southwest Rochester; and
3. Provide technical assistance to:
 - a. the Rochester Housing Development Fund Corporation (RHDFC);
 - b. non-profit housing developers that are involved with projects with the RHDFC; and
 - c. the City of Rochester.

The most recent agreement with Enterprise for the continuation of these services was authorized by City Council on June 18, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-162
(Int. No. 195)

Authorizing An Agreement With The Enterprise Foundation For Housing Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with The Enterprise Foundation for technical assistance relating to housing and community development activities.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

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

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-163
Re: Agreement - Housing Opportunities, Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation regarding Housing Opportunities, Inc. (HOP) for the continued provision of housing development services. The proposed legislation will:

1. Appropriate \$125,000 from the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant; and
2. Establish that amount as maximum compensation for an agreement with HOP.

The most recent agreement with HOP for these services was authorized by the City Council on June 18, 2002. Following is a summary of their performance under that agreement:

	Goal	Actual
HOME Rochester houses rehabilitated	4	5
Rental units developed	51	70
Tenants served (rental units)	300	300
Projects planned/researched	2	3

Activities proposed for 2003-04 include the following:

1. HOME Rochester - Rehabilitate four structures.
2. New Single-Family Construction - Construct four new homes through targeted new construction in the City.
3. Rental Development - Develop a minimum of 78 rental units.
4. Technical Assistance - Provide technical assistance to other non-profit housing developers as necessary.
5. Property Management - Continue to manage the HOP rental properties, currently 346 units.
6. Projects Planned/Researched - Continue project planning/research with a minimum of two.

This agreement represents 19% of HOP's total budget of \$645,547.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-163
(Int. No. 196)

Authorizing An Agreement For Housing Development Support

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Housing Opportunities, Inc., for development and management of housing units for low-income families and housing technical assistance.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$125,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-164
Re: Agreement - Home Store

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Urban League of Rochester Economic Development Corporation, for continued operation of the Home Store. The maximum cost of this agreement will be \$265,000, which will be financed from the Improve the Housing Stock and General Property Conditions allocation of the 2003-04 Consolidated Community Development Plan.

The Home Store, which opened in February 1994, provides a central and accessible location at which prospective home buyers can obtain information, financial counseling and assistance, pre- and post-purchase counseling relating to home ownership. These services are provided in the evenings and weekends as well as during the week.

The Urban League has operated the Home Store since its inception. The most recent agreement for such operation was authorized by the City Council on June 18, 2002.

Following is a summary of the performance of the Urban League under this agreement (through April 30, 2003) and the projected performance for 2003-04:

Service	2002-03 Planned	2002-03 Actual* Through 4/30/02	2003-04 Projected
Home Rochester/Rehabilitation Programs Cases	60	62	65
Home Expo/New Construction Cases	24	15	23
Home Purchase Assistance Program Cases**	133	188	133
HIP Sales	85	41	40
Homestead Lottery	15	15	15
Phone screening and referral	5,000	4,640	5,000

Seminars:

Number	40	35	40
Participants	2,000	1,547	2,000

* Actual includes closed and open sales. Closings for open sales are anticipated to occur within the next 30-60 days.

** Will include Employer Assisted Home Purchase Program

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-164
(Int. No. 197)

Authorizing An Agreement For The Home Store

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued operation of the Home Store.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$265,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-165
Re: Agreement - Urban League of Rochester Economic Development Corporation

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation regarding the Urban League of Rochester Economic Development Corporation (ULREDC) for the continued provision of housing development services. The proposed legislation will:

1. Establish maximum compensation of \$85,000 for a professional services agreement with ULREDC, and
2. Appropriate \$85,000 from the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant to fund said agreement.

The most recent agreement with the ULREDC for these services was authorized by the City Council on June 18, 2002. Following is a summary of their

performance under that agreement.

	Goal	Actual
HOME Rochester houses rehabilitated	12	14
New houses constructed	7	3
Rental units developed	10	16
Projects planned/researched	1	3
Rental units managed	30	35

Activities proposed for 2003-04 include the following:

1. HOME Rochester - Rehabilitate 15 structures.
2. New Single-Family Construction - Construct 10 new homes through targeted new construction in the city and seek funding to develop one additional project.
3. Rental Development - Develop a minimum of two rental units and seek funding to develop at least one additional project.
4. Technical Assistance - Provide technical assistance to non-profits as necessary.
5. Property Management - Continue to manage the ULREDC rental properties, currently 51 units.
6. Projects Planned/Researched - Continue project planning/research, with a minimum of two project plans.

This agreement represents 14% of the ULREDC's total budget of \$604,600.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-165
(Int. No. 198)

Authorizing An Agreement For Housing Development Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued provision of housing development services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$85,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-166
Re: Greater Rochester Housing Partnership

William A. Johnson, Jr.
Mayor

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Ordinance No. 2003-166
(Int. No. 199)

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Housing Partnership, Inc. (GRHP) for continued financing of its operation. The maximum cost of this agreement is \$85,000, which will be financed from the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant.

GRHP was established in 1991 to promote affordable housing throughout Monroe County by encouraging private investment, soliciting contributions, and seeking Federal and State funding. The City has provided funds to finance GRHP's administrative costs since its inception.

To date, \$1,648,085 has been allocated for this purpose. The most recent allocation was authorized by City Council on June 18, 2002. The proposed funding contributes approximately 17% of GRHP's annual operating costs.

Following is a summary of GRHP's accomplishments between July, 2002 and April, 2003:

1. Acquisition/Rehabilitation
 - Goal: Provide financing, property management services and technical assistance for houses that are approved for the Home Rochester program
 - Status: Management services provided for 13 properties.
2. Single-Family New Construction
 - Goal: Have capacity to provide at least \$600,000 in construction financing to developers of new single-family houses.
 - Status: \$426,000 provided for eight new homes.
3. Rental Projects
 - Goal: Continue management of the Low Income Tax Credit Fund.
 - Status: Provided investment of \$460,000 for Kathlyn Garden located on Portland Avenue, to redevelop property into 12 affordable rental units.
4. Continue activity in support of housing choice and rental housing affordability.
 - Provided construction loans for the following rental projects.

\$1,000,000	12 units	Gates
1,000,000	21 units	Fairport
338,600	12 units	Perinton
4,500,000	64 units	Irondequoit

Under the proposed agreement, GRHP will continue these activities during 2003-04.

Respectfully submitted,

Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Housing Partnership, Inc. for continued housing services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$85,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-167
Re: Agreement - Housing Council In
The Monroe County Area, Inc.,
Mortgage Default Resolution

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Housing Council in the Monroe County Area, Inc. for the continued provision of mortgage default resolution services. The maximum cost of the agreement will be \$275,000 and will be financed by \$17,640 from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant and \$257,360 from the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant.

The Housing Council has provided mortgage default resolution services since 1975 and has administered the program with mortgage relief grants since 1990. The current agreement for provision of these services was authorized by City Council on June 18, 2002. Following is a summary of the Housing Council's performance through April, 2003.

	10 Month Planned	10 Month Actual
Counseling Cases	186	195
Mortgage Relief Grants	9	10

During this period, 95% of the cases resulted in the prevention of foreclosures. The counseling and resolution process includes household budget and income analyses as well as negotiation with mortgage lenders and other parties such as HUD/FHA to arrive

at appropriate resolutions, including refinancing, negotiated repayments, sale, or use of grants for eligible clients.

The proposed agreement will provide for continuation of these services during 2003-04. Of the total \$275,000, \$25,000 will be budgeted for mortgage relief grants. The maximum grant is \$2,500, which is secured by a five-year lien against the property.

The grants are intended to prevent mortgage foreclosure in cases of emergency when a home owner stands a reasonable chance of resuming monthly payments. To be eligible for a grant, a person must:

1. Own and reside in a one- or two-family house.
2. Have a family income at or below 80% of Median Family Income.
3. Be confronted with financial difficulties and a potential mortgage default because of circumstances beyond the control of the family, such as unemployment or unforeseen medical expenses.
4. Be able to reasonably demonstrate that these financial difficulties are likely to be temporary.
5. Participate in the mortgage default counseling and resolution process provided by the Housing Council.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-167
(Int. No. 200)

Authorizing An Agreement With The Housing Council In The Monroe County Area, Inc. For The Continued Provision Of Mortgage Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continued provision of mortgage default resolution services and counseling and continued administration of the Mortgage Default Resolution Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$275,000, and of said amount, or so much thereof as may be necessary, \$17,640 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program and \$257,360 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-168
Re: Agreements - Landlord and Tenant Services

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for the continued provision of various services to landlords and tenants:

Organization	Amount
Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society	70,000
Monroe County Legal Assistance Corporation	23,000

The cost of these agreements will be financed from the Housing Stock and General Property Conditions/Landlord Tenant Services allocation of the 2003-04 Community Development Block Grant.

According to the 2000 census, there are approximately 89,000 occupied housing units in the city. Of this number, approximately 60% are rental units. The City provides funding to these programs, which are designed to enhance landlords' and tenants' awareness of their respective responsibilities, to encourage improved rental property management, and to reduce vacancies and evictions. The aforementioned agencies have provided these programs under periodic agreements; the most recent agreements were authorized by City Council on June 18, 2002.

A summary of the performance of each agency appears below.

Agency Program	10 Month	
	Goal	Actual
Housing Council		
Landlord Tenant Services		
Seminars	5	10
Attendance	N/A	148
Hotline Calls	N/A	5,625
1 on 1 Assistance	N/A	430
Legal Aid Society		
Owner Tenant Mediation		
Mediation	50	39
Agreements	N/A	3
Technical Service	N/A	36
Court Advocacies*	N/A	74
MCLAC		
Legal Services for Tenants		
Client Cases	52	56

*The City's agreement supplements United Way funds for this service. Approximately 12% of the advocacy caseload (613+) is supported by this allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-74

Ordinance No. 2003-168

(Int. No. 201)

Authorizing Agreements For Landlord And Tenant Services

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for Landlord and Tenant Services:

<u>Organization</u>	<u>Amount</u>
Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society	70,000
Monroe County Legal Assistance Corporation	23,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$163,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-169
Re: Residential Assistance Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the 2003-04 Residential Assistance Program. This legislation will:

1. Appropriate \$1,310,000 from the "Improving Housing Stock and Property Conditions" Allocation of the 2003-04 Consolidated Community Development Program to help finance the program; and
2. Authorize amendatory agreements with 10 neighborhood organizations for program administration.

The Residential Assistance Program (RAP) contains as its major elements, the Special Materials Grant, Home Security and Emergency Repair Grant components. In past years, RAP has provided grants of up to \$3,500 to assist low-income owner-occupants throughout the city to make emergency repairs and the purchase of materials for exterior repairs and home security. An additional supplement of up to \$1,000 will be added to the maximum when undertaking activities involving lead-based paint removal.

Since its inception, the program has been administered by various neighborhood organizations. The most recent agreement was authorized by City Council on June 18, 2002.

Total RAP appropriations and encumbrances during

2002-03 was \$1,310,000. A summary of 2002-03 allocations, including activities to date and expenditures, is attached. The proposed legislation will provide necessary funding to continue the grant program during 2003-04.

Listed below are recommended allocations for the 2003-04 Residential Assistance Program.

<u>Administering Agency</u> <u>Neighborhoods</u>	<u>Amount</u>
Charles Settlement House Charlotte Maplewood	\$ 125,000
Coalition of North East Associations Upper Falls	100,000
Group 14621 Community Association 14621 Neighborhood	80,000
Marketview Heights Association South Marketview Heights	110,000
Montgomery Neighborhood Center Bullshead Cornhill Genesee-Jefferson Mayors Heights 19th Ward Plymouth-Exchange Southeast Dutchtown	170,000
North East Area Development Beechwood Brownroft Culver-Winton Homestead Heights Northland Lyceum	175,000
North East Block Club Alliance North Marketview Heights	130,000
NCS Community Development Corp. Brown Square Edgerton Lyell-Otis North Dutchtown Southwest Dutchtown Susan B. Anthony	205,000
South East Area Coalition Atlantic-University Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe	130,000
South Wedge Planning Committee South Wedge	85,000
Total	\$1,310,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-75

Ordinance No. 2003-169

(Int. No. 202)

Authorizing Agreements With Neighborhood Organizations For Administration Of The Residential Assistance Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations or the following amounts are allocated for the administration of the Residential Assistance Program:

<u>Administering Agency</u>	<u>Amount</u>
<u>Neighborhoods</u>	
Charles Settlement House Charlotte Maplewood	\$ 125,000
Coalition of North East Associations Upper Falls	100,000
Group 14621 Community Association 14621 Neighborhood	80,000
Marketview Heights Association South Marketview Heights	110,000
Montgomery Neighborhood Center Bullshead Cornhill Genesee-Jefferson Mayors Heights 19th Ward Plymouth-Exchange Southeast Dutchtown	170,000
North East Area Development Beechwood Browncroft Culver-Winton Homestead Heights Northland Lyceum	175,000
North East Block Club Alliance North Marketview Heights	130,000
NCS Community Development Corp. Brown Square Edgerton Lyll-Otis North Dutchtown Southwest Dutchtown Susan B. Anthony	205,000
South East Area Coalition Atlantic-University Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe	130,000
South Wedge Planning Committee South Wedge	85,000
Total	\$1,310,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed

\$1,310,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Consolidated Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-170
Re: Emergency Assistance for City Homeowners (EACH)

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the 2003-04 Emergency Assistance for City Homeowners Program (EACH). This legislation will appropriate \$400,000 from the Improving Housing Stock and Property Conditions Allocation of the 2003-04 Consolidated Community Development Program to help finance the program.

The EACH Program provides emergency grants of up to \$3,500 per property (\$4,500 when lead issues are involved) and is administered by City staff from the Bureau of Housing & Project Development. Grants are available to owner-occupants whose household incomes do not exceed 80% MFI. The proposed appropriation will also help supplement the Rehab Rochester Program, some of the funding for which has been reprogrammed to the City's Lead Hazard Reduction Initiative.

Unlike the Residential Assistance Program (RAP), EACH supplements RAP grants to qualified owner-occupants for emergencies only, on a city-wide basis, and is not restricted to the service areas of any particular neighborhood association. EACH also helps answer the emergency needs of property owners when RAP funds are fully subscribed or when the workloads of RAP agency staff have reached maximum capacity.

The program's initial appropriation of \$500,000 was authorized by the City Council on October 15, 2002. As of May 1, 2003, a total of 117 properties have received assistance from the program with another 28 properties in various stages of completion. The program's current allocation is expected to be fully expended by or before June 30, 2003.

At the current average of \$3,350 per grant, the proposed allocation will provide approximately 119 grants.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-170
(Int. No. 203)

Appropriation Of Funds And Authorizing Agreements For The Emergency Assistance From City Hall (EACH) Program

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

Section 1. The sum of \$400,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program to fund the Emergency Assistance from City Hall (EACH) Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Emergency Assistance from City Hall (EACH) Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-171
Re: ABC - Joint Energy Conservation Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Action for a Better Community, Inc., for continued administration of a Joint Energy Conservation Program. The maximum cost of this amendment will be \$90,000, which will be financed from the Improving Housing Stock and Property Conditions Allocation of the 2003-04 Consolidated Community Development Program. The proposed appropriation would increase the total value of the agreement to \$270,000.

Since 1978, ABC has administered an energy conservation program through grants from the NYS Division of Economic Opportunity (DEO). Currently, grants of up to \$4,000 per unit can be provided through this program for physical improvements that reduce energy consumption. Each year, approximately 350 property owners whose incomes fall below 50% of Median Family Income (MFI) for the Metropolitan Statistical Area benefit from the state funded program.

In 1994, the City began providing supplemental matching funds to ABC for the program for properties whose incomes exceeded the maximum State DEO guidelines of 50% of MFI but fell below the City's maximum of 80% MFI. Presently, the maximum supplement available from the City's share is \$3,000. Households assisted with City funds, whose incomes fall below 50% of median, will be matched by state resources up to a combined maximum of \$4,000.

The most recent agreement for such supplemental funding was authorized by the City Council on June 18, 2002.

To be eligible for participation for the City's supplement, an applicant has to be:

- 1. An owner-occupant whose household income falls below 80% of median, or

- 2. An investor-owner who:
 - a. Rents the unit(s) to tenants who meet the guidelines,
 - b. Agrees not to increase the rent rate for at least two years, and
 - c. Contributes a minimum of 38.5% to the cost of the improvements.

Use of the CDBG portion of the grant is limited to the following types of improvements:

- 1. Window replacement,
- 2. Furnace replacement,
- 3. Hot water tank replacement,
- 4. Attic and wall insulation, and
- 5. Miscellaneous repairs.

ABC's administration of the program includes the preparation and review of grant applications, assessment of the repair needs, and coordination of the work. In addition, the program includes a minimum of two energy conservation workshops per year. As of May 1, 2003, CDBG funds totaling \$575,476 have been expended toward repairs to 741 properties, of which 82 have benefited during this past program year.

Under the proposed amendment, the supplemental program will be continued for another year. The CDBG allocation will provide for a minimum of 55 grants and administrative costs of \$7,500.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-76

Ordinance No. 2003-171
(Int. No. 204)

Authorizing An Amendatory Agreement For Continued Administration Of The Joint Energy Conservation Program

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Action for a Better Community, Inc. for continued administration of the Joint Energy Conservation Program.

Section 2. The amendatory agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Consolidated Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-172
Re: Community Development Program -

Housing Program Transfers

Ordinance No. 2003-172
(Int. No. 205, As Amended)

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to certain housing program. This legislation will:

1. Amend Ordinance #2002-171 by transferring \$200,000 in CDBG funds from the Home Store account to the Rehab Rochester account;
2. Amend Ordinance #2002-172 by transferring \$75,000 in CDBG funds from the Home Buyer Education account to the Rehab Rochester account;
3. Amend Ordinance #2003-06 by transferring \$70,000 in CDBG funds from the Fair Housing Monitoring Services account to the Rehab Rochester account;
4. Amend Ordinance #2003-120 (approved on May 13) by transferring \$30,000 in CDBG funds from the Fair Housing Enforcement account to the Rehab Rochester account;
5. Amend Ordinance #2002-316 by transferring \$200,000 in HOME funds from the Rehab Rochester account to the Home Store account;
6. Amend Ordinance #2002-316 by transferring \$75,000 in HOME funds from the Rehab Rochester account to the Home Buyer Education account;
7. Amend Ordinance #2002-316 by transferring \$70,000 in HOME funds from the Rehab Rochester account to the Fair Housing Monitoring Services account; and,
8. Amend Ordinance #2002-316 by transferring \$30,000 in HOME Funds from the Rehab Rochester account to the Fair Housing Enforcement account.

The transfers change to source of funds from the Community Development Block Grant to the HOME Program for the Home Store, Home Buyer Education and Fair Housing Programs. The HOME Program is a more appropriate source and funds for these programs and the transfers will facilitate administration of the Community Development Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to amend Introductory No. 205.

The motion was seconded by Councilmember Santiago.

The motion was adopted by the following votes:

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

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the affiliated agency.

Amending Ordinances And Transferring Funds Relating To Housing

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

Section 1. Ordinance No. 2002-171, relating to an agreement for the Home Store, is hereby amended by reducing the amount authorized and appropriated in Section 2 thereof from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program by the sum of \$200,000, which amount is transferred to the Rehab Rochester Program Account. To fund this agreement, said amount is reappropriated from 2002 HOME Program Funds reduced in Section 5 hereof.

Section 2. Ordinance No. 2002-172, relating to an agreement with Neighborhood Housing Services, is hereby amended by reducing the amount authorized and appropriated in Section 2 thereof from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program by the sum of \$[75,000] 50,000, which amount is transferred to the Rehab Rochester Program Account. To fund this agreement, said amount is reappropriated from 2002 HOME Program Funds reduced in Section 6 hereof.

Section 3. Ordinance No. 2003-6, relating to an agreement for Fair Housing Monitoring Services, is hereby amended by reducing the amount authorized and appropriated in Section 2 thereof from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program by the sum of \$[70,000] 30,000, which amount is transferred to the Rehab Rochester Program Account. To fund this agreement, said amount is reappropriated from 2002 HOME Program Funds reduced in Section 7 hereof.

Section 4. Ordinance No. 2003-120, relating to an agreement for the Fair Housing Enforcement Project, is hereby amended by reducing the amount authorized and appropriated in Section 2 thereof from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program by the sum of \$30,000, which amount is transferred to the Rehab Rochester Program Account. To fund this agreement, said amount is reappropriated from 2002 HOME Program Funds reduced in Section 8 hereof.

Section 5. Ordinance No. 2002-316, relating to housing programs, is hereby amended by reducing the amount authorized and appropriated in Section 1 thereof from 2002 HOME Program Funds for the Rehab Rochester Program by the sum of \$200,000, which amount is transferred to the Home Store Account. To fund this Program, said amount is reappropriated from funds of the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program reduced in Section 1 hereof.

Section 6. Ordinance No. 2002-316, relating to housing programs, is hereby amended by reducing the amount authorized and appropriated in Section 1 thereof from 2002 HOME Program Funds for the Rehab Rochester Program by the sum of \$[75,000] 50,000, which amount is transferred to the Home Buyer Education Account. To fund this Program, said amount is reappropriated from funds of the Improving

the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program reduced in Section 2 hereof.

Section 7. Ordinance No. 2002-316, relating to housing programs, is hereby amended by reducing the amount authorized and appropriated in Section 1 thereof from 2002 HOME Program Funds for the Rehab Rochester Program by the sum of \$[70,000] 30,000, which amount is transferred to the Fair Housing Monitoring Services Account. To fund this Program, said amount is reappropriated from funds of the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program reduced in Section 3 hereof.

Section 8. Ordinance No. 2002-316, relating to housing programs, is hereby amended by reducing the amount authorized and appropriated in Section 1 thereof from 2002 HOME Program Funds for the Rehab Rochester Program by the sum of \$30,000, which amount is transferred to the Fair Housing Enforcement Account. To fund this Program, said amount is reappropriated from funds of the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program reduced in Section 4 hereof.

Section 9. The Council hereby amends the 2002-03 Community Development Plan as may be necessary to implement the transfers made herein.

Section 10. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the affiliated agency.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 6
Re: Examining Board of Stationary
Engineers and Refrigeration Operators

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation to amend the criteria that determines the membership of the Board of Stationary Engineers and Refrigeration Operators in Section 12-34 (a) of Charter of the City of Rochester.

The Examining Board of Stationary Engineers and Refrigeration Operators is responsible for investigating and examining the knowledge and technical ability of license applicants to engage in or perform the work of a stationary engineer or a refrigeration operator in the City of Rochester. The board has the authority to determine the material on which applicants are tested, to revoke, cancel or suspend a license, to authorize the issuance of licenses and to investigate charges against a license holder.

In order to better carry out these responsibilities, the board has recommended the elimination of the specific requirement that one member be a licensed professional engineer, replacing that member instead with another licensed stationary engineer. Since stationary engineers are more familiar with the day to day operations and issues facing licensed stationary engineers and refrigeration operators, it was felt that the change would increase the efficiency of the Board.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 6
(Int. No. 206)

Local Law Amending The City Charter With Respect To The Board Of Examiners Of Stationary Engineers and Refrigeration Operators

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending the first full sentence of Subsection A of Section 12-34 thereof, Board of Examiners of Stationary Engineers and Refrigeration Operators, to read in its entirety as follows:

The Board of Examiners of Stationary Engineers and Refrigeration Operators shall be composed of six (6) members, five (5) of whom shall hold valid licenses at least in the first or second highest classification, adequately representing the interests of refrigeration operation and stationary engineering; and the sixth member to be the Commissioner of Community Development or his or her representative.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-173
Re: 2003-04 Budgets - Cultural Center
Commission

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the 2003-04 operating and capital budgets of the Cultural Center Commission. This legislation will:

1. Approve the budgets proposed by the Commission for the period from July 1, 2003 through June 30, 2004; and
2. Authorize the Commission to approve during this period the transfer of capital budget appropriations not exceeding \$10,000.

The proposed budgets were approved by the Commission on April 8. They have been reviewed by the Budget Bureau of the City and the Office of Management and Budget of Monroe County.

Approval of the budgets by the City Council (and County Legislature) is required by Chapter 613 of the Laws of 1979 of the State of New York. Delegation to the Commission of the authority to subsequently expend funds from the budgets was approved by the Council on September 9, 1980 and the Legislature on September 30, 1980.

The total amount of funds available to the Commission for use during 2003-04 is \$540,202.

Revenues		
Mortgage Income	\$ 28,334	
Net Property Maintenance Fund	79,022	
Unused Balances		
2002-03 Operating Budget	16,160	
2002-03 Capital Budget	416,886	
Total	\$540,202	

The Commission has proposed that \$86,621 of this amount be appropriated for the 2003-04 operating budget and \$453,581 for the capital budget.

The proposed operating budget is \$12,709 less than the 2002-03 budget.

	<u>2003-04</u>	<u>2002-03</u>	<u>Variance</u>
Salaries	\$64,099	\$75,769	\$11,670
Employee Benefits	13,113	14,152	1,039
Supplies and Equipment	250	250	0
Contractual Expense	8,659	8,659	0
Contingency	500	500	0
Total	\$86,621	\$99,330	\$12,709

The proposed capital budget indicates the general purpose for which the available funds are intended to be used. It does not represent actual commitments to specific projects. Any funds not utilized during 2003-04 will be reappropriated for the 2004-2005 budget.

<u>General Purpose</u>	<u>Amount</u>
Streets/Open Space Maintenance	\$ 19,116
Development	397,530
Executive Design	25,035
Annual Audit	11,900
Total	\$453,581

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council on June 18, 2002 for the 2002-03 budget. The Commission has a comparable ability to approve the transfer of operating appropriations pursuant to a Council authorization of September 9, 1981.

The budgets will be considered by the Monroe County Legislature on June 10.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-173
(Int. No. 207)

Approving The 2003-04 Operating And Capital Budgets Of The Cultural Center Commission

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

Section 1. The Council hereby approves the 2003-04 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 5 of 2003. The Council specifically authorizes the Cultural Center Commission to transfer funds within the Cultural Center Commission Capital Account in an amount not to exceed \$10,000 during the fiscal year. The Commissioner of Economic Development of the City of Rochester is further authorized to transfer unencumbered funds in the Operating Budget from one account to another in accordance with the financial and budgetary practices of the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-174
Re: Business Programs

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to various business programs. This legislation will:

1. Appropriate a total of \$1,781,200 for the programs from the Economic Stability allocation of the 2003-04 Community Development Block Grant; and
2. Authorize any agreements required to implement the programs.

Business Assistance Program (\$190,000)

The program strengthens operators' skills through technical assistance provided by various consultants in the areas of business practices and accounting, advertising, store design, computer hardware and software selection, and visual merchandising. A matching grant assists businesses with the implementation of consultant recommendations.

An additional component of BAP is the Business Development and Technical Assistance Program. This component will provide business-planning workshops to existing retail and consumer service businesses and provide one-on-one consultation including retail business ownership training to improve merchandising and to establish procedures that ensure successful retail operations. The contract for this component of BAP will not exceed \$30,000.

Business Association Support (\$105,000)

The Business Association Support Program will provide funds to business associations for organizational, advertising, promotional and clean-up activities. It is projected that assistance will be provided to 13 organizations.

Commercial Exterior Improvement Program (\$60,000)

This activity provides matching grants of up to \$25,000 for commercial buildings in the targeted distressed Lyell Avenue area and grants of up to \$10,000 for commercial buildings in the Harbor District in Charlotte. A City Development Fund appropriation of \$97,000 for the grants was included in the 2003-04 Consolidated Community Development Plan approved by City Council on May 13.

The proposed appropriation will finance the costs of continued provision of architectural services for the programs.

Following is a summary of activity under the agreements during 2002-03:

<u>Organization</u>	<u>Projects</u>	<u>Payments</u>
Pardi Partnership	9	\$31,380
Pospula Associates	12	48,103
Penny J. Haley	9	38,000

Commercial Loan Fund (\$285,000)

The program provides loans of \$10,000 to \$500,000 to assist private sector job creation and retention for new or expanding commercial businesses located in the low- and moderate-income areas. Proceeds will generally be used for working capital, equipment and owner-occupied real estate.

To date, loans totaling \$2,028,191 have been provided to 18 companies, resulting in the creation or retention of 506 jobs. The balance of the loan fund is \$872,929.

High Technology (\$15,000)

HTR is a non-profit organization designed to develop and implement a coordinated strategy for the creation and/or expansion of high technology industries in the Rochester area. It provides technical assistance, venture capital forums and training sessions. Besides the CDBG appropriation from the City, the organization is financed by the Rochester Business Alliance, County of Monroe, NYSTAR, area colleges and universities, Rochester Gas and Electric and others. The proposed City appropriation is the same as the current amount.

Industrial Loan Fund (\$400,000)

The fund provides below market rate loans to large and small industries. The proceeds of the loans may be used for the purchase of machinery and equipment. The fund will also be used for real estate loans involving acquisitions, additions or improvements. An equity investment is required. The loan will be converted to a grant in cases where the business meets pre-determined job generation goals. Four businesses will be assisted.

To date, \$5,928,100 has been appropriated for the program. Loans totaling \$4,001,500 have been provided to 25 companies, resulting in the creation or retention of 1,905 jobs. The balance of the fund is \$1,926,600.

Neighbors Shopping Neighborhoods (\$5,000)

The program is designed to increase the patronage of City businesses and services. It consists of a city website shopping guide. 5,736 businesses will be assisted.

Section 108 Loan/Loss Reserve (\$496,200)

Under the Section 108 Loan Program, loans are provided to industrial and commercial businesses for facility expansion, renovation, equipment, acquisition and working capital. The funds are provided by the federal government through the City.

As a condition of the loan, the City must accept contingent liability for repayment of the loan in the event of default by the businesses. A loan reserve account has been established for this purpose. To date, loans totaling approximately \$47.4 million have been provided to 41 businesses. Disbursements from the reserve account have totaled \$2,203,600 for loan defaults by 18 businesses.

Technical Assistance Services (\$35,000)

This funds the annual agreement for the provision of services such as training for staff, technical assistance in the structuring of financing plans for development projects, advocacy services in securing of state and federal grants, and assistance in the identification of alternative funding sources. Twenty-four businesses will be assisted.

Pre-Development Grants (\$40,000)

This initiative provides matching grants of up to \$25,000 to businesses and developers who undertake environmental investigations necessary to quantify the redevelopment costs of Brownfield sites. Four businesses will be assisted.

Targeted Business Assistance Program (\$150,000)

This program provides training and loans to assist targeted businesses that have barriers to acquiring the capital necessary for growth in terms of jobs, investment and development. Four to eight businesses will be assisted.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-174
(Int. No. 208)

Approving Business Programs

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

Section 1. There is hereby appropriated from the Economic Stability Allocation of the 2003-04 Community Development Program the sum of \$1,781,200, or so much thereof as may be necessary, to fund the following programs in the following amounts:

Business Assistance Program	\$190,000
Business Association Support Program	105,000
Commercial Exterior Improvement Program	60,000
Commercial Loan Fund	285,000
High Technology of Rochester	15,000
Industrial Loan Fund	400,000
Neighbors Shopping Neighborhoods	5,000
108 Reserve	496,200
Technical Assistance Services	35,000
Pre-Development Grants	40,000
Targeted Business Assistance Program	150,000

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-175
Re: Determinations and Findings - East
End Development Project Acquisition

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings related to acquisition of the property at 35 Richmond Street as part of the East End Development Project. Such determinations and findings are required by Article 2 of the Eminent Domain Procedure Law.

A public hearing on this matter was held by the Council on May 13, 2003. There were no speakers at the hearing. Therefore, the following determinations and findings are proposed:

1. Project description - that the City acquire the property at 35 Richmond Street for redevelopment.
2. Project purpose - that the acquisition will eliminate a blighting influence and will lead to the creation of more residential units within the East End District.
3. Project effect - that the acquisition and subsequent redevelopment of the property will have no significant adverse effect on the environment and indeed will assist in the revitalization of the neighborhood and increase the pedestrian traffic flow within the East End District.

If these determinations and findings are approved, the legislation authorizing the property acquisition (Introductory #150) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-175
(Int. No. 209)

Determination And Findings Relating To The Acquisition Of 35 Richmond Street As Part Of The East End Development Plan

WHEREAS, the City of Rochester proposes to acquire 35 Richmond Street as part of the East End Development Plan, and

WHEREAS, the Council of the City of Rochester held a public hearing on May 13, 2003 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of these parcels,

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

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of one property on Richmond Street as part of the East End development project:

a. Project Location: The City proposes the public acquisition of 35 Richmond Street, SBL #106.810-02-028.

b. Public purpose and general effect:

1. This parcel has been designated for acquisition to further the objectives of the East End Development Plan which calls for the development of owner-occupied residential housing units within the East End. The City of Rochester has already acquired adjoining properties through various tax foreclosure actions and donations. In order to implement the plan, the City proposes to acquire this privately owned parcel to allow for the development of a pedestrian walkway that will link Richmond Street and Charlotte Street.

2. The general effects of the acquisition of this parcel on the environment and the residents of the immediate area will be beneficial. The project will have no significant adverse environmental effects. The acquisition will lead to creating more residential units within the Central Business District, the elimination of a blighting effect on the surrounding area and the improvement of pedestrian traffic flow within the East End.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 150 was introduced May 13, 2003, and appears in its original form with its transmittal letter on page 140 of the current Council Proceedings. Attachment No. AC-77

Ordinance No. 2003-176
(Int. No. 150)

Approving The Acquisition Of 35 Richmond Street By Negotiation Or Condemnation As A Part Of The East End Development Project

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-177 And
Ordinance No. 2003-178
Re: North Clinton Avenue Revitalization -
Property Acquisitions

R2010: Campaign 6 - Economic Vitality
Campaign
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of property located on North Clinton Avenue, Hoeltzer and Sullivan Streets as part of the North Clinton Avenue Revitalization Project's La Market, and authorizing the issuance of \$450,000 in bonds for that purpose.

The properties will be conveyed with no outstanding liens or encumbrances. The City taxes are to be pro-

rated to the day of closing. Following title transfer, City taxes and other charges are to be canceled from the date of closing forward.

The properties to be acquired through negotiation are as follows:

Property Address Owner	Use	Cost
10 Hoeltzer Street Mamie N. Durant	1 Family	\$ 16,000
7 Sullivan Street Clifford Walker	1 Family*	5,000
9 Sullivan Street Carlton Cote and Carl Munding	3-family **	22,000
11 Sullivan Street Carl Cote	2 family	22,000
818 N. Clinton Avenue Equity Systems Realty, LLC	1 family*	27,000
822 N. Clinton Avenue Armando Espinosa	Mixed-use	75,000
830 N. Clinton Avenue Mahmood Alshaibi	Mixed-use*	<u>13,000</u>
Total		<u>\$180,000</u>

*Vacant

**Two units vacant, one unit occupied

The maximum acquisition values were determined by an independent appraiser, Midland Appraiser Associates, Inc., with account taken of environmental or geo-technical conditions. The legislation proposes that the Director of Real Estate be authorized to negotiate a sale at the appraised value.

The total acquisition price, including closing costs, relocation costs, and demolition will not exceed \$450,000 and will be funded by the proposed bond ordinance. When acquisition is completed, the parcels will be combined with other City-owned properties and marketed for development. The original provision for this acquisition was included in the 2000-01 Debt Limit; an exception to the normal two-year roll over requirement is hereby requested for this transaction.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-78

Ordinance No. 2003-177
(Int. No. 210)

Authorizing Acquisitions For The North Clinton Avenue Revitalization Project

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

Section 1. The Council hereby approves the acquisition of the following parcels as a part of the North Clinton Avenue Revitalization Project:

Address	Type	Maximum Acquisition Amount
SBL No.	Reputed Owner	

10 Hoeltzer Street 106.39-1-73	1 Family Mamie N. Durant	\$ 16,000
7 Sullivan Street 106.39-1-2	1 Family Clifford Walker	5,000
9 Sullivan Street 106.39-1-3	3 Family Carlton Cote and Carl Munding	22,000
11 Sullivan Street 106.39-1-4	2 Family Carl Cote	22,000
818 N. Clinton Ave. 106.39-1-79	1 Family Equity Systems Realty, LLC	27,000
822 N. Clinton Ave. 106.39-1-80	Comm/Mixed Use Armando Espinosa	75,000
830 N. Clinton Ave. 106.39-1-82	Comm/Mixed Use Mahmood Alshaibi	<u>13,000</u>
Total		\$180,000

Section 2. The acquisition, relocation, demolition and closing costs 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. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-178
(Int. No. 211)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$450,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property As A Part Of The City's North Clinton Avenue Revitalization Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the costs of a portion of the City's North Clinton Avenue Revitalization Project (the "Project"), consisting of the acquisition of properties, including but not limited to 10 Hoeltzer Street, 7, 9 and 11 Sullivan Street and 818, 822 and 830 North Clinton Avenue for development as a part of the La Marketa Project. Existing improvements on said property are to be ultimately demolished by the City. The estimated maximum cost of the specific object or purpose authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$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 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 \$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 the amount of \$450,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-179
Re: Brooks Landing Street
Improvements Project

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Brooks Landing Project. The legislation will authorize the issuance of additional bonds totaling \$175,000 and appropriate the proceeds thereof to finance the cost of the public street improvements.

The public street improvements will include reconstruction of a portion of Brooks Avenue and improvements to four intersections in the vicinity of the development area. The planned street improvements are based on a traffic study conducted by FRA Engineering in 1999. City Council authorized bonding in the amount of \$1,000,000 on April 8, 2003. Subsequently, construction bids were received and were slightly higher than the previously authorized \$1,000,000 in bonding.

The construction cost based on the lowest bid received is \$1,040,800. An additional \$134,200 will be allocated for street lighting, acquisitions, other items not included in the contract and contingency.

Construction	Contingency	Total
\$1,040,800	\$134,200	\$1,175,000

Construction for the transportation improvements is scheduled to begin in Summer 2003 and be completed in the Spring of 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-179
(Int. No. 250)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$175,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Landing Street Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction and reconstruction of certain streets, including but not limited to Brooks Avenue, Genesee Street, South Plymouth Avenue, Scottsville Road, Elmwood Avenue and Genesee Park Boulevard, as a part of the Brooks Landing Street Improvements 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 \$1,375,000. The plan of financing includes the issuance of \$175,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,000,000 bonds previously appropriated in Ordinance No. 2003-91 and \$200,000 bonds previously appropriated in Ordinance No. 2001-359, 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 \$175,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to

providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Introductory No. 188 was introduced May 13, 2003, and appears in its original form with its transmittal letter on page 137 of the current Council Proceeding.

Ordinance No. 2003-180
(Int. No. 188, As Amended)

Authorizing An Amendatory Agreement For The East End Garage Reserve Fund

WHEREAS, the City and the County of Monroe and the Cultural Center Commission have entered into an agreement for the East End Garage and have established a reserve fund to pay the costs of the Garage, and

WHEREAS, the Cultural Center Commission has agreed to the sale of the parcel adjacent to the East End Garage at 130 East Avenue for the development of a mixed-use condominium project containing retail and office space and housing units, and

WHEREAS, parking for the tenants of this project will be provided by the Commission in the current East End Garage and in a possible 46 space covered structure for which the Commission wishes to set aside funds from the reserve fund, and

WHEREAS, the provision of parking for this development conforms to the purposes of the Cultural Center Commission as set forth in Chapter 613 of the Laws of 1979 and will further the Cultural District Plan and serve a public purpose,

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 amendatory agreement with the County of Monroe and the Cultural Center Commission for oversight and operation of the East End Garage, whereby the purposes of the East End Garage Reserve Fund may include demolition of the existing garage and construction of a new parking facility. [The amendatory agreement shall allow for up to \$400,000 in the East End Garage Reserve Fund to be placed in a separate interest-bearing account for the future demolition of the existing garage and construction of a minimum 46-space covered parking facility for use by tenants of The Sagamore on East at 130 East Avenue.] The amendatory agreement shall allow for up to \$400,000. from parking payments received from the owners and tenants of 130 East Avenue, plus interest, to be deposited in a separate, interest-bearing designated account, for the future demolition of the existing garage and construction of a minimum 46-space covered parking facility for use by the owners and tenants of 130 East Avenue, and shall allow replenishment of the designated account.

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

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-181
Re: Outer Loop Industrial Park/Official Map Amendment

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation to amend the Official Map by dedicating as public right-of-way the street developed in conjunction with the Outer Loop Industrial Subdivision and the naming of that street as Vanguard Parkway.

The Outer Loop Industrial Subdivision consists of roughly 26 acres located at the former Emerson Street landfill site near Colfax Street. The Outer Loop Subdivision Infrastructure Project includes the installation of a cul-de-sac roadway and related public improvements.

On July 2, 1997, City Council approved the sale of 7.687 acres of land to JADA Precision Plastics, the first tenant to move into the subdivision, and on April 8, 2003, Council authorized the sale of 13.358 acres to Klein Steel. The sale of a 3.894 acre parcel to XLI Corporation was authorized by Council at the May 13, 2003 meeting.

The street naming was presented to the City Planning Commission on May 19, 2003 and the Commission recommended by a vote 4-0-0 in favor of the proposed naming of the proposed street.

A public hearing on the dedication and naming is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-79

Ordinance No. 2003-181
(Int. No. 212)

Amending The Official Map By Dedication Of Vanguard Parkway In The Outer Loop Industrial Subdivision

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following parcel to street purposes and naming said parcel Vanguard Parkway:

All that tract or parcel of land containing 1.286 acres, more or less, situate in the City of Rochester, County of Monroe, State of New York, as shown on a map entitled "Resubdivision Map of Lot 2" Western Gateway Industrial Subdivision, prepared by The Sear-Brown Group, Inc., of Rochester, New York, dated January 26, 2000, and having drawing No. 14360.01 SU-1, and being more particularly bounded and described as follows:

Beginning at a point on the existing southerly right-of-way line of Emerson Street (80° R.O.W.), said point also being the northeast property corner of lands owned now or formerly by Rochester Gas & Electric Corporation; thence

1. N 89°50'30" E, along said southerly right-of-way line of Emerson Street, a distance of 75.00 feet to a point; thence
2. S 44°51'26" W, a distance of 21.22 feet to a point; thence
3. S 00°07'38" E, a distance of 235.03 feet to a point of curvature; thence
4. Southerly, along a curve to the left with a radius of 267.00 feet and a delta angle of 30°00'00", a distance of 139.80 feet to a point of tangency; thence
5. S 30°07'38" E, a distance of 220.00 feet to a point of curvature; thence
6. Southerly, along a curve to the left with a radius of 100.00 feet and a delta angle of 40°07'09", a distance of 70.02 feet to a point of reverse curvature; thence
7. Southerly, westerly and northerly, along a curve to the right with a radius of 70.00 feet and a delta angle of 260°14'18", a distance of 317.94 feet to a point of reverse curvature; thence

- 8. Northerly, along a curve to the left with a radius of 100.00 feet and a delta angle of 40°07'09", a distance of 70.02 feet to a point of tangency; thence
- 9. N 30°07'38" W, a distance of 220.00 feet to a point of curvature; thence
- 10. Northerly, along a curve to the right with a radius of 327.00 feet and a delta angle of 30°00'00", a distance of 171.22 feet to a point of tangency, said point also being the southeast corner of the aforesaid Rochester Gas & Electric Corporation lands; thence
- 11. N 00°07'38" W, along the east property line of the aforesaid Rochester Gas & Electric Corporation lands, a distance of 250.00 feet to the Point or Place of Beginning.

Subject to any easements or encumbrances of record.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-182
Re: Zoning Map Amendment -
1991 Lake Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning a 50' x 118.52' portion of the property at 1991 Lake Avenue fronting on Merrill Street from T-P Transitional Parking to R-1 Low Density Residential district.

Most of the property at 1991 Lake Avenue was developed as a parking lot for Eastman Kodak Company except for the 50' x 118.52' portion of the lot. The parcel currently consists of lawn area.

The affected lot is bordered to the north, east and west by R-1 Residential district and to the south by T-P Transitional Parking district.

Eastman Kodak Company, which also owns the adjoining single-family residence at 183 Merrill Street, proposes to rezone the affected portion of the lot to R-1 Low Density residential. The proposed rezoning will enable the applicant to combine the affected 50' x 118.52' lot with the residential property at 183 Merrill Street. The two combined lots will be sold for single-family residential use.

On April 28, 2003, the Planning Commission held an informational hearing; one person spoke in support of the application. By a vote of 4-0, the Commission recommended approval of the requested rezoning.

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

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-80

Ordinance No. 2003-182
(Int. No. 213)

Changing The Zoning Classification Of 1991 Lake Avenue From T-P Transitional Parking To R-1 Low 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-described property, constituting 1991 Lake Avenue, from T-P Transitional Parking to R-1 Low Density Residential:

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

Beginning at the point of intersection of the centerline of Merrill Street and the northerly extension of the westerly line of Lot 10 of the Saint Ann's Home Subdivision as shown on a map of said subdivision filed in the Monroe County Clerk's Office in Liber A of maps at page 14;

Thence 1) Southerly along said extension and the westerly line of said Lot 10 a distance of 139.26 feet to the southwest corner of said Lot 10;

Thence 2) Easterly along the southerly line of said Lot 10 a distance of 50 feet to a point;

Thence 3) Northerly along the easterly line of said Lot 10 and it's northerly extension a distance of 139.26 feet to the centerline of Merrill Street;

Thence 4) Westerly along the centerline of Merrill Street a distance of 50 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. 214
Re: Zoning Map Amendment -
17-57 Bay Street/238 Portland Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning five properties at 17-35 Bay Street, 45 Bay Street, 49 Bay Street, a portion of 57 Bay Street and 236-238 Portland Avenue from R-2 Medium Density Residential to C-1 Neigh-

borhood Center district.

The affected properties are bordered to the north by R-1 Residential, to the south and east by R-2 Residential and to the west by Open Space district.

Owners of the affected properties signed the application consenting to the rezoning of their properties to C-1 Neighborhood Center district. The affected properties are legal for use as follows:

17-35 Bay Street	car wash
45 Bay Street	seven-unit apartment building
49 Bay Street	collision shop
57 Bay Street	vacant residential land
236-238 Portland Avenue	store and an auto repair garage

The proposed rezoning will enable the applicant, who owns the properties at 49 and 57 Bay Street, to utilize the front portion of the parcel at 57 Bay Street for the storage of vehicles associated with a proposed towing operation. If the rezoning is approved, the establishment of a towing operation at 57 Bay Street would still require a use variance. Under the current R-2 district regulations, there is no relief available that would allow the establishment of the towing operation or any other commercial use onto the lot at 57 Bay Street.

Under the R-2 zoning, the lot at 57 Bay Street could be developed as an ancillary parking lot for use by the collision shop operation. The storage of towed vehicles would not be permitted and the parking lot use would be limited to the parking of employee or customer vehicles associated with the nonconforming collision shop.

If rezoned, except for the retail store at 236-238 Portland Avenue, the other uses of 17-49 Bay Street and 236-238 Portland Avenue would be nonconforming uses in the C-1 district.

On April 28, 2003, the Planning Commission held an informational hearing; one person spoke in support of the application. By a vote of 4-0, the Commission recommended approval of the requested rezoning.

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

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Douglas moved to return Introductory No. 214 to committee.

The motion was seconded by Councilmember Norwood.

The motion was adopted unanimously.

Introductory No. 214

CHANGING THE ZONING CLASSIFICATION OF 17-35, 45, 49 AND A PORTION OF 57 BAY STREET, AND 236-238 PORTLAND

AVENUE, FROM R-2 MEDIUM 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-described property, constituting 17-35, 45, 49 and a portion of 57 Bay Street, and 236-238 Portland Avenue, from R-2 Medium 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 more particularly bounded and described as follows:

Beginning at the point of intersection of the centerline of Bay Street and the intersection of the centerline of Portland Avenue;

- Thence 1) Southwesterly along the centerline of Portland Avenue to the westerly extension of the southerly line of lands owned now or formerly by Laurro Properties, Inc. as per a deed recorded in the Monroe County Clerk's Office in Liber 8855 of deeds at page 543;
- Thence 2) Southeasterly along said extension and the southerly line of said Laurro Properties' lands a distance of 183 feet to a point on the dividing line between Lots 14 and 23 of the Davis Tract;
- Thence 3) Northeasterly along said dividing line a distance of 65.03 feet to a point;
- Thence 4) Southeasterly along the southerly line of lands owned now or formerly by Benjamin Bortnick in Liber 8472 of deeds at page 478 a distance of 114.57 feet more or less to the centerline of Sigel Street;
- Thence 5) Northeasterly along the centerline of Sigel Street to the westerly extension of the southerly line of lands owned now or formerly by Kenneth Schimpf as per a deed recorded in the Monroe County Clerk's Office in Liber 8999 of deeds at page 238;
- Thence 6) Easterly along said extension and the southerly line of said Schimpf lands and along the southerly line of Frank Adams Jr. lands as per a deed recorded in the Monroe County Clerk's Office in Liber 3867 of deeds at page 377 to the southeast corner of said Adams' land;
- Thence 7) Northeasterly through an adjacent parcel owned by Frank Adams Jr. to the easterly line of lands conveyed to said Adams as per a deed recorded in the Monroe County Clerk's Office in Liber 8465 of

deeds at page 441;

- Thence 8) Northerly along the easterly line of said Adams' lands a distance of 115 feet to the southerly line of Bay Street;
- Thence 9) Continuing northerly on the extension of the easterly line of said Adams' lands to the centerline of Bay Street;
- Thence 10) Westerly along the centerline of Bay Street to the centerline of Portland Avenue.

Section 2. This ordinance shall take effect immediately.

Held.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-183
Re: Zoning Text Amendments

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Code, Chapter 120 of the City Code, by revising various sections of the text relating to zoning procedures, definitions, setbacks, site design and other requirements. The listing of proposed changes is attached.

The new Zoning Code was adopted on October 16, 2002 and went into effect on January 1, 2003. Since it went into effect, zoning staff and others have identified various Code provisions that are either unclear, contain errors or require reformatting. The changes are primarily editorial improvements of the text rather than substantive changes in content.

The City Planning Commission held an informational meeting on the amendments on April 28, 2003; one person spoke in support of the request. By a vote of 4-0-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as lead agency, issued a Positive Declaration on June 14, 1999 on the revision of the Zoning Code. A DGEIS and FGEIS were prepared, filed and accepted pursuant to the requirements of the State Environmental Quality Review Act.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-81.

Councilmember Norwood moved to amend Introductory No. 215.

The motion was seconded by Councilmember Douglas.

The motion was adopted unanimously.

Ordinance No. 2003-183
(Int. No. 215, As Amended)

**Amending Chapter 120 Of The Municipal Code,
The Zoning Code**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- 1) Replace the existing R-1 District purpose statement in §120-7 with the following:

~~The R-1 Low-Density Residential District preserves the City's low-density residential areas that are characterized predominantly by owner-occupied, single-family detached homes. These R-1 neighborhoods, all of which are unique in their character and scale, are similar in that they are characterized by single-family homes and unobstructed front yards. The district requirements promote and protect the quality of urban residential living of the existing residential neighborhoods.~~

The R-1 Low-Density Residential District is intended to maintain residential areas at relatively low densities. The R-1 district is a distinct urban area that is characterized predominantly by owner-occupied, single-family detached and attached homes but often contains a diverse mix of other preexisting higher density residential uses. Each R-1 neighborhood is unique in character composition and scale. The district requirements protect the existing neighborhoods from undesirable uses and residential conversions.

- 2) Add Home Occupations to the Permitted Use lists in the R-1, R-2 and R-3 Districts in §120-8G; 120-17H; 120-26L:

Home Occupations, subject to the Additional Requirements for Specified Uses in §120-139.

- 3) Amend the front yard setback requirement in the R-1, R-2 and R-3 Districts in §120-11C(1)(a)[1]; 120-20C(1)(a)[1] and 120-28C(1)(a)[1]:

- 1] Minimum front yard setback, principal and accessory uses and structures: average front yard depth of building(s) on the block on which the property is located or 20 feet; ~~whichever is more~~, but in no case ~~more than~~ five feet larger ~~on~~ than the average of the front yard depth ~~on~~ of buildings on the two adjoining lots.

- 4) Refer Ancillary parking lots in all zoning districts in §120-9A, 120-18B; 120-27B; 120-35G; 120-43D; 120-50Y; 120-76B(1); 120-81M to Additional Requirements for Specified Uses.

Ancillary parking lots, subject to the Additional Requirements for Specified Uses in §120-131.

- 5) Refer Adaptive reuse of designated Landmarks in all affected districts in §120-18A and 120-27A to §120-130:

Adaptive use of designated landmarks,

- subject to the Additional Requirements for Specified Uses in §120-130.
- 6) Refer Live-work space in all affected districts in §120-18G; 120-26E; 120-34C; 120-42C; 120-50B; 120-82A(2) to proposed new Section 120-142.1 where new requirements are proposed to regulate such uses as follows:

Live-work space, subject to the Additional Requirements for Specified Uses in §120-142.1.
 - 7) Amend the minimum building height in C-1 in §120-37A(1):

Minimum building height, principal use or structure: two stories or ~~25 feet~~ 20 feet.
 - 8) Amend drive-thru uses in §120-43G; 120-50S; and 120-50T to §120-136 :

Drive-thrus, subject to the Additional Requirements for Specified Uses in §120-136.
 - 9) Amend the height limits in the C-2 District in §120-45A(1) and (2):
 - (1) Minimum building height, principal use or structure: ~~2-1/2 stories but not to exceed 35 feet or twenty (20) feet.~~
 - (2) ~~Minimum~~ Maximum building height, detached accessory use or structure: ~~25 feet.~~ 20 feet.
 - 10) Amend permitted auto related use provisions in the C-3 district in §120-50X:

X. 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
 - 11) To amend the provisions of the PMV District in §120-76B(4) and §120-76D(1):

§120-76B(4).

~~(4)~~ Public and semipublic uses.

~~(5)(4)~~ Public utilities, subject to the additional requirements for specified uses in §120-144.

§120-76D(1)

 - (1) Building heights.
 - (a) Minimum building height, principal use or structure: ~~2 1/2 stories but not to exceed 25 or 20 feet.~~
 - (b) ~~Minimum~~ Maximum building height, detached accessory use or structure: ~~25~~ 20 feet.
 - 12) To amend the H-V height requirements in §120-77D(1)(a) and (b):
 - (b) Nonresidential uses.
 - [1] Minimum building height, principal use or structure: two stories or ~~25~~ 20 feet.
 - [2] Maximum building height, detached accessory use or structure: ~~15~~ 20 feet.
 - 13) To amend the M-1 district vehicle sales and rental requirements in §120-81 H and J:
 - H Vehicle sales, subject to the Additional Requirements for Specified Uses in §120-153.
 - J. Commercial vehicle repair stations, subject to the Additional Requirements for Specified Uses in §120-153.
 - 14) To amend the M -1 limited use provisions in §120-82B:

§120-82B

~~B. Retail and retail services~~ When developed in conjunction with approved industrial uses, the following uses provided such limited uses constitutes no more than 10% of the developed floor area of the project or. Such limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of employees and businesses in and near the M -1 District. When developed in conjunction with approved industrial uses, the following limited uses are allowed:
 - 15) To amend the O-B District regulations in §120-105C(1), 120-106D:
 - C. Commercial uses when limited to the following:
 - (1) Offices excluding clinics.
 - D. Accessory outdoor seating areas to permitted uses.
 - 16) To amend the O-O District regulations in §120-113B(1):
 - (1) Offices excluding clinics.
 - 17) To amend the U-R District regulations in §120-120, 120-120D(3)(b)(6) and 120- 121A,C and D as follows:

§120-120. Zoning designations and modifications.

...No sexually oriented business shall be established in any urban renewal ~~development~~ district ...

§120-120D(3)(b)[6]

~~[6] Maximum building height: two stories or 30 feet.~~

§120-121. Urban Renewal District procedures.

The following procedures for site plan review, variance and amendment shall apply in all Urban Renewal Districts:

 - A. ...Prior to making a determination, the Director of Zoning shall transmit such plans to the Secretary of the Urban Renewal...
 - C. Amendment. This ~~section~~ article may be amended ...
 - D. Design review. All development and

redevelopment in U-R Districts shall be subject to the city-wide design guidelines and standards in Article XIX and the Requirements Applying to All Districts set forth in Article XX except where modified by the land use regulations of the Urban Renewal Plans. When located in the CCD, only the requirements set forth in Article IX shall apply.

- 18) To amend homeless residential facilities in §120-140C:

C. In residential structures, only habitable rooms originally designed as bedrooms shall be used for lodging.

- 19) To add proposed new section §120-142.1 Live-work space:

§120-142.1 LIVE-WORK SPACE

Live-work spaces shall be subject to the following requirements:

A. Uses shall include but not be limited to studios for artists, crafters, photographers, composers, writers and other uses of similar impact and intensity the like.

B. Studio uses shall be conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

C. Retail sales is prohibited, except The the display or sale of art objects produced on-site in association with the live-work space which is allowed if incidental and secondary to the studio use.

D. Live-work space is limited to occupant (s) of the dwelling. No employees are allowed in the conduct of the profession, occupation or trade.

- 20) To amend the vehicular parking requirements chart in §120-173C(1):

Shopping center, planned business — 3 per 1,000 square-foot-net floor-area-development

- 21) To amend the specified vehicle sales requirements §120-153A,B and proposed H:

§120-153. Vehicle sales areas:

Vehicle sales areas shall be subject to the following requirements:

A. No such use vehicle sales or storage area shall be located within 50 feet of any residential district boundary line.

B. Outdoor vehicle sales and storage areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, etc.

H. A sales office structure shall be located on the same lot as the vehicle

sales.

- 22) To amend City-wide Design Standards in §120-158A(1) and 120-158E:

A. Building elevations.

(1) Any facade facing a sidewalk, public right-of-way, public street, waterway or open space district shall have an active building elevation...

E. Mechanical and electrical equipment and open storage areas.

- 23) To amend the residential building standards in §120-160 A and D:

A. Building context and compatibility. New infill single-family, and two-family, attached dwelling units, and additions to such shall be constructed to be ...

D. Commercial and mixed-use buildings.

- 24) To amend accessory uses and structures requirements in §120-163A(2), §120-163B(11), (12),(14), proposed (15) and §120-163D proposed (3):

§120-163A(2)

(2) Attached residential garages, and carports, decks and terraces located in the side and rear yard.

§120-163B(11), (12),(14)

(11) Storage structure, one, incidental to a permitted use located in the rear yard, only in the C-1, C-2, H-V and PMV Districts.

(12) Structures for storage incidental to a permitted use located in the rear yard only in the C-3 and M-1 Districts.

(Renumber 12-15)

(14) Walk up service windows facing any public right-of-way when accessory to a permitted commercial retail sales and service use, when associated with a legal retail operation.

Proposed §120-163B(15)

(16) Handicapped ramps in the side or rear yard, provided the ramp does not obstruct access to required parking.

Proposed §120-163D(3)

(3) The storage or parking of commercial vehicles on any residentially developed property in a residential zoning district other than in a completely enclosed building.

- 25) To amend the requirements for fences and walls in §120-167B(4),(5), and proposed 120-167 B(6):

§120-167 B(4)

(4) In no event shall fence or wall in non-residential districts abutting residential

~~districts exceed six (6) feet in height. Within nonresidential districts no fence shall exceed eight (8) feet in height.~~

Proposed §120-167 B(4)

- (5) Within residential ~~and commercial~~ districts, no fence, or wall, ~~other than a necessary retaining wall~~; over three feet in height shall extend into the front yard of any lot, ~~other than a necessary retaining wall~~.

Proposed §120-167 B(5)

- (6) ~~Within nonresidential districts, no fence or wall shall be constructed in the required front yard or within ten (10) feet of any street frontage, whichever is more, except a decorative fence or wall of no more than three feet in height may be installed in conjunction with landscaping.~~

26) To amend the flood plain regulations in §120-168:

The following requirements shall apply to any use of special flood Such applications shall be forwarded to the Monroe County Department of Planning and Development and the Genesee Finger Lakes Regional Planning Council for review and comment and, in the case that the applicant proposes to alter or relocate a water course, the Director of Zoning shall notify adjacent ...

27) To amend the landscaping requirements in §120-169A(1)(a), §120-169BA(8) and §120-169C(4):

§120-169A(1)(a)

- (1) The following minimum ground area of the total lot area shall be landscaped:
 - (a) Commercial uses: ~~15%~~ 10% of the site.

§120-169BA(8)

- (8) The Director of Zoning may waive these requirements if the overall objectives of the ordinance are met and the general character of the area and community goals are protected in conjunction with an Alternative Landscaping Plan.

§120-169C(4)

- (4) The Director of Zoning may waive these requirements if the overall objectives of the ordinance are met and the general character of the area and community goals are protected in conjunction with an Alternative Landscaping Plan.

28) To amend Parking Demand Analysis and Maximum Number of Parking Spaces requirements in proposed §120-173B(3) and §120-173D:

§120-173B(3)

- (3) Parking Demand Analysis. For uses expressly listed in this section requiring parking demand analysis, such analysis

will include, at a minimum:

- (a) The anticipated number of parking spaces needed to accommodate the proposed use.
- (b) How the parking spaces are accommodated (on site, public lots, on street, etc.).
- (c) Rationale supporting the necessity for the requested number of ~~for additional~~ parking spaces.
- (d) Analysis of existing parking conditions.
- (e) The typical peak ~~-to-~~ daily demand of the proposed use.
- (f) Analysis of parking demand of comparable uses.

§120-173D

D. ~~Maximum number of parking spaces and parking demand analysis.~~ No use ~~other than single, two-family and attached residential uses~~, subject to the per unit requirements in §120-173F, shall provide more than 110% of any of the above-listed requirements, except through the ~~submittal~~ submission of a parking demand analysis in accordance with §120-173B and approval of a special permit in accordance with §120-192. ~~The parking demand analysis will include, at a minimum:~~

- (1) The anticipated number of parking spaces needed to accommodate the proposed use:
- (2) How the parking spaces are accommodated (on site, public lots, on street, etc.):
- (3) Rationale for additional parking spaces:

29) To amend the general parking requirements in §120-173F(1)(b),(e), (g) and (h):

§120-173F(1)(b)

Parking for single family, two-family and attached dwellings in all districts residential uses shall be limited to no more than three (3) vehicles for each dwelling unit. No parking for such residential uses shall be located in the required side or front yard setback except in a legal driveway that provides access to the rear yard, or a detached or attached garage.

§120-173F(1)(e)

- (e) ~~Customer or employee~~ Parking for nonresidential uses shall not be located within 10 feet of any residential district or use, except where a solid screening wall at least six feet in height is placed on the lot line with vehicle stops or a bumper to ensure the integrity of the fence, in which case no setback shall be required.

§120-173F(1)(g)

~~(g) Parking lots and parking areas shall be screened from abutting residential uses and districts with solid screening a minimum height of six feet. An earth berm may be credited toward the required height.~~

§120-173F(1)(h)

~~(h)(g) A study shall be~~

30) To amend the parking lot landscaping requirements in §120-173F(2)(e), (f) and (g):

§120-173(2) Parking lot landscaping.

In addition to the standards of §120-169, the following shall apply:

§120-173F(2)(e),(f) and (g)

(e) A minimum of one landscaped area with a minimum size of ~~200~~ 162 square feet (approximately ~~10~~ 9 feet by ~~20~~ 18 feet) shall be provided for every 15 parking spaces and developed as islands within the parking surface area. Alternatives to this requirement may be considered in an Alternative Landscaping Plan as set forth in §120-169.

(f) Parking lot stops shall ~~include permanent~~ consist of durable material, such as concrete, masonry, metal or rubber. In no case shall wooden stops be used.

(g) All required screening and landscaping shall be maintained and, if required, replaced to comply with the requirements in this section ~~and or any approvals issued per this section.~~

31) To amend parking lot design standards in 120-173F(3)(a):

(a) The following minimum standards shall apply to the width and length of required parking spaces. These requirements may be ~~amended~~ modified for various uses including valet parking lots or vehicle sales storage and sales areas lots where the Director of Zoning has obtained plans verifying that stacked parking will not produce streetscape or on and off-site traffic impacts, written proof from the applicant that the lot will provide valet parking

32) To amend the ingress and egress requirements for parking lots in §120-73F(4)(a):

(a) Every parking garage and parking lot of ~~ten~~ (10) or more spaces shall be provided with one two-way driveway at least 22 feet in width or two one-way driveways, each at least 11 feet in width.

33) To amend the maneuvering requirements for parking lots in §120-173F(5)(b):

(b) Maneuvering space shall be designed to prevent any vehicles from backing into the public right-of-way, with the exception of alleys, and except for one-family, two-family and attached dwellings.

34) To amend the surface requirements for parking lots in §120-173F(6)(c):

(c) The use of interior catch basins ~~or a similar system~~ linked to the Monroe County Pure Waters District facilities ~~or a similar system~~ shall be approved by the Manager of Plan Review. ~~shall be required.~~

35) To amend the Alternate Sign Program requirements in §120-177K:

K. Alternative sign program. In order to provide an imaginative, effective, visually compatible plan for all signs on a property, a property owner may submit a sign program containing provisions different from the ~~design standards~~ requirements in §120-177D through F listed in this section.

36) To amend the requirements for site grading in §120-178A and proposed §120-178D:

	Minimum Slope	Maximum Slope
Planting areas	2%	12% <u>25%</u>

D. The Director of Zoning may waive these requirements through Minor Site Plan Review as outlined in §120-191D if the overall objectives of the ordinance are met and the general character of the area and community goals are protected.

37) To amend City Planning Commission procedures in §120-184E:

(3) Procedures. The Planning Commission shall adopt its own rules of procedure for the conduct of its business consistent with this chapter and the statutes of the State of New York. Such rules shall be filed with the Staff Secretary of the Commission and the City Clerk. ~~Upon good cause being shown, and consistent with this chapter and New York State Law, the Chairperson may waive any rule.~~

38) To reformat the Preservation Board meeting requirements in §120-185 E through H:

~~(4)E.~~ Meetings, Hearings and Procedures

(1) Meetings.

~~(5)(2)~~ Hearings.

(3) Procedures.

The Preservation Board shall adopt its own rules of procedure for the conduct of its business consistent with this chapter and the statutes of the State of New York. Such rules shall be filed with the Staff Secretary of the Commission and the City Clerk. Upon good cause being shown, and consistent with this chapter and New York State Law.

~~F.G.~~ Preservation Board bylaws. The Preservation Board shall prepare and adopt

bylaws from time to time outlining meeting times and related procedures. The bylaws shall be submitted to the Director of Zoning for review and acceptance.

- ~~G.H.~~ Record and decisions.
- ~~H.L.~~ Conflicts.
- ~~I.J.~~ Appeals.
- ~~J.K.~~ Jurisdiction and authority.

39) To amend the Zoning Board procedures in §120-186F(3):

(3) Procedures. The Zoning Board of Appeals shall adopt its own rules of procedure for the conduct of its business ~~not inconsistent~~ consistent with this chapter and the statutes of the State of New York. Such rules shall be filed with the Staff Secretary of the Board and the City Clerk. ~~Upon good cause being shown, and consistent with this chapter and New York State Law, the Chairperson may waive any rule.~~

40) To amend the Zoning Board authorities in §120-186K by adding:

~~(6) Subject to the provisions of Chapter 76 of the City Code hereof, to approve or deny Official Map variances.~~

41) To amend the notification requirements for public hearings in §120-188L(3)(a)[1] and [2]:

- (a) Mailed notice.
 - [1] The Director of Zoning shall be required to mail the appropriate notices for public hearings to property owners, both within and outside the municipal boundaries of the City of Rochester, within three hundred (300) feet from the property line.
 - [2] Where mailed notice is required, it shall be sent to the applicant, the owner of any property subject of the application as shown in the records of the office of the City Treasurer, the Department of Community Development, the Official Neighborhood Contact and to any other person or persons

42) To amend the successive application requirements in §120-188O(1):

(1) Whenever any application, appeal or other request filed pursuant to this chapter has been finally denied on its merits ~~or approved~~ subject to specified conditions, a second application, appeal or other request seeking essentially the same relief or a modification of such conditions shall not be brought within two years unless, in the unanimous opinion of the review authority of all members ~~then~~ present on the board before which it is brought, one of the following standards has been met:

43) To add application requirements for a Certificate of Zoning Compliance to §120-189E(1):

E. Procedure.

(1) Application. Applications for certificates of zoning compliance shall be submitted in a form and in such numbers as required by the Director of Zoning. A nonrefundable fee, as may be established from time to time by the City Council to help defray administrative costs, shall accompany each application. ~~The Director of Zoning may also request such other and further information and documentation deemed or appropriate to a full and proper consideration and disposition of the particular application. Applications shall be in such form and contain such information and documentation as shall be prescribed from time to time by the Director of Zoning, but shall in all instances contain at least the following information or documentation unless any such information or document is expressly waived by the Director of Zoning as not relevant or necessary to determine that all provisions of this chapter have been met in a particular case:~~

- ~~(a) The applicant's name, address and interest in the subject property.~~
- ~~(b) The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of this application.~~
- ~~(c) The address or location of the subject property.~~
- ~~(d) The present use and zoning classification of the subject property.~~
- ~~(e) The proposed use or uses of the subject property and a description of the construction, reconstruction, remodeling, alteration or moving.~~
- ~~(f) The certificate of a registered architect or licensed professional engineer or of an owner-designer that the proposed construction, reconstruction, remodeling, alteration or moving complies with all the provisions of this chapter.~~
- ~~(g) A site plan, drawn to scale of not less than fifty (50) feet to the inch, on one (1) or more sheets, illustrating the proposed construction, reconstruction, remodeling, alteration or moving and including the following:

 - ~~[1] Property boundary lines and dimensions of the property and any significant topographic or physical features of the property.~~
 - ~~[2] The location, size, use and arrangement, including height, in stories and feet where relevant, floor area ratio, total floor area and lot and building coverage; and the number and size of dwelling units, by number of bedrooms, of proposed buildings and existing buildings.~~
 - ~~[3] Minimum yard dimensions and,~~~~

where relevant, the relation of yard dimensions to the height of any building or structure.

[4] The location, dimensions, number and slope and gradient of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles; the total lot coverage of all parking, loading, driveway and aisle areas; and, where more than ten (10) parking and loading spaces are required, the location of area for snow storage or an indication of an alternative disposal method.

[5] The location, size, arrangement and sketch showing content and layout of all outdoor signs.

[6] The location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.

[7] The location, designation and total area of all usable open space.

[h] Any information necessary to determine that conditions imposed by any special approval granted pursuant to this chapter have been complied with.

(i) Scaled floor plans.

(j) Scaled elevations.

(k) Such other and further information and documentation as the Director of Zoning may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

44) To reformat and amend the Administrative Adjustment procedures in §120-191A(4)(c)[3], proposed §120-191A(4)(e), §120-191A(6), (7) and (8):

§120-191A(4)(c)[3]

[3] The Director of Zoning shall have the authority to approve an administrative adjustment for a parking area for a residential use ~~in a residential district which is located within the side yard due to the existing location of the principal building on the property; or, is within the front yard and is limited to one parking space, when new curbs are being installed and the parking area existed before the project was identified in the City's Capital Plan and no other parking is available on the property.~~

[a] A proposed front or side yard parking area shall be reviewed to ensure that the installation of said area does not have a detrimental impact on the streetscape. Such review shall include an evaluation of the following:

[i] Neighborhood characteristics, based

both on a physical evaluation of the streetscape and comments received from the neighborhood.

[ii] Impact on available on-street parking.

[iii] Impact on trees and other vegetation.

[iv] Impact on the historic and/or architectural integrity of the streetscape.

[b] When located in a preservation district, the Preservation Board shall have the authority to issue a certificate of appropriateness for front or side yard parking areas as outlined in §120-194. In such cases no administrative adjustment shall be required. The Preservation Board shall apply the above listed standards.

§120-191A(4)(e)

[e] Does not have a detrimental impact on the streetscape according to the evaluation criteria set forth in §120-191A(4)(c)[3].

§120-191A(5), (6), (7) and (8)

[5] The Director of Zoning shall have the authority to approve an administrative adjustment for additional fencing, not to exceed four (4) feet in height, in the front yard of a property in a residential district, only where such existing fencing has been legally installed.

[6] The Director of Zoning shall have the authority to approve an administrative adjustment for chain-link fencing in the front yard in residential districts provided:

[a] A substantial number of similar fencing exists on the frontage; and

[b] The existing fencing has been legally installed.

[7] The Director of Zoning shall have the authority to approve an administrative adjustment for a temporary handicapped facilities, such as ramps, lifts and the like located in the required front yard setback.

[7] Relocate to §120-191A(4)(c)[3]

~~[8]~~ Relocate to §120-191A(4)(c)[3]

45) To amend the purpose of the certificate of nonconformity in §120-191B(2) and (3) as follows:

(2) Purpose. The certificate of nonconformity shall establish the legality of nonconforming uses, structures, lots and signs established prior to the effective date of this chapter that do not conform to the regulations of this chapter applicable in the zoning districts in which such nonconformities are located. A certificate of nonconformity is required for any nonconforming uses, structures, lots and signs prior to the approval. A certificate of nonconformity shall be required for any nonconforming use, structure, lot and sign in the

~~City of Rochester prior to the approval of additional applications that may be required.~~

- (3) ~~Criteria for determining intensity of use. A certificate of nonconformity shall be required for any nonconforming use, structure, lot and sign in the City of Rochester prior to the approval of additional applications that may be required.~~ The Director of Zoning shall consider the following in determining the intensity of a use as may be required by the regulations of this chapter pertaining to nonconformities:
- 46) To amend the additional approvals required for certificates of nonconformity in §120-191B(4)(b)[2]:
 - [2] Establishment of a use that is of greater intensity than the previous nonconforming use in a structure not designed for a permitted use and as defined in Article XXIV.
- 47) To amend the procedures for certificates of nonconformity in §120-191B(5)(b) and 120-191B(7) as follows:
 - (b) Action by Director of Zoning. Within 45 days following receipt by the Director of a completed application or such longer time as may be agreed to by the applicant, the Director shall cause such application to be reviewed for compliance with this section and shall inform the applicant whether the application has been approved, approved with restrictions or denied. ~~The failure of the Director to act within 45 days of a completed application shall be deemed a denial.~~

§120-191B(7)

- (7) Limitation on certificates of nonconformity. A certificate of nonconformity shall become null and void six months after the date on which it was issued unless a building permit and a Certificate of Occupancy is obtained and maintained.
- 48) To amend the Site Plan Review thresholds in §120-191D(3) (a) and (b):
 - (a) Minor site plan review required. Minor site plan review by the Director of Zoning, or a designee, shall be required for the following:
 - [1] Applications that do not meet the ~~standards in the City-wide Design guidelines~~ Standards set forth in this chapter.
 - [2] All exterior alterations to existing buildings or structures and all new construction in the CCD that ~~meet the overall objectives set out for the CCD and include minor deviations from the design criteria.~~
 - [3] All exterior ~~external structural~~ alterations to existing buildings in the PMV and H-V Village Center Districts that ~~do not meet the specific design standards listed in those districts.~~
 - [4] ~~All applications in the O-S Open Space District. Applications that do not comply~~

with Neighborhood Design Guidelines adopted pursuant to §120-161.

- [5] The following types of development and redevelopment of:
 - [a] Nonresidential nonconforming use of land and nonconforming uses.
 - [b] Parking lots over 10 spaces whether the principal use or serving a principal use on the same lot ~~that do not meet the requirements for parking lots in §120-173F.~~
 - [c] More than two loading spaces in any district adjacent to any residential district or the Open Space District.
 - [d] Any loading space which does not meet the dimension requirements specified in §120-172 ~~and any site where loading activity cannot be accomplished on the site.~~
 - [e] ~~Construction of~~ Any new structure or structures having a total floor area, or covering a contiguous land area, in excess of 20,000 square feet.
 - [f] Projects adjacent to a designated landmark or those abutting a site ~~designated on~~ listed or eligible for ~~listing on the State or National Register of Historic Places.~~
 - [h] Projects within the OS-Open Space District.
 - [i] A nonresidential use that generates 100 or more peak hour trips, as defined by International Transportation Engineers (ITE) Trip Generation, anywhere in the City.
 - [j] Any outdoor activity area accessory to a nonresidential permitted use.
- [12] ~~Any development or redevelopment of a nonresidential use that generates 100 or more peak hour trips, as defined by ITE Trip Generation, anywhere in the City.~~
- [12] Conversion to or from any building devoted to any of the following vehicle-related uses or the development or redevelopment of any sites devoted to such uses, including:
 - [a] Vehicle service stations.
 - [b] Vehicle repair, sales, storage, rental, wash or wrecking.
 - [c] Drive-through facilities and uses.
 - [d] Vehicle storage areas.
- [14] ~~Antennas with a diameter greater than one meter in residential districts and two meters in all other districts.~~
- [13] Any development or redevelopment resulting in site grading exceeding the maximum slope requirements in §120-178.

- (b) Major site plan review required. Major site plan review will be required for any site plan meeting one or more of the thresholds of minor site plan review and one of the following:
- [1] All Type I actions as identified in §48-4 of the City Code, excluding applications requiring certificates of appropriateness.
 - [2] Applications in the CCD that meet the overall objectives of the CCD and include major deviations from the design criteria.
- 49) To amend the denial criteria for site plan applications in §120-191D(4) as follows:
- (4) Denial criteria. The Director shall deny an application on the basis of specific written findings directed to one or more of the following:
 - (a) The application is incomplete in specified particulars or contains or reveals violations of this chapter or other applicable regulations which the applicant has, after written request, failed or refused to supply or correct.
 - (b) In the case of a site plan submitted in conjunction with a planned development district, a cluster development or a special permit, the site plan fails to meet specified standards required by this chapter with respect to such development or use. The proposed site plan interferes unnecessarily, and in specified particulars, with easements, roadways, rail lines, utilities, and public or private rights-of-way.
 - (c) The proposed site plan unnecessarily, and in specified particulars, destroys, damages, detrimentally modifies or interferes with the enjoyment of significant natural, topographic or physical features of the site.
 - (d) The proposed structures unnecessarily, and in specified particulars, destroy, damage, detrimentally modify or interfere with the significant design features of the existing buildings and structures on the site.
 - (e) The proposed structures or landscaping unnecessarily, and in specified particulars, bear a poor relationship to the existing physical development of the site or results in an overall development that compromises existing design, parking or landscaping elements.
 - (f) The site design does not comply with ADA requirements.
 - (e)(g) The proposed site plan unnecessarily, and in specified particulars, is injurious or detrimental to the use and enjoyment of surrounding property, including proposed lighting that would be intrusive to neighbors.
 - (f)(h) There is inadequate infrastructure capacity to support the application use or development.
- ~~(g)~~(i) The proposed site plan and associated improvements fail to mitigate the project's anticipated traffic impacts.
 - ~~(h)~~(j) The proposed site plan fails to provide for adequate access for emergency vehicles.
 - ~~(i)~~(k) The pedestrian and vehicular circulation elements of the proposed site plan unnecessarily, and in specified particulars, create hazards to safety on or off the site, display inadequate connections to surrounding development, disjointed pedestrian or vehicular circulation paths on or off the site.
 - ~~(j)~~ The proposed site plan fails to promote alternative modes of transportation, creating undue dependence on automobile travel or undue interference and inconvenience to pedestrian travel.
 - ~~(k)~~(l) The proposed structures or landscaping unnecessarily, and in specified particulars, is are lacking amenity in relation to, or is incompatible with, nearby structures and uses.
 - ~~(l)~~(m) Based on recognized standards, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance. The proposed site plan unnecessarily, and in specified particulars, is lacking amenity in relation to, or incompatible with, nearby structures and uses.
 - ~~(m)~~(n) The proposed site plan unnecessarily, and in specified particulars, creates drainage or erosion problems.
 - ~~(n)~~ The proposed structures or landscaping unnecessarily, and in specified particulars, bears a poor relationship to the existing physical development of the site or results in an overall development that compromises existing design, parking or landscaping elements through inappropriate location on the site.
 - ~~(o)~~ The site design does not comply with ADA requirements.
 - ~~(p)~~(o) The proposed structures unnecessarily, and in specified particulars, are incompatible with or lacking in amenity in relation to existing uses on the site or existing building materials, roof shapes and fenestration on the site.
 - ~~(q)~~(p) The design of building facades and appurtenances fails to ensure visual compatibility with the buildings, public ways and places to which such elements are visually related. The proposed site plan fails to contribute to existing pedestrian oriented rights-of way and unnecessarily, and in specified particulars, is lacking in amenity in relation to the public realm and streetscape.

- (r)(q) ~~The application proposed site plan detrimentally impacts the visual and public physical access to and along the waterfront.~~
- (s)(r) In the CCD, the proposed site plan is contrary to, or fails to meet, the principles and objectives of the Center City Master Plan as enumerated in §120-58 of this chapter.
- 50) To amend the requirements for the referral of site plan to the Planning Commission in §120-191D(9)(a):
 - (9) Referrals and appeals.
 - (a) Referrals of a decision by the Director of Zoning on a site plan review application shall be taken to the City Planning Commission within 30 days of the decision. A public hearing shall be set, advertised and conducted by the Planning Commission in accordance with §120-188. The Commission shall review the application in accordance with the denial criteria set forth in §120-191D(4) and shall render a decision within thirty (30) days following the conclusion of the public hearing. The failure of the Commission to act within 30 days, shall be deemed an endorsement of the decision of the Director of Zoning.
- 51) To amend the special permit provisions in §120-192B(6):
 - (6) Effect of issuance of a special permit. The issuance of a permit for a special permit shall not alone authorize the establishment or expansion of any use nor the development, construction, ...
- 52) To amend the Special Permit Standards in §120-192B(3) by adding (d) and (e):
 - (d) For special permit applications for any use of special flood development within a special flood hazard area, the Planning Commission shall weigh the considerations of the Floodplain Regulations set forth in §120-168.
 - (e) For special permit applications in the O-A Overlay-Airport District, the Planning Commission shall weigh the considerations outlined in §120-96.
- 53) To amend the special permit procedures in §120-192B(4)(c)[2]:
 - [2] The failure of the Commission to act within 62 days, ~~or such longer period of time as may be agreed to by the applicant,~~ shall be deemed a denial of the application.
- 54) To amend the requirements for the adoption of Neighborhood Design Guidelines in §120-192C(1) as follows:
 - (1) Authority. The Planning Commission shall have the authority to adopt neighborhood design guidelines as outlined in §120-~~192~~161.
- 55) To amend the Certificate of Appropriateness procedures in §120-194A(4)(d) and §120-194A(7)(d)[6]:

- §120-194A(4)(d)
 - (d) Parking areas in the side and front yard shall require a certificate of appropriateness subject to the criteria set forth in §120-191A(4).
- §120-194A(7)(d)[6]
 - [6] Within ~~five ten (10)~~ business days following the Board's or such committee's action or its failure to act within the specified time frame, the Director of Zoning shall mail notice of such action to each of the persons entitled to such notice pursuant
- 56) To amend and reformat the standards for area variances in §120-195B(4)(a) and (b)[5]:
 - (a) [5] Any City-wide or Village Center design standard.
 - (b) An area variance shall be granted only if the applicant establishes the existence of each of the following conditions: ~~evidence is presented that establishes that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The following standards shall be considered:~~
 - [1] ~~Benefits. The benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.~~
 - [+][2] ~~Essential character of the area. Whether an~~ 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][3] ~~No other remedy. Whether the~~ The benefit sought by the applicant can ~~not~~ be achieved by some method feasible for the applicant to pursue, other than the area variance.
 - [3][4] ~~Significance. Whether the~~ The requested area variance is ~~not~~ substantial.
 - [4][5] ~~Physical and environmental conditions. Whether the~~ The proposed variance will ~~not~~ have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - [5][6] ~~Not self-created. Whether the~~ The alleged difficulty was ~~not~~ self-created, ~~which the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.~~
- 57) To amend the Zoning Board procedures in proposed §120-195B(6)(c)(2), 120-195B(6)(c)(3):
 - Proposed §120-195A(6)

~~(6) Stay of proceedings. An appeal shall stay all proceedings in the furtherance of the action appealed from, unless the Director of Zoning certifies to the Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by the Supreme Court on application, upon reasonable written notice to the Director of Zoning and on due cause shown.~~

Renumber (6) as (7)

§120-195B(6)(c) [2] and [3]

[2] Within 62 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision, approving or denying the variance, in the manner and form specified by §120-188186. The failure of the Board to act within 62 days shall be deemed a denial of the variance.

[3] Within ~~five~~ ten (10) business days following such decision or the expiration of such period, the Director of Zoning shall mail notice of such decision or failure to act to all persons entitled to such notice pursuant to §120-188186 and file such decision in the office of the City Clerk.

58) To reformat and amend the Zoning Board procedures in §120-195B(7), (8), (9) and (10) as follows:

~~(7)~~ Modifications to variances. No expansion or modification of a use or its operation that was originally approved by variance shall be permitted, except through the same process as required for initial approval of the variance.

~~(8)~~ Effect of variance approval. The approval of a variance shall not authorize the establishment or expansion of any use nor the development, construction, reconstruction, alteration or moving of any building or structure

~~(9)~~ Limitations on variances. A variance shall become null and void six months after the date on which it was issued, unless a building permit or certificate of zoning compliance Certificate of Occupancy is obtained and maintained.

~~(10)~~ Appeal.

59) To amend the height exceptions by deleting §120-196A(5) and renumbering (6) through (8):

~~(5)~~ Windmills;

60) To amend the abandonment provisions in §120-199G(4) and (5):

~~(4)~~ The owner of any nonconformity may apply to the Director of Zoning for a Certificate of Nonconformity to establish by relevant and

credible evidence that the use has not been discontinued or abandoned. For the purpose of this section, the Director of Zoning shall consider the following circumstances, which shall not be exclusive, shall contribute towards evidence of discontinuance or abandonment of a use;

~~(5) Prior to a determination by the Director of Zoning, based upon evidence of any of the above circumstances or other relevant evidence that a nonconformity has been discontinued or abandoned, the owner or operator shall have the opportunity to apply for a certificate of nonconformity and thereby establish by relevant and credible evidence that the use has not been discontinued or abandoned.~~

~~(6)~~(5)

61) To amend nonconforming accessory uses and structures in §120-199H:

H. Nonconforming accessory uses, and structures and signs.

62) To amend the nonconforming lots of record requirements in §120-201A and B:

A. In any district in which single-family dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this chapter, a single-family detached dwelling which complies with the yard, space and bulk requirements of the district in which it is located may be erected on a nonconforming lot. This includes construction of a single-family dwelling on any lot less than 40 feet in width, consisting entirely of one tract of land of not less than 4,000 square feet.

~~B. In any district in which single-family dwellings are not permitted, a nonconforming lot of record may be used for any use permitted in the district in which it is located if site plan approval is granted in accordance with the provisions of this chapter.~~

63) To amend the following definitions in §120-208:

COMMERCIAL VEHICLE - All trucks, vans, construction equipment and limousines, bearing commercial license plates and vehicles with a gross vehicle weight, as defined by the manufacturer, that is in excess of four tons.

~~DWELLING, SEMIDETACHED - Two dwelling units attached side by side, each situated on a separate subdivision lot, sharing a party wall and capable of individual sale and sharing common walls with the other.~~

FRONT YARD LINE - See "yard line, front."

GARAGE OR PARKING LOT, PUBLIC - A building, or portion thereof, other than a municipal, private or community garage, used primarily for the parking and storage of vehicles.

HOMELESS SHELTER - A residential facility operated by a provider, other than a residential care facility, which provides temporary accommodations to homeless persons and/or families in a dormitory-style setting. For the purpose of this

definition, "provider" shall mean a government agency or private nonprofit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless. The shelter shall operate less than 24 hours a day, seven days a week. ~~Twenty-four-hour Supervision shall be required for homeless shelters during operating hours.~~

HOME OCCUPATION - A business, profession, occupation or trade and conducted for gain or support entirely within a residential building, or a structure accessory thereto by, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building, lot or neighborhood ~~and which is owned and operated by a resident of such building or dwelling.~~ Not more than one person who is not a member of the family residing on the premises shall be employed ~~and then only as a clerical assistant.~~ No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling. The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted private garage accessory thereto, and in no event shall such use be apparent from any public way.

LIVE-WORK SPACE - Any dwelling used for both employment and living space ~~for those residents residing in the residence by a resident for such activities as studios for artists, craftsmen, photographers, composers, writers and the like in which the quiet enjoyment expectations of the neighbors in the building or adjacent buildings take precedence over work needs of the unit in question.~~ The predominant use of a live-work unit is residential, and commercial activity is a secondary use. ~~Employees are not permitted.~~

LOT-LINE, FRONT- ~~In the case of an interior lot abutting only one street, the line separating such lot from such street; in the case of a double-frontage lot, each line separating such line from a street shall be considered the "front lot line". In the case of a corner lot, the shorter lot line separating such lot from a street shall be considered the "front lot line".~~

OFFICE - ~~An establishment providing personal, financial, legal, medical and technical services, assistance, advice and the like to individual consumers, including clinics.~~

OFFICIAL NEIGHBORHOOD CONTACT - The specified listing of contacts identified by the City of Rochester's Bureau of Neighborhood Initiatives as those representing each of the 37 officially recognized City of Rochester neighborhoods as well as each Neighborhood Preservation Company and Neighbors Building Neighborhoods (NBN) Sector Group.

PARKING LOT, PRIVATE CUSTOMER AND EMPLOYEE - ~~A parking lot meeting the standards and conditions set forth in the definition of "garage, private customer and employee" herein.~~

PRIMARY BUILDING FACADE (FRONTAGE) - ~~The facade of a building providing the principle ingress to the building or a use from the public right-of-way.~~

REAR YARD LINE - See "yard line, rear."

SIGN, BUSINESS - SEE "SIGN".

VEHICLE SALES AREA - Any building, land area or other premises used for the display or sale of new or used automobiles, motorcycles, trucks, trailers or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises. ~~A permanent sales office building shall be located on the same lot as the vehicle sales.~~

VEHICLE STORAGE AREA - Any outdoor area used for the storage of vehicles.

WIND ENERGY CONVERSION SYSTEM (WECS) - A system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for residential, commercial, industrial, utility or governmental use. The height of the WECS is the height of the actual tower plus 1/2 the rotor diameter on horizontal axis installations and, on vertical axis installations, the distance from the base of the tower to the top of the unit.

- 64) To amend the T-P use limitations in §120-216E:
 - E. this requirement may be waived by City Council ~~without in cases of~~ unusual physical or topographical conditions.
- 65) To amend the provisions for Designated Buildings of Historic Value in §120-158C(3):
 - (3) Replacement windows in a designated building of historic value shall utilize true divided lights or simulated divided lights when matching the original mullion and/or muntin configuration. This would not include interior-only grids or grids between the panes of glass, ~~except where the windows are being replaced in order to abate lead paint hazards.~~
- 67) To amend the Summary Charts of the R-1, R-2, R-3, C-1, C-2 Regulations to reflect the amendments to front yards and building height noted above in #3, #7 and #9.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Strikeout material is deleted; underlined material is added.

Passed unanimously.

Councilmember Norwood moved to return Introductory No. 215A to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 215A, As Amended

AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, THE ZONING CODE

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

66) To amend the prohibited accessory structure requirements in §120-163D(1):

(1) In no case shall a vehicle of any kind or type without current license plates be parked or stored two or more inoperative or unlicensed motor vehicles be parked, kept or stored on any premises, on any property other than in a completely enclosed building.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Strikeout material is deleted; underlined material is added.

Held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 239
Re: Amending the Municipal Code
With Respect to Peeling Paint

Transmitted herewith for your approval is a proposed amendment to Section 90-21 of the Municipal Code, Property maintenance, to declare that peeling paint in the interior of a dwelling constructed prior to 1978 be considered a health and safety violation.

While much of the housing stock in the city of Rochester was built prior to 1978, the year that lead was banned in paint, the mere presence of lead paint in housing does not lead to lead poisoning. Rather, lead poisoning results from lead dust or chipping and peeling lead paint.

There is cause for concern when the high rate of lead poisoning continues to rise. The recent Center for Governmental Research (CGR) report commissioned by the Monroe County Department of Health projected that over 2600 additional children are poisoned by deteriorated lead paint and dust each year.

Lead poisoning in children is preventable. Educating homeowners with respect to peeling paint, as well as lead safe work practices is an act of a responsible City government.

Respectfully submitted,
Tim O. Mains
Councilmember at Large

Introductory No. 239

AMENDING THE MUNICIPAL CODE WITH RESPECT TO PEELING PAINT

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

Section 1. Section 90-21 of the Municipal Code, Property maintenance, as amended, is hereby further amended by adding thereto a new subsection D (6) to read in its entirety as follows:

(6) Peeling paint in the interior of a dwelling

constructed prior to 1978 shall be considered a health and safety violation.

Section 2. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Griswold
June 17, 2003

To the Council:

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

Int. No. 216 - Authorizing Agreements And Appropriating Funds For Human Services Projects

Int. No. 217 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 218 - Authorizing Agreements For The R.L. Edwards Senior Program And Amending The 2002-03 Budget

Int. No. 219 - Authorizing Receipt Of Funds For In-School Youth Violence Prevention

The Public Services & The Arts Committee recommends for consideration the following entitled legislation:

Int. No. 220 - Authorizing An Amendatory 2000-01 Community Development Program Plan, Reallocating And Reappropriating Funds For The Good Grades Pay And Job Creation/Youth Development Programs And Amending Ordinances

Respectfully submitted,
Nancy K. Griswold
Tim O. Mains
Tony M. Thompson
Gladys Santiago
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-184
Re: Human Services Projects

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

Organization Project	Amount
Rochester Fatherhood Resource Initiative, Inc. Rochester Fatherhood Resource Initiative (RFRI)	\$25,000
YMCA of Greater Rochester Boys Choir	20,000

The above projects are considered Projects with Matching Funds and are eligible for up to five years of

funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreements represent the second year of CDBG funding for both projects.

The costs of both the RFRI agreement and the Boys Choir agreement will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

Project descriptions and budgets are attached. Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. AC-82

Ordinance No. 2003-184 (Int. No. 216)

Authorizing Agreements And Appropriating Funds For Human Services Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for human services projects in amounts not to exceed the following:

Organization Project	Amount
Rochester Fatherhood Resource Initiative, Inc. Rochester Fatherhood Resource Initiative (RFRI)	\$25,000
YMCA of Greater Rochester Boys Choir	20,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$45,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-185
Re: Agreement - Young Explosives,
Fireworks Display

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement with Young Explosives for provision of:

1. An aerial fireworks display on July 4, Independence Day at a cost of \$25,000; and
2. Occasional fireworks displays accompanying the High Falls laser shows scheduled intermittently

during the year at a total cost of \$10,000.

The maximum cost of this agreement will be \$35,000, \$10,000 of which will be financed from the 2002-03 budget of the Department of Parks, Recreation and Human Services, \$7,000 of which will be financed from the 2003-04 budget of the Department of Parks, Recreation and Human Services, and \$18,000 of which will be funded from the Rochester Events Network trust fund.

The July 4 display will be similar to those that have been provided by Young Explosives annually since 1977, with the exception of a \$50,000 display on July 4, 2002. The 2002 display was a one-time patriotic display in response to the events of September 11, 2001. This year's display will extend for about 20 minutes. The fireworks accompanying the laser shows are small aerial displays that range in price from \$500 to \$1,500 per show.

The July 4 fireworks will be launched over the Genesee River from the entrance ramp to route 1-490 eastbound. The laser show fireworks are launched in BeeBee Park next to the Genesee River. 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.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2003-185 (Int. No. 217)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for a Fourth of July aerial fireworks display and additional fireworks displays in conjunction with the High Falls Laser Shows. Of said amount, \$10,000 shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services, \$7,000 shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services, and \$18,000 shall be funded 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. 2003-186
Re: New York State Office for the
Aging Grant

R2010: Campaign 3 - Health, Safety &

Responsibility

Transmitted herewith for your approval is legislation relating to a senior citizen program conducted by Memorial A.M.E. Zion Church. This legislation will:

1. Authorize an agreement with the New York State Office for the Aging for a legislative initiative grant in the amount of \$12,000;
2. Authorize an agreement with the Memorial A.M.E. Zion Church, 549 Clarissa Street, for use of the grant funds in connection with the R. L. Edwards senior program; and
3. Increase the 2002-03 Cash Capital budget to reflect receipt of the \$12,000 grant.

The Memorial A.M.E. Zion Church operates the R. L. Edwards Manor senior housing center and associated programs designed to provide recreational and social service support to senior citizens. The grant will be used to assist the program in providing support to participating seniors on field trips and to a variety of other recreational, social and cultural activities.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-186
(Int. No. 218)

Authorizing Agreements For The R.L. Edwards Senior Program And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office for the Aging for funding to support the R.L. Edwards Senior Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Memorial A M E Zion Church for funding to support the R.L. Edwards Senior Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$12,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

Section 4. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$12,000, which amount is hereby appropriated from funds to be received from the State of New York for the R.L. Edwards Senior Program.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-187

Re: In-School Youth Violence Prevention Program - City School District

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

Transmitted herewith for your approval is legislation authorizing receipt of \$42,000 from the NYS Division of Criminal Justice Services on behalf of the Rochester City School District. In 2001 the District was awarded a 4-year grant from the NY State Division of Criminal Justice Services (DCJS) Edward Byrne Narcotics Control fund to support the SHAPE program.

The SHAPE Program was discontinued before the grant could be utilized. The District has been permitted to submit a new application to use the reserved funds for alternate purposes but the new authorization requires that the funds flow through a municipality. Because of the earlier delays in utilizing the grant and this new requirement, the District is requesting assistance from the City in order to enable the full grant proceeds to be drawn down before authorization expires in July, 2005.

The District plans to use the funds to test the impact of having technology immediately available to determine the status of students who are disrupting the school environment. This effort is part of several program strategies to reduce suspensions and to improve both the school climate and the perceptions of safety.

First year funds totaling \$56,102 will be used to purchase program equipment. Of this amount, \$14,102 represents the required 25% match to be provided by the District. The grant application for Year Two funds will support staff training and implementation and will be submitted to the Council in the future.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-83

Ordinance No. 2003-187
(Int. No. 219)

Authorizing Receipt Of Funds For In-School Youth Violence Prevention

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for an In-School Youth Violence Prevention Project by the Rochester City School District.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for said funding, which is appropriated for this purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-188
Re: Good Grades Pay Program

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation that will re-appropriate \$29,169 of unexpended funds in the 2000-01 Community Development Block Grant. Of this amount, \$18,837 will be appropriated for an agreement with Monroe Community College for the National Youth Sports Program (NYSP), as part of the 2003-04 Good Grades Pay program. The remaining \$10,332 will be allocated to the Job Creation/Youth Development line.

The Monroe Community College National Youth Sports Program is a Good Grades Pay program that enables 360 city youth between the ages of 10 and 16 to participate in organized athletic instruction and supervised program activities. Of the \$18,837 appropriation, \$8,837 will be used to hire 10 GGP youth to serve as Counselor Assistants, and \$10,000 will be used to provide transportation for all youth participating in the program. The 2003-04 Good Grades Pay program was approved by City Council on May 13, 2003.

Project description and budget is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-188
(Int. No. 220)

Authorizing An Amendatory 2000-01 Community Development Program Plan, Reallocating And Reappropriating Funds For The Good Grades Pay And Job Creation/Youth Development Programs And Amending Ordinances

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

Section 1. The Council hereby approves amendments to the 2000-01 Community Development Program Plan whereby within the General Community Needs Allocation \$18,837 shall be transferred to the Good Grades Pay Program Account and \$10,332 to the Job Creation/Youth Development Program Account, from reductions made in the following Accounts and by amending the following Ordinances:

Program	Amount	Ordinance No.
Say Yes to Yourself Community Profile Project	\$23,242	2000-340
First Street Playground	3,000	2001-079
Playaz 4 Peace	2,212	
Youth Activity Enhancement	551	2001-323
Youth Climbing the Mountain	76	2001-323
Adult Computer Program	35	2001-323
Teaching & Training by Design	27	
	26	

Section 2. The Mayor is hereby authorized to enter into an agreement with Monroe Community College under the Good Grades Pay Program. The agreement shall obligate the City to pay an amount not to exceed

\$18,837, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2000-01 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

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

By Councilmember Stevenson
June 17, 2003

To the Council:

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

Int. No. 221 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

Int. No. 222 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Manhattan Square Park Improvement Project

Int. No. 223 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Cost Of Design Services Related To The Manhattan Square Park Improvements Project

Int. No. 224 - Authorizing An Agreement With The Rochester City School District For Refuse Collection

Int. No. 225 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,250,000 Bonds Of Said City And The Application Of \$386,000 In Current Funds Of The City To Finance The Reconstruction Of Certain Streets Related To The Milling And Resurfacing And Residential Street Improvement Programs

Int. No. 226 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$426,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Milling And Resurfacing And Residential Street Improvement Programs

Int. No. 227 - Authorizing The Acquisition Of Parcels, Amending Ordinance No. 2003-14 And Appropriating Funds For The West Ridge Road Improvement Project

Int. No. 228 - Approving Easements For The Troup Howell Bridge Reconstruction

Int. No. 229 - Determination And Findings Relating To The Acquisition Of 578 Chili Avenue

Int. No. 186 - Approving The Acquisition Of 578 Chili Avenue By Negotiation Or Condemnation As A Part Of The Chili Avenue Improvement Project

Int. No. 240 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of The Reconstruction Of The Pont de Rennes Pedestrian Bridge Within The City

Int. No. 241 - Establishing Maximum Compensation For A Professional Services Agreement For The Pont de Rennes Pedestrian Bridge Structural Repair Project

Int. No. 254 - Establishing Maximum Compensation For A Professional Services Agreement For The Archival Of Water System Records

Int. No. 255 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Of The Fast Ferry Terminal Facilities

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

Int. No. 230 - Authorizing Changes In The Pavement Width Of Smith Street, Driving Park Avenue And Lexington Avenue As A Part Of The Lake Avenue (Lyell Avenue To Ridgeway Avenue) Improvement Project

Int. No. 231 - Authorizing Changes In The Pavement Width Of Bernice Street, Extension Of Eastman Avenue And Realignment Of Mayflower Street As A Part Of The West Ridge Road (Hanford Landing To West City Line) Improvement Project

Int. No. 232 - Approving Agreements For The Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project

Int. No. 233 - Approving Participation In The West Ridge Road (Hanford Landing To West City Line) Improvement Project

Int. No. 234 - Approving Participation In The I-490 Western Gateway Project

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-189
Re: Agreement - "Greta Program"

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is an agreement with Andrea Whitcomb, 91 Sunset Drive, Rochester, NY 14618, for the continuation of the "Greta Program". The maximum cost of this agreement will be \$30,000, which will be financed from the 2003-04 budget of the Department of Environmental Services.

The "Greta Program" is an educational effort designed to increase the awareness of youth to the problems of litter and graffiti and the benefits of refuse recycling. Its principal components are performances, workshops, school classroom visits and presentations at City recreation centers and community events.

Ms. Whitcomb, as Greta, has presented the program since 1989. The most recent agreement for these services was authorized by the City Council on May 14, 2002.

During 2002-03, the program has been presented to over 4,000 youths through 300 performances at City schools, libraries, recreation centers, and neighborhood events. In addition, over 2,000 adults and children have seen Greta at special events at High Falls, the Museum Science Fair, and the Lilac Parade.

Under the proposed agreement, during 2003-04 Ms. Whitcomb will provide 300 performances and workshops. The cost per performance will remain at \$100 and the total cost of the agreement will remain at \$30,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-84

Ordinance No. 2003-189
(Int. No. 221)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Andrea Whitcomb for the continuation of the "Greta Program". Said amount shall be funded from the 2003-04 budget of the Department of Environmental Services, contingent upon approval of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-190 And
Ordinance No. 2003-191
Re: Manhattan Square Park
Improvements - Phase One

R2010: Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City
Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation related to design of Phase One Improvements to Manhattan Square Park. This legislation will:

- 1. Establish maximum compensation of \$300,000 for a professional services agreement with

- DuFresne Henry, 151 St. Paul Street, for professional design services, and
- 2. Authorize the issuance of bonds in the amount of \$300,000 and appropriate the proceeds thereof to finance said agreement.

Manhattan Square Park, constructed in 1971 as part of the Southeast Loop Urban Renewal project, requires major infrastructure improvements to better accommodate day-to-day park uses, as well as ice skating, entertainment and special events. It also requires improvements to relate to downtown and adjacent properties, chiefly the Strong Museum. A Concept Plan for Revitalization of Manhattan Square Park was completed in 2002, contemporaneously with the design of the Strong Museum expansion, and in anticipation of synergistic benefits.

This project includes preliminary design of the park, and final design of the first phase of improvements from the 2002 Concept Plan. The recommended improvements include renovation of the skating rink, the children's play area, and the berm entry area, as well as temporary reactivation of the fountain. The preliminary estimated construction cost of the first phase of construction of the project is \$3,000,000. Total project costs of \$9,000,000, phased over five years, are identified in the 2003-04 CIP.

In December 2000, City Council authorized an agreement for Concept Design services with Urban Strategies of Toronto to complete the Concept Plan. The Urban Strategies team included DuFresne Henry, Ken Smith Workshop, and RJ Van Seters, fountain design specialists. Proposals for design of the recommended improvements were solicited and six proposals were received. Four consultants were interviewed and evaluated by an interdepartmental committee consisting of representatives of DPRHS and DES.

DuFresne Henry is being recommended for the design services because of the firm's familiarity, technical expertise, knowledge of the park and the Concept Plan and the quality of the team assigned to the project. It is anticipated that construction will start, as funding allows, in the summer of 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-85

Ordinance No. 2003-190
(Int. No. 222)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Manhattan Square Park Improvements Project

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

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and DuFresne Henry for design services for the Manhattan Square Park Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect im-

mediately.
Passed unanimously.

Ordinance No. 2003-191
(Int. No. 223)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Cost Of Design Services Related To The Manhattan Square Park Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of engineering and design services related to improvements to Manhattan Square Park within the City including, but not limited to, renovation of the skating rink, the children's play area and the berm entry area, and temporary reactivation of the fountain (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$300,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.62 of the Law, is five (5) years.

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

thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-192
Re: Agreement with City School District
for Refuse and Recycling Collection

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing the renewal of an agreement with the Rochester City School District for the collection of refuse and recyclable materials at various School District facilities. The current agreement, which expires on June 30, 2003, was authorized by Council on April 14, 1998. Section 119-o of the NYS General Municipal Law authorizes this type of inter-municipal agreement. Under the proposed five-year agreement, the City will:

1. Collect refuse and recyclable materials from School District facilities at the following rates:
 - a. \$31.95 per pick-up for refuse (current rate is \$34.00);
 - b. \$12.00 per pick-up for recyclable materials (current rate is \$12.00).
2. Provide to the School District a 30-yard compacting container for the recycling of corrugated cardboard at the following prices:
 - a. \$275.00 per month for the rental of the container (current rate is \$275.00);
 - b. \$80.00 per pick-up (current rate is \$80.00).
3. As requested, provide 30 cubic yard roll-off containers and provide collection service at \$105.00 per load plus \$45.00 per ton for non-recyclable materials (current rates are \$105.00 and \$45.00 respectively).
4. Maintain the School District-owned containers.
5. Provide service within two business days of notification by the School District.

No additional employees or equipment will be required to service the School District's accounts. The estimated gross revenues to the City under the proposed five-year agreement will be \$1.5 million. The City will incur incremental expenses of approximately \$850,000 for disposal charges and equipment. For the City School District, the cost of the agreement will decrease by approximately \$20,000, primarily as a result of the lower basic service rate. The lower rate is made possible by the fact that the cost of dumpster containers was fully amortized during the first five-year agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-86.

Ordinance No. 2003-192
(Int. No. 224)

Authorizing An Agreement With The Rochester City School District For Refuse Collection

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District whereby the City shall provide for the collection and disposal of refuse and recyclable materials from various City School District facilities. The agreement shall extend for a term of five (5) years. The City shall maintain the School District containers for the collection of both solid waste and recyclables. The City shall also provide a compactor for corrugated cardboard and open top roll-offs as required. The City shall provide such services within two (2) business days of notification by the School District.

Section 2. The agreement shall obligate the School District to pay to the City the following rates for collection:

8-cubic yard rearload containers for solid waste	\$31.95 per pick up
8-cubic yard rearload containers for recyclables	\$12 per pick up
30-cubic yard compactor for corrugated cardboard	\$80 per haul, plus a rental fee of \$275 per month
30-cubic yard open top roll off container (except recyclables)	\$105 per haul, plus \$45 per ton (except recyclables)

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. 2003-193 And
Ordinance No. 2003-194

Re: Bonds - Street Improvement Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation that will authorize the issuance of bonds totaling \$4,676,000 and appropriate the proceeds thereof to finance portions of the Street Improvement Program.

This year's program provides for the resurfacing of approximately 4.64 miles of streets, the rehabilitation or reconstruction of approximately 1.23 miles of residential streets, the replacement of curbs on approximately 8.80 miles of residential streets, and other related improvements including sidewalks, lighting, landscaping, water and sewer facilities.

The request for sewer and street improvement bonding is consistent with the City's Capital Improvement Program. The CIP includes \$600,000 for betterment improvements to the New York State Department of Transportation's project on Lake Avenue. However, the State will fully provide for these improvements, so these funds are reallocated to supplement the street improvement program. In addition, \$3,650,000 for street improvements and \$426,000 for sewer improvements are included in the CIP. Bonding for water improvements is being deferred. The scope and cost of water improvements have been less than expected. As a result, previously approved funds are sufficient to cover the cost of current projects.

The milling and resurfacing, curb replacement, residential rehabilitation and residential reconstruction street projects included in the Street Improvement Program are shown in Attachment A.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-87

Ordinance No. 2003-193
(Int. No. 223)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,250,000 Bonds Of Said City And The Application Of \$386,000 In Current Funds Of The City To Finance The Reconstruction Of Certain Streets Related To The Milling And Resurfacing And Residential Street Improvement Programs

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2003 Milling and Resurfacing and Residential Street Improvement Programs in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,636,000. The plan of financing includes the issuance of \$4,250,000 bonds of the City, and said amount is hereby appropriated therefor, and the application of \$386,000 in current funds of the City to finance the balance of said cost, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$4,250,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$4,250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Ordinance No. 2003-194
(Int. No. 226)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$426,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Milling And Resurfacing And Residential Street Improvement Programs

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the 2003 Milling and Resurfacing and Residential Street Improvement Programs in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$426,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$426,000 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 \$426,000 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 \$426,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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

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

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-195
Re: West Ridge Road Improvement
Project (Hanford Landing Road to
Veteran's Bridge)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the West Ridge Road Public Improvement project. This legislation will:

1. Authorize changes to the maximum acquisition cost of 12 parcels previously authorized by Ordinance No. 2003-14;
2. Authorize acquisition of one additional property located at 40 West Ridge Road;
3. Appropriate \$560,000 in anticipated reimbursements from the Federal Highway Administration to finance the Federal share of the costs for a portion of the right-of-way acquisition, relocation, closing costs and project administration; and
4. Appropriate \$140,000 in anticipated reimbursements from New York State to finance the State share of the costs for a portion of the right-of-way acquisition, relocation, closing costs and project administration.

City Council authorized the acquisition of the following properties on January 14, 2003 at a total maximum cost of \$853,115, which represents the cost to acquire 11 of the 15 partial takings and the one full taking authorized therein. The proposed legislation will amend Ordinance 2003-14 to increase the total cost of the acquisitions authorized therein from \$918,815 to \$1,103,600, as detailed below. It was noted that the values that were previously presented and approved were subject to change pending the second appraisals being performed in accordance with NYSDOT requirements.

Address Owner	Previous	Proposed
pt of 1540-1550 Lake Avenue Irving Starr	\$ 1,000	\$ 2,100
pt of 145 West Ridge Road Eastman Kodak	197,800	232,500
pt of 1520 Lake Avenue City of Rochester	7,375	7,700
pt of 192 Desmond Street Chris Conners	400	1,400
pt of 200 West Ridge Road Eastman Kodak	540	2,400
pt of 157 Lapham Street Linda M Stiles	15,000	33,000
pt of 101-111 West Ridge Road Irving Starr	132,000	177,500
pt of 72 West Ridge Road M.J. Piehler, Trustee		
pt of 60 West Ridge Road M.J. Piehler, Trustee		
pt of 39 Redwood Road M.J. Piehler, Trustee		
pt of 1560 Lake Avenue M.J. Piehler, Trustee		
45 Redwood Road M.J. Piehler, Trustee	\$499,000*	\$647,000*

* Total cost for acquisition of the five parcels being purchased from Michael J. Piehler.

The request for acquisition of the property at 40 West Ridge Road was inadvertently omitted. The property is a single-family residence that HUD acquired in foreclosure.

Address: 40 West Ridge Road
Owner: HUD
Proposed: \$11,000

All appraisals were performed independently by Robert G. Pogel, SRPA, and by Kevin Bruckner, MAI. The cost of acquisitions will be financed from Federal and State anticipated reimbursements previously appropriated and from the appropriations requested herein.

It is anticipated that project scoping and preliminary design will be completed this winter and that final design will be completed in 2003. Under currently programmed Federal and State project funding, construction would begin in 2004 and be completed in 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-195
(Int. No. 227)

Authorizing The Acquisition Of Parcels, Amending Ordinance No. 2003-14 And Appropriating Funds For The West Ridge Road Improvement Project

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

Section 1. Ordinance No. 2003-14, relating to the acquisition of parcels for the West Ridge Road Improvement Project, as amended, is hereby further amended by changing the acquisition amounts for the following parcels to read as follows and by authorizing acquisition of the final parcel listed:

<u>Property Address</u>	<u>Reputed Owner</u>	<u>SBL#</u>	<u>Type</u>	<u>Amount</u>
(PT) 1540-1550 Lake Ave Irving Starr		090.44-1-38	Commercial	\$2,100
(PT) 145 West Ridge Rd Eastman Kodak Company		090.43-3-4.2	Commercial	232,500
(PT) 1520 Lake Ave City of Rochester		090.44-2-1	Vacant Land	7,700
(PT) 192 Desmond St Chris Conners		090.34-2-13.1	Commercial	1,400
(PE) 200 West Ridge Rd Eastman Kodak Company		090.35-1-2.4	Industrial	2,400
(PT) 157 Lapham St Linda M Stiles		090.44-1-64	1 Family	33,000
(PT) 101-111 West Ridge Rd Irving Starr		090.43-3-9	Commercial	177,500
(PT) 72 West Ridge Rd Michael J Piehler Trustee		090.44-1-39	Commercial	647,000 (total)
(PT) 60 West Ridge Rd Michael J Piehler Trustee		090.44-1-84	Commercial	
(PT) 39 Redwood Rd Michael J Piehler Trustee		090.44-1-02	Commercial	
(PT) 1560 Lake Ave Michael J Piehler Trustee		090.44-1-1	Commercial	
45 Redwood Rd Michael J Piehler Trustee		090.44-1-3	Commercial	
40 West Ridge Road HUD		090.44-1-76	1 Family	11,000

(PT) = Partial Taking
(PE) = Permanent Easement

Section 2. The Council further authorizes the acquisition by negotiation of the uneconomic remnants of 145 West Ridge Road for the sum of \$34,400 and of 157 Lapham Street for the sum of \$13,000.

Section 3. The acquisition costs shall be funded from the appropriations made in Ordinance No. 2002-342 and herein.

Section 4. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$560,000, or so much thereof as may be necessary, to fund a portion of the right of way acquisition, relocation and closing costs and project administration relating to the West Ridge

Road Improvement Project.

Section 5. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$140,000, or so much thereof as may be necessary, to fund a portion of the right of way acquisition, relocation and closing costs and project administration relating to the West Ridge Road Improvement Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-196
Re: Western Expressway Project -
Permanent and Temporary Easements

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the granting of three permanent easements and one temporary construction easement to the New York State Department of Transportation in conjunction with the Western Expressway Project. The properties involved in this project are as follows:

<u>Address</u>	<u>Area (sq. ft.)</u>	<u>Value</u>
<u>Owner</u>	<u>Easement Type</u>	
Parcel #2050 (Pt of 185 Exchange Blvd.) City	3,386 Permanent	\$ 51,800
Parcel #2051 (Pt of 200 Exchange Blvd.) RURA	12,825 Permanent	163,510
Parcel #2052 (Pt of 200 Exchange Blvd.) RURA	11,099 Permanent	116,540
Parcel #2053 (Pt of 200 Exchange Blvd.) RURA	2,424 Temporary (2 years)	8,250
Total		\$340,100

The property at 185 Exchange Boulevard is owned by the City of Rochester. The property at 200 Exchange Boulevard is owned by the Rochester Urban Renewal Agency. The easements are required to facilitate the Troup-Howell Bridge reconstruction. The easement areas can still be utilized for surface parking.

The acquisition amounts were prepared by NYSDOT. The values have been reviewed by Independent Real Estate Appraiser, Robert G. Pogel, SRPA; in his opinion, the value offered by the State represents the fair market values for the easements.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-88

Ordinance No. 2003-196
(Int. No. 228)

**Approving Easements For The Troup Howell
Bridge Reconstruction**

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

Section 1. The Council hereby approves the granting of easements to the New York State Department of Transportation over the following parcels of land owned by the City or the Rochester Urban Renewal Agency, to facilitate the Troup Howell Bridge reconstruction, as follows:

Address	Area	Amount
Owner	Type	
Parcel #2050 (Pt of 185 Exchange Blvd.)	3,386 sq. ft.	
City	Permanent Easement	\$ 51,800
Parcel #2051 (Pt of 200 Exchange Blvd.)	12,825 sq. ft.	
RURA	Permanent Easement	163,510
Parcel #2052 (Pt of 200 Exchange Blvd.)	11,099 sq. ft.	
RURA	Permanent Easement	116,540
Parcel #2053 (Pt of 200 Exchange Blvd.)	2,424 sq. ft.	
RURA	Temporary Easement (2 years)	8,250

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-197
Re: Determinations and Findings - Chili Avenue Public Improvement Project - Acquisition

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Chili Avenue Improvement Project (Canal Bridge to W. Main Street). This legislation will make the determinations and findings related to the acquisition of the property at 578 Chili Avenue. Such determinations and findings are required by Article 2 of the Eminent Domain Procedure Law.

A public hearing on this matter was held by the Council on May 13, 2003. There were no speakers at the hearing. Therefore, the following determinations and findings are proposed:

1. Project Description - City acquisition of the property at 578 Chili Avenue for creation of a public parking lot.
2. Project Purpose - to provide necessary parking for local businesses during construction of the Chili Avenue Public Improvement project, and perhaps thereafter.
3. Project Effect - the acquisition and the subsequent redevelopment of the property as a public parking lot will have no significant adverse effect on the environment. In fact, the creation of the parking lot will enable construction of the Chili Avenue Public improvement Project, and

will enhance the streetscape and create needed parking in the Thurston Road/Chili Avenue vicinity.

If City Council approves these determinations and findings, Council may then consider authorization of the acquisition of 578 Chili Avenue (Introductory No. 186).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-197
(Int. No. 229)

Determination And Findings Relating To The Acquisition Of 578 Chili Avenue

WHEREAS, the City of Rochester proposes to acquire the property located at 578 Chili Avenue, necessary for the Chili Avenue Improvement Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on May 13, 2003 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of 578 Chili Avenue,

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 578 Chili Avenue:

Public purpose and general effect:

- a. 578 Chili Avenue has been designated for acquisition to allow the construction of the Chili Avenue Public Improvement Project. The acquisition of the property will allow the demolition of the damaged structure located on 578 Chili Avenue, and the creation of a temporary parking lot to provide necessary parking for local businesses during the construction phase of the Chili Avenue Public Improvement Project. Thereafter, the lot may be available for permanent parking.
- b. The general effects of the acquisition of 578 Chili Avenue are positive. Acquisition will enable the Chili Avenue Public Improvement Project to be constructed, enhance the streetscape on Chili Avenue and its surrounding community, and create needed parking for the businesses in the Thurston Road/Chili Avenue vicinity. The demolition of the building will benefit the neighborhood through the removal of a damaged structure. There will be no significant adverse environmental effects.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 186 was introduced May 13, 2003, and appears in its original form with its transmittal letter on page 169 of the current Council Proceedings.

Attachment No. AC-67

Ordinance No. 2003-198
(Int. No. 186)

Approving The Acquisition Of 578 Chili Avenue

By Negotiation Or Condemnation As A Part Of The Chili Avenue Improvement Project

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-199 And
Ordinance No. 2003-200

Re: Pont de Rennes - Structural Repairs

R2010: Campaign 7 - Quality Services
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation related to structural repairs to the Pont de Rennes Pedestrian Bridge. This legislation will:

1. Authorize the issuance of bonds in the amount of \$800,000 and appropriate the proceeds thereof to finance a portion of the cost of the improvements; and
2. Establish maximum compensation of \$80,000 for a professional services agreement with Bergmann Associates, 200 First Federal Plaza, for resident project representation services.

Pont de Rennes, formerly known as the Platt Street Bridge, is a pedestrian bridge that spans the Genesee River. It was constructed in 1890 as a highway bridge but closed to vehicular traffic in 1968. In 1980, it was converted to a pedestrian bridge and is now a part of the Brown's Race Historic District. Anticipating continued growth of the High Falls Entertainment district, it is important that this structure remain a viable and safe link for both river and entertainment access. The project includes strengthening and/or replacing various structural elements, drainage improvements, deck joint sealing and painting of structural steel, and lighting and signage improvements.

Bids for construction were received on June 2, 2003. The work will be performed by C. P. Ward, Inc. at a cost of \$492,729. An additional \$252,271 will be allocated for contingencies and value added items not in the contract.

On November 2001, City Council authorized the funding for professional design services related to the project. Bergmann Associates was selected to complete the professional design services based on their knowledge and involvement with this structure over numerous years. Serving as the City's bridge and structures consultant, they were most familiar with the facilities' geometry, structural capacity and performance of the bridge.

Bergmann Associates was selected for resident project representation services because of the firm's continued familiarity, technical expertise, knowledge of the bridge, and the quality of the team assigned to the project. Resident project representation services for the project will be funded by a combination of 2000-01 Cash Capital allocations (\$25,000) and the proceeds of the proposed bond authorization (\$55,000).

It is anticipated that construction will take place in the summer of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-89

Ordinance No. 2003-199
(Int. No. 240)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of The Reconstruction Of The Pont de Rennes Pedestrian Bridge Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of the Pont de Rennes Pedestrian Bridge within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$825,000. The plan of financing includes the issuance of \$800,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$25,000 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 \$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 the amount of \$800,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.10 of the Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordi-

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Ordinance No. 2003-200
(Int. No. 241)

Establishing Maximum Compensation For A Professional Services Agreement For The Pont de Rennes Pedestrian Bridge Structural Repair Project

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

Section 1. The sum of \$80,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for resident project representation services for the Pont de Rennes Pedestrian Bridge Structural Repair Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$55,000 shall be funded from a bond ordinance adopted for this purpose and \$25,000 shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-201
Re: Agreement - Water & Lighting
Bureau Records

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

Transmitted herewith for your approval is legislation authorizing an agreement with Image Max, 7010 Fly Road, East Syracuse, New York 13057, for the provision of indexing, microfilming and scanning microfilm and CD's as part of the Water Records Preservation Project. The maximum cost of the agreement is \$22,766, which is to be funded from the 2002-03 budget of the Department of Environmental Services (Water Fund).

Four vendors were solicited last year, with the assistance of the City's Records Management Coordinator. Three interested bidders responded. All three bidders viewed the hundreds of thousands of active documents, maps and plans. They submitted preliminary bids for the \$35,000 SARA grant during January 2003. Extensive testing was conducted with all three vendors to determine which vendor could produce the best quality products. Final proposals were received earlier this month. The lowest cost proposal, submitted by Image Max, also produced the highest quality product. Image Max demonstrated that they are using the latest technology and the highest quality equipment.

The Water Records Preservation Project is to be completed during the summer of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-201
(Int. No. 254)

Establishing Maximum Compensation For A Professional Services Agreement For The Archival Of Water System Records

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

Section 1. The sum of \$22,766, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Image Max for the archival of Water System records. Said amount shall be funded from the 2002-03 budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-202
Re: Port of Rochester Public Improvement
Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C., for re-design of certain terminal facility improvements that are being required by the new U.S. Bureau of Customs and Border Protection. The maximum cost of the additional design is \$265,000, which will be financed from a previously authorized bond. The proposed legislation would increase the total maximum amount of the agreement from \$3,735,000 to \$4,000,000.

Construction of the Fast Ferry Terminal Facilities includes renovation of the north warehouse, improvements to the river wall to provide vessel berthing, construction of site improvements required for vehicular embarkation and debarkation, and construction of the United States Bureau of Customs and Border Protection (CBP) facilities. The public improvements also provide for utility and building systems connections and services for future development of commercial space inherent to a transportation terminal.

Eleven contracts have been bid to date and the revised designs will be implemented through change orders to several of these contracts. The redesign includes the interior arrivals hall, CBP offices, storage and inspection facilities on the first and second floors, and exterior inspection facilities. Accommodations for outbound passenger inspection facilities in the departures hall will also be designed. The CBP has added requirements for on-site radiation detection and x-ray scanning of all arriving commercial vehicles. CBP had previously anticipated off-site inspection of commercial vehicles. The U.S. Bureau of Customs and Border Protection officially confirmed their concurrence with the schematic design changes on May 30, 2003.

LaBella will begin design immediately upon Council approval to assure that the project schedule is not delayed.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-202
(Int. No. 255)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Of The Fast Ferry Terminal Facilities

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

Section 1. The sum of \$265,000, 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 design of the Fast Ferry Terminal Facilities. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from Bond Ordinance No. 2003-103.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentleman:

Ordinance Nos. 2003-203, 2003-204,
2003-205, 2003-206, And 2003-207

Re: New York State Department of
Transportation Projects

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to three New York State Department of Transportation highway improvement projects on the following state highways:

1. Lake Avenue from Lyell Avenue to Ridgeway Avenue
2. West Ridge Road from Hanford Landing to the West City Line
3. I-490 Western Gateway Project

This legislation will:

1. Authorize pavement width changes for the Lake Avenue and West Ridge Road Projects:

For the Lake Avenue Project:

a. Smith Street:

A decrease in width of 12', from 58' to 46', from North Vincent Street to Lake Avenue.

b. Driving Park Avenue:

i) An increase in width of 7', from 39' to 46', beginning at Lake Avenue westerly for a distance of 120'.

ii) A gradual taper beginning with a 7' increase in width from 39' to 46' at the latter point and ending with a match to the existing 39' width at a point of 60' to the west.

iii) A gradual taper beginning with a 3' decrease in width, from 49' to 46' at Lake Avenue and ending with a match to the existing 49' width at a point 150' east.

c. Lexington Avenue:

i) An increase in width of 8', from 30' to 38', beginning at Lake Avenue westerly to the western line of Thorn Street.

ii) A gradual taper beginning with an 8' increase in width, from 30' to 48' at the latter point and ending with a match to the existing 30' width at a point 80' to the west.

For the West Ridge Road Project:

a. Bernice Street:

i) An increase in width of 9', from 26' to 35', beginning at West Ridge Road northerly for a distance of 200'.

ii) A gradual taper beginning with a 7' increase in width from 26' to 35' at the latter point and ending with a match to the existing 26' width at a point of 100' to the north.

- b. Eastman Avenue: Authorize the establishment of a new street that will be an extension of Eastman Avenue and will connect West Ridge Road and Dewey Avenue between points which are 550 feet west of and 580 feet north of the intersection of West Ridge Road and Dewey Avenue. The new pavement width will vary from 34' to 41' over a distance of 540'.
 - c. Mayflower Street: Authorize the realignment of the southerly most 300' of Mayflower Street from its current configuration of and intersection with West Ridge Road to an easterly curved configuration and intersection with the new extension of Eastman Avenue at a point 100' north of West Ridge Road.
2. Authorize agreements with New York State related to the installation and maintenance of public improvements as follows:
- a. For Lake Avenue:
 - i) Installation, maintenance, repair, and energizing of highway lighting and related appurtenances.
 - ii) Maintenance of landscaping and sidewalk appurtenances.
 - b. For West Ridge Road:
 - i) Maintenance, repair, and energizing of highway lighting and related appurtenances.
 - ii) Maintenance of landscaping and sidewalk appurtenances.
 - c. For I-490, on four bridges over on Ames, Child, Colvin, and Saxton Streets:
 - i) Maintenance and repair of street lighting and related appurtenances.
 - ii) Installation, approval, and partial maintenance of public art.

The Lake Avenue Project

This project will reconstruct Lake Avenue from Lyell Avenue to Ridgeway Avenue. The project includes pavement width changes, pavement reconstruction, new stone curbing, new concrete sidewalks, water main improvements, drainage improvements, street lighting upgrades, signalized intersection improvements, and landscape improvements.

On March 11, 2003, Council authorized funding for the local betterment share of the water main improvements.

It is anticipated that construction will begin this summer and be substantially completed by fall 2004.

The West Ridge Road Project

This project will reconstruct West Ridge Road from the west City Line to Hanford Landing Road. This project includes realignment of the roadway; rehabilitation or reconstruction of the pavement; replacement of sidewalks and curbs; street lighting; sewer and water utilities; upgrades to traffic features; and extension of Eastman Avenue from Dewey Avenue to West Ridge Road.

A portion of the proposed street lighting improvements are deemed a local betterment. The local betterment share of the street lighting cost, \$150,000, will be financed from the proceeds of the street improvement bond authorization being requested at this Council meeting. Construction of the project began in the spring 2002 and is scheduled to be completed by fall 2004.

The I-490 Western Gateway Project

This project, which extends from the Erie Canal to the Genesee River, includes full rehabilitation of I-490; intersection improvements along Wilder Street and Campbell Street where they intersect Child Street, Ames Street and Saxton Street; rehabilitation of 15 overhead bridges; replacement of the bridges over Mt. Read Boulevard, the CSX siding, Grape Street and the Troup-Howell Bridge. Other project features include drainage, lighting, pedestrian and bicycle accommodation, noise barriers, landscape and aesthetic improvements including public art.

Phase I of the project includes rehabilitation of Ames Street, Child Street and Colvin Street Bridges over I-490, including the installation of public art elements, noise barriers between Ames Street and Grape Street and associated city street improvements including street lighting. City Council authorized pavement width changes related to these improvements on June 18, 2002, and construction began last summer. Construction of Phase I of the project began in the fall of 2002 and is scheduled to be complete in the summer of 2005.

A public hearing on the street geometric changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-90

Ordinance No. 2003-203
(Int. No. 230)

Authorizing Changes In The Pavement Width Of Smith Street, Driving Park Avenue And Lexington Avenue As A Part Of The Lake Avenue (Lyell Avenue To Ridgeway Avenue) Improvement Project

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

Section 1. The Council hereby approves the following changes in pavement width as a part of the Lake Avenue (Lyell Avenue to Ridgeway Avenue) Improvement Project:

- a. Smith Street:
 - i) A decrease of 12 feet, from 58 feet to 46 feet, from North Vincent Street to Lake Avenue.
- b. Driving Park Avenue
 - i) An increase of 7 feet, from 39 feet to 46 feet, beginning at Lake Avenue westerly for a distance of 120 feet;
 - ii) A gradual taper beginning with a 7 foot increase in width from 39 feet to 46 feet at

the latter point and ending with a match to the existing 39 foot width at a point of 60 feet to the west.

- iii) A gradual taper beginning with a 3 foot decrease in width, from 49 feet to 46 feet at Lake Avenue and ending with a match to the existing 49 foot width at a point 150 feet east.

c. Lexington Avenue:

- i) An increase of 8 feet, from 30 feet to 38 feet, beginning at Lake Avenue westerly to the western line of Thorn Street;
- ii A gradual taper beginning with an 8 foot increase in width, from 30 feet to 38 feet at the latter point and ending with a match to the existing 30 foot width at a point 80 feet to the west.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-204
(Int. No. 231)

Authorizing Changes In The Pavement Width Of Bernice Street, Extension Of Eastman Avenue And Realignment Of Mayflower Street As A Part Of The West Ridge Road (Hanford Landing To West City Line) Improvement Project

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

Section 1. The Council hereby approves the following changes in the pavement width of Bernice Street as a part of the West Ridge Road (Hanford Landing to West City Line) Improvement Project:

- a. An increase of 7 feet, from 26 feet to 35 feet, beginning at West Ridge Road northerly for a distance of 200 feet;
- b. A gradual taper beginning with a 7 foot increase in width from 26 feet to 35 feet at the latter point and ending with a match to the existing 26 foot width at a point 100 feet to the north.

Section 2. The Council hereby further approves the establishment of a new street which will be an extension of Eastman Avenue and will connect West Ridge Road and Dewey Avenue between points which are 550 feet west of and 580 feet north of the intersection of West Ridge Road and Dewey Avenue. The new pavement width will vary from 34 feet to 41 feet over a distance of 540 feet.

Section 3. The Council hereby further approves the realignment of the southerly most 300 feet of Mayflower Street from its current configuration of and intersection with West Ridge Road to an easterly curved configuration and intersection with the new extension of Eastman Avenue at a point 100 feet north of West Ridge Road.

Section 4. Such changes and additional changes as a part of the West Ridge Road (Hanford Landing to West City Line) Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-205
(Int. No. 232)

Approving Agreements For The Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project

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

Section 1. The Mayor is hereby further authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for participation by the City in the Lake Avenue (Lyell Avenue-Ridgeway Avenue) Improvement Project. The Council hereby approves the installation, maintenance, repair and energizing of street lighting and appurtenances and installation of sidewalks and landscaping as a part of the Lake Avenue Improvement Project as shown on the contract plans and agrees that the City will maintain or cause to be maintained such lighting, sidewalks, landscaping and appurtenances.

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

Section 3. The City Clerk is directed to transmit six certified copies of this ordinance to the New York State Department of Transportation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-206
(Int. No. 233)

Approving Participation In The West Ridge Road (Hanford Landing To West City Line) Improvement Project

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

Section 1. The Council hereby approves the participation by the City in the West Ridge Road (Hanford Landing to West City Line) Improvement Project to be administered by the New York State Department of Transportation.

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 participation by the City in the West Ridge Road (Hanford Landing to West City Line) Improvement Project. The Council hereby approves the installation of street lighting and appurtenances as a part of the West Ridge Road Improvement Project as shown on the contract plans and agrees that the City will maintain or cause to be maintained such lighting and appurtenances.

Section 3. The agreements shall obligate the City to reimburse the State in an amount not to exceed \$150,000 for the street lighting and appurtenances, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

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

Section 5. The City Clerk is directed to transmit six certified copies of this ordinance to the New York State Department of Transportation.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-207
(Int. No. 234)

Approving Participation In The I-490 Western Gateway Project

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

Section 1. The Council hereby approves the participation by the City in the I-490 Western Gateway Project to be administered by the New York State Department of Transportation.

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 participation by the City in the I-490 Western Gateway Project. The Council hereby approves the installation of street lighting and appurtenances and public art as a part of the I-490 Western Gateway Project as shown on the contract plans and agrees that the City will maintain or cause to be maintained such lighting and appurtenances and accept partial maintenance responsibility for the public art.

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

Section 4. The City Clerk is directed to transmit six certified copies of this ordinance to the New York State Department of Transportation.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
June 17, 2003

To the Council:

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

Int. No. 235 - Authorizing A Renewal Agreement For Credit Card Services

Int. No. 236 - Amending The Municipal Code With Respect To Payments Via The Internet

Int. No. 237 - Authorizing Agreements For Auctioneer Services

Int. No. 238 - Authorizing An Agreement For Bond Counsel Services

Int. No. 242 - Local Law Providing For Supplemental Pension Payments Under The Old City Pension Plan

Int. No. 243 - Approving Agreements For A High Intensity Drug Trafficking Area Designation

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

Int. No. 244A - Amending The Proposed 2003-04 Budget In Regard To The Park Patrol - \$30,000

Int. No. 244B - Amending The 2003-04 Budget Of The City Of Rochester In Regard To Operating The Edgerton Train Room - \$6,300

Int. No. 244C - Amending The 2003-04 Budget Of The City Of Rochester In Regard To Operating Above Ground Pools - \$9,400

Int. No. 244D - Amending The Proposed 2003-04 Budget In Regard To The Wordcrafters Program - \$17,100

Int. No. 244E - Amending The 2003-04 Budget Of The City Of Rochester In Regard To Compensation For Election Inspectors - \$7,500

Int. No. 244F - Resolution Of Budgetary Intent - Fiscal Reporting

Int. No. 244G - Amending The Proposed 2003-04 Budget In Regard To Parenting Education - \$16,000

Int. No. 244H - Amending The Proposed 2003-04 Budget In Regard To Center City Revitalization - \$2,500

Int. No. 244 - Adoption Of The Budget Estimates For Municipal Purposes For The 2003-04 Fiscal Year, And Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

Int. No. 245 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004

Int. No. 246 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004

Int. No. 247 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004

Int. No. 248 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2003 And Expiring June 30, 2004

Int. No. 249 - Resolution Approving The 2003-04 Debt Resolution For General Municipal Purposes

Int. No. 253 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004, And Appropriation Of Sums Set Forth Therein

The following entitled legislation is being held in committee:

Int. No. 252 - Local Law Amending The City

Charter With Respect To The Budget Estimate Of The City School District

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Lois J. Giess (Did not vote on Int. No. 235 through 243.)
Gladys Santiago (Did not vote on Int. No. 244A through 244E.)
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-208
Re: Agreement - Credit Card Processing Service

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement renewal with Key Merchant Services, KeyBank, 1200 Bausch and Lomb Place, for the provision of credit card services for the City.

In April 1999, City Council authorized an agreement with Key Merchant Services for the provision of credit card processing following a Request for Proposal process. Of seven proposals received, Key Merchant Services was selected based upon comparative costs.

Key Merchant Services provides credit card processing for payment of the following:

- Property taxes
- Auto impound charges
- Water charges
- Permit fees
- Refuse fees
- Cemetery charges
- Library fees
- Animal control fees
- Parking tickets
- Parks and Recreation fees

The original agreement was for an initial period of three years with the provision for three additional one-year period renewals. The agreement provides that if the City and Key Merchant Services elect to exercise the option to extend the contract, the contract prices for the additional period shall be negotiated between the City and Key Merchant Services.

Subsequent to the completion of the initial three-year period, the City renewed the agreement on July 22, 2002 for one year under the same terms and conditions of the original agreement and with no change in transaction fee rates.

The agreement is scheduled for a second renewal on July 22, 2003. Because of increased processing costs charged by VISA and MasterCard to Key Merchant Services since 2001, Key Merchant Services' transaction fee rates for qualified transactions are increasing from 1.52% of transaction value to 1.60% of transaction value. (Qualified transactions are those where the credit card information can be recorded automatically from the magnetic stripe on the card. Higher fees apply when the information must be manually recorded.)

Key Merchant Services has agreed to maintain this rate to the City for the remaining two years of the agreement. In addition, Key Merchant will continue to provide eight terminal and printer systems at no charge and will lease additional equipment to the City for \$20 per month per unit as originally agreed upon.

Based upon estimated annual transactions of \$5.3 million, the annual cost of the agreement is expected to be approximately \$98,000, which will be financed from the annual budgets for Undistributed Expenses.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-208
(Int. No. 235)

Authorizing A Renewal Agreement For Credit Card Services

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

Section 1. The Mayor is hereby authorized to enter into a renewal agreement with Key Merchant Services LLC for credit card services for the payment of City charges for a term of two (2) years.

Section 2. The agreement shall obligate the City of Rochester to pay Key Merchant Services LLC 1.60% of the transaction value for qualified VISA and Master Card transactions. Such services shall be funded from the annual budgets for Undistributed Expense, commencing with fiscal year 2003-04.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-209
Re: Internet Payments

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation required to comply with Section 5-b of the New York State General Municipal Law governing the receipt of Internet payments by local governments. This legislation was adopted by the State Legislature on May 9, 2003.

The City of Rochester has been receiving Internet payments for the past two years. In December 2000, the City entered into an arrangement with Xerox Corporation, 130 South Clinton Avenue, Rochester, New York, to use their implementation of an Internet-based electronic payment system. Xerox designed, developed and installed the software and hardware for this system at no cost to the City. The system began operation in February 2001.

In October 2001, Xerox discontinued their involvement in the Internet payment business. Subsequently, the City acquired, at no cost, approximately \$250,000 worth of hardware, software and customized program code from Xerox. In addition, the City received hardware and software training at no cost. The City's

Bureau of Information Systems continues to maintain and develop the Internet system.

Currently the system enables customers to pay their water bills and parking tickets. A convenience fee of \$1.00 is charged for water payments and \$3.00 for parking ticket payments.

The system conforms to the requirements of section 5-b, which specifies a confirmation page as a form of receipt to the customer indicating the date the transaction was completed. In addition, an e-mail confirmation is offered to the customer.

Also pursuant to section 5-b, the legislation authorizes the City Treasurer to receive all payments via the Internet.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-209
(Int. No. 236)

Amending The Municipal Code With Respect To Payments Via The Internet

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

Section 1. There is hereby added to the Municipal Code the following new Section 8-15:

Section 8-15. Payments via the Internet.

The City Treasurer is authorized to accept payments via the Internet for water charges and parking violations, including any penalties and interest thereon. There shall be a service charge for Internet payments of \$1.00 for water charges and \$3.00 for parking violations. Submission via the Internet shall not be the only means of acceptance of these payments. The method used to receive Internet payments, the time of receipt and effect of the payment, and confirmation thereof, shall be in accordance with Section 5-b of the General Municipal Law.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-210
Re: Agreement - Auctioneer Services

R2010: Campaign 7 - Quality Service

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

Most equipment and materials that have been declared surplus by City departments are routinely sold at public auction. Historically, the City has utilized the services of a professional auctioneer at these sales.

The current agreement for the provision of such services with John T. Reynolds and Roy Teitsworth was

authorized by City Council on December 15, 1998. It expired on December 31, 2002.

Proposals for services after that date were solicited by mail from six individuals or organizations and by public advertisement. Two proposals were received.

Commission Rate

John T. Reynolds, Inc.	7 - 10%
Roy Teitsworth, Inc.	10%

These proposals were reviewed by an interdepartmental committee consisting of representatives of the Departments of Finance and Police. Reynolds and Teitsworth are both recommended.

The difference between the services provided by each auctioneer was not considered significant, except for heavy equipment sales. Reynolds is recommended to provide the services for most types of auctions: impound auto, light equipment/vehicles, and other surplus equipment sales. Teitsworth is recommended to provide the services for heavy equipment because it would include such equipment in a large regional auction and because its advertising would involve direct mailings throughout the northeast region of the country.

The agreements will be for an initial one-year period with provision for renewal for four additional one-year periods upon mutual consent. The Teitsworth percentage includes all advertising costs. For auctions conducted by Reynolds, the City will be responsible for the costs of advertising in the Democrat and Chronicle at the auctioneer's "contract" rate.

Under the proposed agreements, for each auction, Reynolds and Teitsworth will perform an inventory of the items to be sold and prepare a certified statement of sale results. Upon request, they will also appraise the value of any item.

The City will provide facilities for the auctions. It will reserve the right to establish minimum bids or dispose of any item through sealed bid or private sale.

Following is a summary of auction results during the past three years.

	<u>1999-2000</u>	<u>2000-01</u>	<u>2001-02</u>
Gross Sale Auction			
Commission	\$512,171	\$471,210	\$726,191
	39,352	37,288	60,043
Advertising Fee			
	<u>11,563</u>	<u>13,114</u>	<u>13,299</u>
Net Proceeds	\$461,256	\$420,808	\$652,849

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-210
(Int. No. 237)

Authorizing Agreements For Auctioneer Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with John T. Reynolds, Inc. for the

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

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-211
Re: Agreement - St. John & Curtin Legal Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with St. John & Curtin, L.L.C., with offices at Sibley Tower, Suite 1172, 25 Franklin Street, Rochester, New York; Two Penn Plaza East, Newark, New Jersey; 70 East 55th Street, New York, New York; and 1500 Market Street, Philadelphia, Pennsylvania, for legal services related to the issuance of debt instruments by the City.

Annually, to finance various capital projects, the City issues or reissues \$150 million to \$200 million in bond anticipation notes and/or bonds. To finance the short-term cash requirements the City School District, depending on the timing of receipt of New York State aid payments, the City may also issue short-term debt to meet cash flow needs.

Since 1998, these services have been provided by St. John & Curtin, L.L.C., and were previously provided by Hawkins, Delafield & Woods.

To provide for these services in the future, proposals were solicited from law firms. Seven proposals were received, which were reviewed by the Departments of Finance and Law. St. John & Curtin, L.L.C. is being recommended.

Under the proposed agreement, St. John & Curtin will:

- 1. Assist in the preparation of various documents related to the issuance of debt, including:
 - a. City Council legislation,
 - b. Prospectus or official statement,
 - c. Notice of sale and bid forms, and

d. Arbitrage certificate and other Federal tax forms.

2. Provide legal opinions related to such issuance, as required; and

3. Participate, as requested, in any necessary meetings, including review by credit rating agencies.

The specified fees for services will be \$250 per hour for partners, \$200 per hour for Of-Counsel, \$150 per hour for associates, and \$100 per hour for paralegals. The following payment limits will apply for each debt sale or issuance:

	<u>Amount</u>
Legal Opinion	
Bond sale	\$12,000
Note sale	12,000
Expenses	
Bond sale	750
Note sale	750
Liquidity Credit Agreement	12,000

The agreement will have an initial term of three years with provision for renewal for three additional one-year periods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-211
(Int. No. 238)

Authorizing An Agreement For Bond Counsel 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 St. John & Curtin, LLC to provide bond counsel services for a term of three (3) years, with provisions for renewal for three (3) additional one-year periods.

Section 2. The agreement shall obligate the City of Rochester to pay an hourly rate of \$250 for partners, \$200 for of-counsel, \$150 for associates and \$100 for paralegals. Expenses per transaction shall be \$750 for notes and \$750 for bonds, while legal advice per transaction shall be \$12,000 for bonds and \$12,000 for notes. There shall also be a revolving credit agreement in the amount of \$12,000. Such services shall be funded in amounts not to exceed those set forth in the annual budgets for such purposes.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 7
Re: Old Police and Fire Pension Program Adjustments

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation to authorize an increase in the amount of the annual pensions provided by the City's Police and Fire Pension Funds. The pension funds were established prior to the creation of the NYS Police and Fire Retirement System. Membership in the program is closed. The program provides for payments to be made directly by the City to Police and Fire retirees or their surviving spouses.

In 2003-04, payments are anticipated to be made to six surviving spouses of Police retirees and to nine surviving spouses of Fire retirees.

The current annual benefit to each surviving spouse is \$7,200. The proposed legislation will increase that amount by \$300 in each of the next two years. The benefit amount as of July 1, 2003, will be \$7,500. The benefit amount as of July 1, 2004, will be \$7,800. The incremental cost per year for these adjustments (assuming a constant level of membership) is \$4,500. Funding is provided in the 2003-04 budget and will be accommodated in the 2004-05 budget.

Benefit amounts were last adjusted on July 17, 2001. That legislation also provided for adjustments over a two-year period.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 7
(Int. No. 242)

Local Law Providing For Supplemental Pension Payments Under The Old City Pension Plan

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

Section 1. The Council hereby approves an annual supplemental pension payment of \$300, commencing in the fiscal year beginning July 1, 2003 and in the fiscal year beginning July 1, 2004, to retired officers and members of the Police and Fire Departments of the City of Rochester, and to widows of retired officers and members of the Police and Fire Departments of the City of Rochester, who have heretofore been retired pursuant to the provisions of Article VIII of the Charter of the City of Rochester. These supplemental pension payments shall be in addition to any other pension payments previously authorized.

Section 2. This local law shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-212
Re: Creation of an Upstate New York
"High Intensity Drug Trafficking
Area" (HIDTA)

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

Transmitted herewith for your approval is legislation to:

1. Establish maximum compensation of \$50,000 for a professional services agreement with Carnevale Associates LLC for assistance in securing federal funding for designation of portions of Upstate New York, including Rochester, as a federal High Intensity Drug Trafficking Area (HIDTA); and
2. Authorize intermunicipal agreements with the cities of Buffalo, Syracuse, and Albany to obtain cost-sharing reimbursements from those cities to partially off-set the cost of the agreement with Carnevale Associates LLC.

HIDTA is an initiative of the federal Office of National Drug Control Policy (ONDCP). Designation of a geographical area as a HIDTA is a pre-condition for the distribution of federal grants through ONDCP to combat drug production, importation, and distribution. New HIDTAs are typically funded in the range of \$1 million to \$3 million annually.

Top law enforcement officials of Rochester, Buffalo, Syracuse, and Albany convened in Rochester on February 19, 2003, and reached agreement on the desirability of an Upstate HIDTA as a means of combating the drug problem ravaging each city. Evidence exists that illegal activities in one of the cities may be linked to those in one or more of the others. Additionally, Buffalo's positioning as a border crossing and Rochester's imminent achievement of the same status (by virtue of the fast ferry) is seen as a significant factor in the illegal drug trade.

Subsequent conversations among the mayors of the four cities established a shared commitment to addressing mutual drug problems and seeking HIDTA designation and funding.

The principal of Carnevale Associates LLC is Dr. John Carnevale, who is known to City Council from his presentation at Council Special Budget Hearing on June 7, 2002. Dr. Carnevale formerly worked in ONDCP and is familiar with the strategies and tactics that have been successful in obtaining HIDTA designations and funding for other locales. The services of his firm to assist Rochester, Buffalo, Syracuse, and Albany in this joint endeavor will not exceed \$50,000. Funding for this project is available in the Undistributed appropriation of the 2002-03 budget ("Anti-Drug Campaign").

The four cities have agreed to share the costs of this agreement equally. Authorization is requested to permit Rochester to enter into agreements with Buffalo, Syracuse, and Albany so that those cities may reimburse Rochester for their cost shares of \$12,500 each. The net cost to Rochester, therefore, would be \$12,500.

As noted in the Proposed 2003-04 Budget, any unspent monies from the Anti-Drug Campaign allocation are anticipated to be reserved for use for this purpose in the future. Depending on the timing of the execution of the intermunicipal agreements requested herein and the subsequent reimbursements, the City would either credit the reimbursements back into the 2002-03 expense line or directly into the reserve, thus ensuring that reimbursed funds would be dedicated to Anti-Drug efforts.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AC-91

Ordinance No. 2003-212
(Int. No. 243)

**Approving Agreements For A High Intensity
Drug Trafficking Area Designation**

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 Carnevale Associates LLC for assistance in securing a federal funding designation for portions of Upstate New York, including Rochester, as a High Intensity Drug Trafficking Area. Said amount shall be funded from the 2002-03 budget for Undistributed Expense.

Section 2. The Mayor is hereby further authorized to enter into agreements with the Cities of Buffalo, Syracuse and Albany for reimbursement of a portion of the cost of the agreement authorized in Section 1.

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. 2003-213
Re: Budget Amendment - Park Patrol -
\$30,000

Transmitted herewith for your approval is an amendment to the Proposed 2003-04 Budget transferring \$30,000 from Contingency to the Department of Environmental Services for the restoration of Park Patrol Services. This funding will provide for 2 two-person teams patrolling Maplewood and Turning Point Parks through October.

Rochester 2010: The Renaissance Plan commits the City to "create an environmentally aware community that practices the values of environmental stewardship and responsibility and communicates those values to future generations." The City has created various rules, regulations and information items for park users in keeping with this goal. Recent events in the parks indicate the continued need for this activity.

The original Park Patrol program was created in 1991 to advise park users of applicable rules and regulations and to enforce these as necessary. The personnel also provide information to users about the historical, cultural and environmental features of the park.

The Program has been well received by the public. Along with providing a basic level of security, the partial restoration of patrol services is intended to support the values cited in the Renaissance Plan.

Respectfully submitted,
Robert J. Stevenson Nancy K. Griswold
Councilmember Councilmember-at-Large

Northwest District

Ordinance No. 2003-213
(Int. No. 244A)

**Amending The Proposed 2003-04 Budget In
Regard To The Park Patrol - \$30,000**

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

Section 1. The 2003-04 Proposed Budget of the City of Rochester is hereby amended by transferring the sum of \$30,000 from Contingency to the Department of Environmental Services for restoration of Park Patrol Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-214
Re: Budget Amendment-Edgerton
Train Room - \$6,300

Transmitted herewith for your approval is an amendment to the proposed 2003-04 Budget transferring \$6,300 from the Contingency Account to the Department of Parks, Recreation and Human Services for continued operation of the Edgerton Train Room.

The Edgerton Train Room has a long tradition of entertaining children and adults alike with its display of miniature working trains. The train room is a unique feature of the Edgerton Community Center that has become a community institution; as such, we believe it should continue to be maintained and remain open to the public.

According to *Rochester 2010: The Renaissance Plan*, "It is the policy of our City to support and promote arts and cultural events, activities and institutions..." It is critically important that these activities take place "... throughout our City, including our diverse residential neighborhoods." The Edgerton Train Room is one such place and its continued operation can be assured for a relatively modest sum.

Respectfully submitted,
Nancy K. Griswold Robert J. Stevenson
Councilmember-at-Large Councilmember
Northwest District

Ordinance No. 2003-214
(Int. No. 244B)

**Amending The 2003-04 Budget Of The City Of
Rochester In Regard To Operating The Edgerton
Train Room - \$6,300**

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

Section 1. The Proposed 2003-04 Budget of the City of Rochester is hereby amended by transferring \$6,300 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund the continued operation of the Edgerton Train Room.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance 2003-215
Re: Budget Amendment - Above
Ground Pools - \$9,400

Transmitted herewith for your approval is an amendment to the proposed 2003-04 Budget transferring \$9,400 from the Contingency Account to the Department of Parks, Recreation and Human Services for the continued operation of the above ground pools at Campbell Street, Norton Village, and South Avenue.

Aquatic facilities are important assets to our recreation programs. In this difficult budget year, the proposed closing of these pools was motivated by two factors: the need to reduce expenses and the impending obsolescence of the pools at Campbell, Norton, South, and Gardiner Avenue.

In consultation with the department, we have learned that the pools at the first three of these centers can be nursed along for another year; the pool at Gardiner is not in adequate condition for any additional use. As we head into summer, we think it worthwhile to provide one more season of use of these above ground pools for our children.

Rochester 2010: The Renaissance Plan instructs us to encourage healthy neighborhoods through the support of appropriate community resources, services and amenities, not the least of which is recreation.

Respectfully submitted,
Benjamin L. Douglas, Chair Tony M. Thompson
Finance & Public Safety Councilmember
Committee South District

Ordinance No. 2003-215
(Int. No. 244C)

Amending The 2003-04 Budget Of The City Of Rochester In Regard To Operating Above Ground Pools - \$9,400

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

Section 1. The Proposed 2003-04 Budget of the City of Rochester is hereby amended by transferring \$9,400 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund the continued operation of the above ground pools at Campbell Street, Norton Village, and South Avenue.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-216
Re: Budget Amendment -Wordcrafters
Program - \$17,100

Transmitted herewith for your approval is an amendment to the Proposed 2003-04 Budget transferring \$17,100 from Contingency to the Department of Parks, Recreation and Human Services for the restoration of the Wordcrafters Program. The program has been part of the City's educational activities since its

inception at City Recreation Centers in 1985. Thus far in 2002-03, 129 persons have participated in the program. Over the past eighteen years, many hundreds of individuals have participated and books of fiction, non-fiction, poetry and drama have been produced.

Rochester 2010: The Renaissance Plan commits the City to support the highest quality educational opportunities for our citizens on a life-long basis. The Wordcrafters Program involves a series of language arts workshops designed to enhance language ability and creative expression for people of all ages and abilities through writing, reading and the spoken word.

Respectfully submitted,
Lois J. Giess Gladys Santiago
President Vice President

Ordinance No. 2003-216
(Int. No. 244D)

Amending The Proposed 2003-04 Budget In Regard To The Wordcrafters Program - \$17,100

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

Section 1. The 2003-04 Proposed Budget of the City of Rochester is hereby amended by transferring \$17,100 from Contingency to the Department of Parks, Recreation and Human Services for restoration of the Wordcrafters Program.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-217
Re: Budget Amendment -
Election Inspectors - \$7,500

Transmitted herewith for your approval is an amendment to the proposed 2003-04 Budget transferring \$7,500 from the Contingency Account to the City Council/City Clerk to raise the hourly salary for election inspectors from \$6.50 per hour to \$6.75 per hour, and amending the City Code to establish that salary. The last salary adjustment took place in June 2001 when the hourly rate was increased from \$6.25 to \$6.50.

It is difficult to maintain a pool of qualified election inspectors, and adequate compensation is necessary to recruit and retain these vital public servants.

As stated in *Rochester 2010: The Renaissance Plan*, "It is the policy of our City to provide high-quality services, programs, information and infrastructure to our citizens." Properly staffed elections certainly fit these criteria. The proposed hourly rate brings City election inspectors more in line with their counterparts in the towns. The increase is also compatible with the increases negotiated with City bargaining units.

Respectfully submitted,
Gladys Santiago Tony M. Thompson
Vice President Councilmember
South District

Ordinance No. 2003-217
(Int. No. 244E)

Amending The 2003-04 Budget Of The City Of Rochester In Regard To Compensation For Election Inspectors - \$7,500

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

Section 1. Section 14-20, Compensation of Election Inspectors, of the Code of the City of Rochester is hereby amended as follows:

The compensation of Inspectors of Election of the City of Rochester is hereby fixed as follows: for primary election, general election and registration days: the sum of six dollars and seventy-five cents (\$6.75) per hour worked.

Section 2. The Proposed 2003-04 Budget of the City of Rochester is hereby amended by transferring the sum of \$7,500 from the Contingency Account to the City Council/City Clerk to fund this compensation increase for Election Inspectors.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-15
Re: Resolution of Budgetary Intent - Fiscal Reporting

Transmitted herewith for your approval is a resolution of budgetary intent regarding projected near-term budget challenges. As we know from the current and future financial picture presented in the Proposed Budget, the City is facing a potential General Fund gap of \$36.9 million in 2004-05. This gap is driven in large measure by an anticipated increase of \$18.2 million in retirement contributions and an increase of approximately \$3.7 million in health insurance costs.

Because of the seriousness of a variety of policy decisions in this changeable fiscal environment, it is essential for Council to have adequate information as both revenue and expenditure projections become clearer. The proposed resolution requests that by no later mid-January, 2004, the Administration provide Council with the following:

1. A revised estimate of retirement system costs for 2004-05, based on information to be provided by the New York State & Local Employees Retirement System and including data through December 2003.
2. A revised estimate of health insurance costs for 2004-05 based on information from health insurers and including data through December 2003.
3. By mid-February, revised sales tax revenue estimates for both 2003-04 and 2004-05 based on sales tax receipts through December 2003.
4. Any mid-year recommendations by the Mayor for budgetary actions to address a potential budget gap in 2004-05.

The receipt of such information will provide City Council with a critical tool that it needs as we con-

tinue to shape the policy direction of the City for the coming years.

Respectfully submitted,
Brian F. Curran Benjamin L. Douglas, Chair
Councilmember Finance & Public Safety
At-Large Committee

Resolution No. 2003-15
(Int. No. 244F)

Resolution of Budgetary Intent - Fiscal Reporting

WHEREAS, the current General Fund multi-year gap projection for the fiscal year 2004-05 is \$36.9 million, including the substantial anticipated impact of increased costs for retirement system contributions and group health insurance benefits, and

WHEREAS, the current projected increase in the City's contribution to the retirement system for 2004-05 is \$18.2 million, and

WHEREAS, the current projected increase in the City's contribution for employee health benefits is approximately \$3.7 million, and

WHEREAS, in the face of an uncertain fiscal situation, the need for increased fiscal oversight by the Council is heightened,

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

Section 1. The Mayor is hereby requested to provide Council a six-month report on the status of General Fund gap projections on or before January 15, 2004.

Section 2. Said report shall include the following information:

- A. A revised estimate of retirement system costs for 2004-05 based on information provided by the New York State & Local Employees Retirement System and including data through December 2003, and
- B. A revised estimate of health insurance costs for 2004-05 based on information received from health insurers and including data through December 2003, and
- C. By February 15, 2004 revised sales tax revenue estimates for 2003-04 and projections for 2004-05 based on sales tax receipts through December 2003.

Section 3. The Mayor is further requested to provide recommendations to the Council for any and all appropriate budgetary actions to address the potential budget gap in 2004-05.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-218
Re: Budget Amendment -Parenting
Education - \$16,000

Transmitted herewith for your approval is an amendment to the Proposed 2003-04 Budget transferring \$16,000 from Contingency to the Department of Parks, Recreation and Human Services to support efforts to enhance parenting skills for parents of young children.

During the recent Budget hearings, numerous references were made to the problems of children who lack adequate supervision, guidance, and structure in their families. It is clear that in some households parents may lack basic parenting skills. These parents, although well intentioned, may also lack appropriate role models for such skills. The Mayor's Youth Summit identified this issue as a key to the success of our children.

The 21st Century funding that the City will receive over the next three years from NY State will be used in part for such an effort through a Parent University that is being planned currently. However, the holistic approach that will be required for such an undertaking to succeed will require multi-pronged efforts.

Monroe County is currently conducting a similar effort through the provision of commercially available kits that are used to train personnel at existing community agencies. We have learned from these agencies that additional kits would be very beneficial. In addition, there are no kits available in Spanish.

The proposed funding will provide additional resources to PRHS to help acquire additional kits, including one in Spanish (\$6,000), and to provide additional resources for appropriate promotion efforts on the crucial role that effective parenting plays in the development of our children (\$10,000).

Rochester 2010: The Renaissance Plan commits the City to support the ongoing educational efforts and to encourage health, safety and responsibility among our citizens. Providing the parents of young children with adequate tools to fulfill their responsibilities to their children and the larger society is clearly an appropriate strategy to achieve these goals.

Respectfully submitted,
Tim O. Mains
Councilmember
At-Large
Wade S. Norwood
Councilmember
At-Large
Ordinance No. 2003-218
(Int. No. 244G)

Amending The Proposed 2003-04 Budget In Regard To Parenting Education - \$16,000

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

Section 1. The 2003-04 Proposed Budget of the City of Rochester is hereby amended by transferring \$16,000 from Contingency to the Department of Parks, Recreation and Human Services to support Parenting Education efforts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-219
Re: Budget Amendment - Center

City Revitalization - \$2,500

Transmitted herewith for your approval is an amendment to the Proposed 2003-04 Budget transferring \$2,500 from Contingency to the City Council/City Clerk to support ongoing communication and community involvement relating to the revitalization of our Center City.

At the Special Hearing on Center City redevelopment, many representatives of the development and real estate management communities recommended ongoing regular communication between and among the private sector, the City Administration, and the City Council. After discussion of the obvious benefits of this suggestion, the Housing & Economic Development Committee has accepted responsibility for setting up an appropriate schedule and working out logistics. In addition, the Mayor has consented to assign appropriate Administration staff to these meetings.

Rochester 2010: The Renaissance Plan highlights the importance of our Center City to the entire region. Many of the exciting projects that are currently in the formative stages will require close coordination and communication between and among the various parties at interest if they are to be successful. The modest allocation of \$2,500 is to ensure that funds will be available for any required outreach, support, or other unforeseen necessities for these meetings.

The Rochester Downtown Development Corporation (RDDC) has agreed to serve as the coordinating body for these meetings and to work closely with the Council and the Administration to move forward on our mutual goals of making Rochester's Center City the vibrant and vital center our community deserves.

Respectfully submitted,
Wade S. Norwood
Councilmember-at-Large
Lois J. Giess
President
Ordinance No. 2003-219
(Int. No. 244H)

Amending The Proposed 2003-04 Budget In Regard To Center City Revitalization - \$2,500

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

Section 1. The 2003-04 Proposed Budget of the City of Rochester is hereby amended by transferring the sum of \$2,500 from Contingency to City Council/City Clerk to support efforts for the revitalization of the Center City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-220, 2003-221,
2003-222, 2003-223, Local Improvement
Ordinance No. 1521, And Resolution
No. 2003-16
Re: 2003-04 Budget

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legisla-

tion relating to the 2003-04 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Merchants/Winton open space district
 - f. Downtown Guide District, and
 - g. Downtown Enhancement District;
5. Confirm the addition to the tax roll of various assessments, fees and unpaid charges; and
6. Authorize an increase in local works rates.

The proposed 2003-04 City budget was submitted to City Council on May 16. The proposed legislation is based upon this budget, which provides for:

1. Total City appropriations of \$357,943,800 as follows:

Proposed 2003-04	Amended 2002-03	Difference Amount	%
\$357,943,800	\$350,254,100	\$7,689,700	2.2

Total City revenue (excluding property tax) estimates of \$315,430,366 as follows:

Proposed 2003-04	Amended 2002-03	Difference Amount	%
\$315,430,366	\$308,127,997	\$7,302,369	2.4

2. Total tax levies of \$148,098,300 for the City and City School District as follows:

Proposed 2003-04	Amended 2002-03	Difference Amount	%
Tax Revenue \$139,952,893	\$134,570,079	\$5,382,814	4.0
Tax Reserve 8,145,407	7,832,121	313,286	4.0
Tax Levy \$148,098,300	\$142,402,200	\$5,696,100	4.0

3. Total appropriations for the Local Works fund of \$12,031,700 and total assessments of

\$12,199,200.

Proposed 2003-04	Amended 2002-03	Difference Amount	%
Street Cleaning \$ 1,760,851	\$ 2,581,356	\$- 820,505	-31.79
Sidewalk Repair 1,087,938	913,856	174,082	19.05
Roadway Plowing 7,931,187	6,812,553	1,118,634	16.42
Sidewalk Plowing 1,419,224	1,549,335	-130,111	-8.40
Total \$12,199,200	\$11,857,100	\$ 342,100	2.89

4. The budgets for the Public Market and street malls were approved on March 11, 2003. The budgets for the lighting and sidewalk and open space districts were approved by City Council on April 8, 2003. The budgets for neighborhood parking lots and Downtown Guides and Downtown Enhancement Districts were approved on May 13, 2003. The assessments required for the various programs consist of the following:

Proposed 2003-04	Amended 2002-03	Difference Amount	%
Street Malls \$ 83,051	\$ 84,484	\$-1,433	-1.7
Parking Lots 68,500	55,900	12,600	22.5
Public Market 23,609	27,326	-3,717	-13.6
Lighting and Sidewalks 35,348	35,348	0	0.0
Open Space District 3,220	3,220	0	0.0
Downtown Guides 315,260	319,915	-4,655	-1.5
Downtown Enhancement 510,100	497,500	12,600	2.5

5. The proposed additions to the tax roll consist of the following charges:

Proposed 2003-04	Amended 2002-03	Difference Amount	%
Delinquent Refuse \$ 533,716	\$ 538,837	\$ -5,121	-1.0
Delinquent Water 5,658,163	5,199,283	458,880	8.8
Code Enforcement 47,755	33,819	13,936	41.2
Supplemental and Omitted Taxes 320,115	193,072	127,043	65.8
Local Improvements			

	103,778	115,943	-12,165
-10.5			
Encroachments			
	5,175	5,450	-275
-5.0			
Rehabilitation/Demolition			
	73,388	100,884	-27,496
-27.3			
Code Violations			
	1,700,045	1,579,901	120,144
7.6			

6. A local works rate increase of 2.97% is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$328,000 in local works revenue.
7. A limit of \$16,595,900 is established as the amount of direct or non-self supporting debt that may be issued by the City for general municipal purposes during the fiscal year 2003-04.

The limit for general municipal purposes is equivalent to the amount of direct or tax-supported debt principal that will be redeemed during 2003-04. Thus, adherence to the limit will ensure that the total amount of direct indebtedness will not increase during the year. The redemption amount is calculated so as not to include repayments attributable to projects approved as exceptions to the limit (e.g. Public Safety Building) or for directly attributable revenue (e.g. Library Foundation reimbursement).

	Debt Redemption	CIP Total	Difference
Total Debt	\$24,175,500	\$28,391,000	
Less: Self-Supporting Debt	<u>7,579,600</u>	<u>12,141,000</u>	
Direct Debt	\$16,595,900	\$16,250,000	\$345,900

The programmed debt in the CIP is \$345,900 (2%) less than the permissible total for 2003-04. Legislation pertaining to the rollover of debt authorization from prior years will be proposed during the coming year when a proper estimate can be made. Details of the programs supported by this debt authorization can be found in the Proposed Capital Improvement program, submitted to City Council on May 2, 2003.

8. Extend the time allowed to spend remaining 2000-01 debt authority until June 30, 2004.

On June 30, 2003, authority to borrow amounts in the 2000-01 Debt Authorization plan will expire. In order to fund specific economic development initiatives, a one-year extension to use the amounts originally programmed for General Acquisition and Demolition, Science Park, and Industrial Park at High Falls is requested. As discussed during the Council hearing on the 2003-04 Budget, funds from the latter two projects have been reprogrammed on behalf of Brooks Landing, La Avenida, and West Main Street Revitalization projects.

Because of the nature of economic initiatives, the adaptation of priorities to reflect changing needs, and a troubled national economy, there have been delays in using these funds. However, in order to encourage and leverage investments we must maintain our capability to invest when

the opportunity is right. Therefore, continuing the availability of access to these debt authorizations is vital.

2000-01 Debt Plan (EDD-related)	
G-3 Acquisition and Demolition	
Original Allocation	\$1,000,000
Authorized	<u>550,000</u>
Remaining	\$ 450,000
G-8 Science Park Original	
Allocation	\$1,544,000
Authorized	<u>194,000</u>
Remaining	\$1,350,000
G-8 Industrial Park - High Falls	
Original Allocation	\$1,463,000
Authorized	<u>363,000</u>
Remaining	\$1,100,000
Total Remaining	\$2,900,000

It is requested that carry-over authority for this amount be provided until June 30, 2004. The debt limit for FY 2000-2001 will not be exceeded by this extension; only the time limit is altered. As always, Council must approve each resulting request for bonding authority on an individual basis.

The City School District budget will be transmitted at a later date because of its late arrival in my office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-220
(Int. No. 244, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2003-04 Fiscal Year, And Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

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

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2003 to June 30, 2004, providing for the expenditure of \$357,943,800, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2003-04 are hereby authorized to be expended and the sum of \$357,943,800 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk		<u>1,442,300</u>
Administration	\$ [1,432,300]	
Community Development	9,913,700	
Economic Development	5,858,600	
Environmental Services	3,263,200	
Finance	[68,322,200]	<u>68,352,200</u>
Law	7,579,700	
Library	1,866,000	
Parks, Recreation, and Human Services	10,337,200	
Emergency Communications	[17,598,300]	<u>17,647,100</u>

	8,018,900	
Police	60,169,600	
Fire	37,237,300	
Undistributed Expenses	67,009,000	
Contingency	[3,933,600]	<u>3,844,800</u>
Cash Capital	21,518,000	
Debt Service	33,886,200	
Sub-total	357,943,800	
Tax Reserve	2,474,327	
Total	\$360,418,127	

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 2003-04 is hereby fixed and determined at \$315,430,366 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2003-04 providing for the raising of taxation on real estate for municipal purposes of the sum of \$44,987,761 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 2003-04.

Section 6. This ordinance shall take effect on July 1, 2003.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2003-221
(Int. No. 245)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004

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

Section 1. The sum of \$44,987,761, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2003 and expiring June 30, 2004 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, 2003 and expiring June 30, 2004.

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, 2003 and expiring June 30, 2004.

Section 3. This ordinance shall take effect on July 1, 2003.

Passed unanimously.

Ordinance No. 2003-222
(Int. No. 246)

Levying Taxes For School Purposes For The Fis-

cal Year Commencing July 1, 2003 And Expiring June 30, 2004

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

Section 1. The sum of \$103,110,539, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2003 and expiring June 30, 2004 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, 2003 and expiring June 30, 2004.

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, 2003 and expiring June 30, 2004.

Section 3. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the affiliated agency.

Ordinance No. 2003-223
(Int. No. 247)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004

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, 2003 and expiring June 30, 2004, are hereby in all respects confirmed:

Street and Lot Cleaning	\$1,760,851.00
Roadway Snow Removal	7,931,187.00
Sidewalk Snow Removal	1,419,224.00
Hazardous Sidewalk Repair	1,087,938.00
Delinquent Refuse	533,715.80
Delinquent Water Charges	5,658,162.69
Supplemental Taxes	292,118.97
Omitted Taxes	27,996.51
Street Malls	74,663.00
Arnold Park Monuments	8,387.75
Parking Lots	68,500.00

Code Enforcements
47,755.00
Code Violations
1,700,045.00
Local Improvements
103,778.17
Downtown Enhancement
510,100.00
Public Market Plowing
1,339.03
Public Market Security
22,270.32
Encroachment Fees
5,175.00
Rehabilitation Charges
68,661.72
Downtown Guides
315,260.00
Lyell Avenue Street Lights -District I
2,105.41
Lyell Avenue Street Lights -District II
2,310.36
Wilson Blvd. Street Lights
523.85
Blossom Road Lights
609.42
Merchants/Winton Open Space
3,219.60
Monroe Avenue Lights I
7,166.90
Monroe Avenue Lights and
Sidewalk II
9,560.38
Norton Street District
4,121.09
Cascade District
5,044.20
Lake Avenue Lights
3,906.08
Demolition
4,726.45

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1521
(Int. No. 248)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2003 And Expiring June 30, 2004

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, 2003 to June 30, 2004; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefited properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2003 to June 30, 2004:

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 2003-04 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 2003-04 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, 2003 shall be \$12,199,200 consisting of \$1,760,851 for street and lot cleaning, \$1,087,938 for sidewalk repair, \$7,931,187 for roadway snow removal and \$1,419,224 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, 2003 and June 30, 2004, 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, 2003 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, 2003.

Passed by the following vote:

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

Nays - None - 0.

Resolution No. 2003-16
(Int. No. 249)

Resolution Approving The 2003-04 Debt Resolution For General Municipal Purposes

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2003-04 to \$16,595,900 for general municipal purposes.

BE IT FURTHER RESOLVED, that no authorization included in the debt limit, if not actually approved by the City Council, shall be carried-over and included in the limit for a fiscal year that is more than one year subsequent to the fiscal year for which the authorization was originally planned. By this resolution, the Council specifically approves inclusion until June 30, 2004 of carryover amounts from the 2000-01 Debt Authorization relating to General Acquisition and Demolition, the Science Park and the Industrial Park at High Falls.

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

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-224 And
Introductory No. 252
Re: 2003-04 Budget of the Rochester
City School District and Procedures

for Future Budgets
R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your consideration is legislation regarding the budget for the Rochester City School District for the 2003-04 Fiscal Year. Also transmitted herewith for your approval is legislation addressing procedural matters pertaining to future City School District budgets and their transmittal from the District to the City.

The Proposed Rochester City School District Budget is \$552,080,273, which is \$1,226,122 or 0.2% less than the 2002-03 amended budget.

The Administration received the School District's budget document on June 2, 2003. In the limited time available to review the document, it has not been possible to develop detailed comments. However, based upon a preliminary review by the City's financial team, I must call to your attention a discrepancy between a revenue estimate included in the District's budget and the best information available from the New York State Education Department regarding the revenue in question.

On pages 18 and 21 of the District's budget, the 2003-04 Building Aid estimate is \$13,381,909. A projection of Building Aid payable to the District prepared by the New York State Education Department on April 28, 2003, estimates that aid to be \$9,754,410. I urge that City Council reconcile this apparent discrepancy to its satisfaction before it acts upon the District's budget.

The City School Budget includes \$126.1 million in direct funding from the City, the most generous support among the large Upstate New York cities. Not evident to our review is an acknowledgment of the City's significant indirect support, including \$1.9 million for police officers in the schools and \$560,000 for school crossing guards. Regardless, omission of any reference to this indirect support does not affect the legislation being submitted for your consideration.

For reasons unknown to me, the District has labeled the City's \$126.1 million contribution as "including state funded STAR" (pages 18 and 22). The New York State STAR program is intended to provide relief to certain residential property tax payers relative to their school taxes. It is neither a municipal aid program nor an additional funding stream for educational purposes. The City's STAR revenues provide a dollar-for-dollar offset for foregone City property taxes. Also, commencing in 1994-95, the designation of specific City revenue streams or portions thereof to be directed to the City School District ceased. Any indication that STAR revenues received by the City are dedicated to the Rochester City School District is misleading. The purpose of the STAR program is taxpayer relief, and the City implements the program in strict adherence to the intended purpose of the program.

The limited time made available to the Administration to review and comment upon the District's budget is regrettable. Unfortunately, the District also was unable to provide in a timely manner the summary pages that normally accompany my transmittal of the City's proposed budget this year or for the 2002-03 budget.

The District is clearly making significant strides in strengthening its fiscal and budgetary management. To provide structural and procedural support for the District's efforts and to further increase public confidence in the City School District budget and financial

management, I am recommending amendments to the City Charter to specify the information that the District must provide to the City in future years and the timetable by which it must do so. These recommended requirements parallel those presently in the City Charter with respect to the City budget.

These changes are consistent with and permissible under the New York State Education Law and the August 23, 1996, report of the New York State Comptroller. As cited in the Comptroller's report (Rochester City School District: Report of Examination 96M-334), section 2576 (2) of the Education Law requires that the Board of Education file its annual budget estimate with the Mayor. The Mayor, in turn, is required to submit to the Council the District's estimate at the same time and in the same manner as estimates from City departments, to be subject to the same consideration, action, and procedure by the Council as are the estimates from City departments. Further, Section 2580 specifies that the District must report financial information as required by the City, including classifying funds and disbursements in the manner required by the City.

The required information would include:

- A. An itemized estimate of the expense of conducting each operating unit for the ensuing fiscal period.
- B. A statement of the expenditures by items for the last complete fiscal period.
- C. An estimate of the probable expenditures by items for the full 12 months of the current fiscal period.
- D. The reasons for the proposed increases or decreases in any items of the proposed estimate compared with the corresponding appropriation for the current fiscal period.
- E. A separate schedule from each operating unit showing the proposed work program for the ensuing fiscal period.
- F. A schedule of positions for each individual operating unit's budget, showing the number of positions, titles, and pay brackets for each classification of positions assigned to each division budget for the ensuing fiscal period.
- G. A statement showing the estimated current revenue and other receipts during the ensuing fiscal period required for meeting the proposed expenditures.
- H. The amounts required for interest on the City School District's debt for sinking-fund installments, for maturing serial bonds, and for other maturing debt during the ensuing fiscal period.
- I. The amounts required for other fixed charges and for a contingent fund which may be established.
- J. An estimate of the probable deficit, if any, for the current fiscal period and of any residue of deficit from the next preceding fiscal period.
- K. The sum of Subsections A, H, I and J which, when adopted by the Council, shall constitute

the annual budget estimate for the ensuing fiscal period.

- L. A multi-year projection of revenues and expenses.
- M. Such other information as the Superintendent may deem desirable or as may be required by the Board of Education.

Some of these items are included in the current Proposed City School District Budget, but not all. Adherence to these standards will be helpful to those having a stake in the affairs of the District.

It is also recommended that the City Charter specify that this information be provided by the District to the Mayor no less than 33 calendar days prior to the last regularly scheduled City Council meeting of June in each year. Receipt of a School District budget at that time will permit its submission to Council simultaneously with the City's proposed budget (which is due, as you know, not less than 32 days prior to that Council meeting).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-224
(Int. No. 253)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2003 And Expiring June 30, 2004, 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, 2003 to June 30, 2004, providing for the expenditure of \$552,080,273, 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 2003-04 are hereby authorized to be expended and the sum of \$552,080,273 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$512,753,212
Cash Capital	8,700,000
Debt Service	30,627,061
Subtotal	<u>552,080,273</u>
Tax Reserve	5,671,080
Total	<u>\$557,751,353</u>

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2003-04 is hereby fixed and determined at \$454,640,814 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2003-04 providing for the raising of taxation on real estate for school purposes of the sum of \$103,110,539 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2003.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the affiliated agency.

Introductory No. 252

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO THE BUDGET ESTIMATE OF THE CITY SCHOOL DISTRICT

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester," as amended, is hereby further amended by amending Section 3-9, Annual budget estimate, by adding a new and currently unnumbered paragraph after the current subsections lettered A-P relating to required information in the Mayor's budget estimate, to read in its entirety as follows:

No later than thirty-three (33) calendar days prior to the last regularly scheduled City Council meeting of June in each year, the Board of Education shall submit to the Mayor a budget estimate for the ensuing fiscal year. The classification of the estimate for the various operating units of the City School District shall be as uniform as possible, and, consistent with the Mayor's budget estimate, the Board of Education's estimate shall contain the following information:

- A. An itemized estimate of the expense of conducting each operating unit for the ensuing fiscal period.
- B. A statement of the expenditures by items for the last complete fiscal period.
- C. An estimate of the probable expenditures by items for the full twelve (12) months of the current fiscal period.
- D. The reasons for the proposed increases or decreases in any items of the proposed estimate compared with the corresponding appropriation for the current fiscal period.
- E. A separate schedule from such operating units showing the proposed work program for the ensuing fiscal period.
- F. A schedule of positions for each operating unit's budget, showing the number of positions, titles, and pay brackets for each classification of positions assigned to each operating unit's budget for the ensuing fiscal period.
- G. A statement showing the estimated current revenue and other receipts during the ensuing fiscal period to produce the amount required for meeting the proposed expenditures.
- H. The amounts required for interest on the City School District's debt for sinking-fund installments, for maturing serial bonds, and for other maturing debt during the ensuing fiscal period.

- I. The amounts required for other fixed charges and for a contingent fund which may be established.
- J. An estimate of the probable deficit, if any, for the current fiscal period and of any residue of deficit from the next preceding fiscal period.
- K. The sum of Subsections A, H, I and J which, when adopted by the Council, shall constitute the annual budget estimate for the ensuing fiscal period.
- L. A multi-year projection of revenues and expenses.
- M. Such other information as the Superintendent may deem desirable or as may be required by the Board of Education.

Section 2. This local law shall take effect immediately.

Held in committee.

The meeting was adjourned at 8:59 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
JULY 22, 2003

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

Absent - Councilmember Santiago - 1.

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

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

Recognition Ceremony

Retirement:

- Emergency Communications Department
 - Barbara J. Carges
- Law Department
 - *Paul D. MacAulay
- Library
 - *Linda M. Negus
- Rochester Fire Department
 - Owen L. Galland
 - Peter W. Michel
 - *Leola Baum
 - *Louis R. DeFazio
 - *Richard A. D'Imperio
 - *Ronald G. Faugh
 - *James E. Jacobsen
 - *James E. McKinney
 - *Alan G. Perrotta
 - *Gerald A. Pozzuolo
 - *Dennis P. Roy
 - *John A. Winter
- Rochester Police Department
 - *James E. Tuite
 - *John B. Walther

*Not attending meeting.

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. 3732-7
- The Director of Zoning Submits Notices of Environmental Determination.
 - 1127 Dewey Avenue. 3733-7

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

None received.

PUBLIC HEARINGS

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

Authorizing An Amendatory 2002-03 Community Development Program Plan And Authorizing An Agreement For Fair Housing Services Int. No. 264 No speakers.

Authorizing Amendatory 2001-02 And 2002-03 Community Development Program Plans, Amending Ordinance No. 2001-256, And Authorizing An Agreement With Neighborhood Housing Services Int. No. 265 No speakers.

Authorizing An Amendatory 2003-04 Community Development Program Plan And Agreements For Float Loans And Funding For The Rochester Housing Development Fund Corporation Int. No. 266 No speakers.

Approving The Acquisition Of 123-125 Roth Street By Negotiation Or Condemnation Int. No. 267 Two speakers: Joan Roby Davison and Larry Stid.

Authorizing Amendatory 2000-01 And 2001-02 Community Development Program Plans And Authorizing An Agreement For Foreclosure Intervention Services Int. No. 290 No speakers.

Amending Ordinance No. 2002-80, Relating To Changing The Zoning Classification Of 11-35 Orange Street And 14-34 Romeyn Street From R-2 Two-Family Residential and 583 Broad Street and 37 Romeyn Street From M Manufacturing Industrial To C-2 Community Center, To Remove Conditions And To Include 581, 611 and 619 Broad Street And 1 Orange Street In The Rezoning Int. No. 293 No speakers.

Abandonment Of A Portion Of Hanford Landing Road Int. No. 277 No speakers.

Local Improvement Ordinance - Upgrading Of Streetscape Features As A Part Of The St. Paul Street (Avenue E To Norton Street) Improvement Project Int. No. 278 Two speakers: Brad Sherele and James Thompson.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
July 22, 2003

To the Council:

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

legislation:

Int. No. 256 - Authorizing The Sale Of Real Estate

Int. No. 257 - Approving Easements For The Atlantic-Woodstock Subdivision

Int. No. 258 - Amending Ordinances Relating To The Sale Of Real Estate

Int. No. 259 - Accepting Donation Of Real Estate And Authorizing Sale

Int. No. 260 - Approving The Sale Of Parcels To The Westside Health Services, Inc.

Int. No. 261 - Appropriating Funds And Authorizing Agreements For CHDO Operating Assistance

Int. No. 263 - Authorizing An Agreement For The Housing Mobility Program

Int. No. 289 - Resolution Approving Appointment To The Zoning Board Of Appeals

Int. No. 215A - Amending Chapter 120 Of The Municipal Code, The Zoning Code, As Amended

Int. No. 291 - Amending Chapter 90 Of The Municipal Code, The Property Conservation Code, As Amended

Int. No. 292 - Local Law Amending The City Charter With Respect To The Abatement Of Nuisances

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

Int. No. 264 - Authorizing An Amendatory 2002-03 Community Development Program Plan And Authorizing An Agreement For Fair Housing Services

Int. No. 265 - Authorizing Amendatory 2001-02 And 2002-03 Community Development Program Plans, Amending Ordinance No. 2001-256, And Authorizing An Agreement With Neighborhood Housing Services

Int. No. 266 - Authorizing An Amendatory 2003-04 Community Development Program Plan And Agreements For Float Loans And Funding For The Rochester Housing Development Fund Corporation

Int. No. 267 - Approving The Acquisition Of 123-125 Roth Street By Negotiation Or Condemnation

Int. No. 290 - Authorizing Amendatory 2000-01 And 2001-02 Community Development Program Plans And Authorizing An Agreement For Foreclosure Intervention Services

Int. No. 293 - Amending Ordinance No. 2002-80, Relating To Changing The Zoning Classification Of 11-35 Orange Street And 14-34 Romeyn Street From R-2 Two-Family Residential and 583 Broad Street and 37 Romeyn Street From M Manufacturing Industrial To C-2 Community Center, To Remove Conditions And To Include 581, 611 and 619 Broad Street And 1 Orange Street In The Rezoning

Int. No. 214 - Changing The Zoning Classification Of 17-35, 45, 49 And A Portion Of 57 Bay Street, And 236-238 Portland Avenue, From R-2 Medium Density Residential To C-1 Neighborhood Center

The following entitled legislation is being held in committee:

Int. No. 262 - Authorizing An Agreement For Elevator Inspection Services

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Lois J. Giess
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-225, 2003-226, 2003-227, And 2003-228

Re: Real Estate Transactions
R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the following real estate transactions:

1. The sale of four properties;
2. The granting of easements;
3. Amending two prior ordinances; and
4. Accepting the donation of one property.

Sales

The first property is being sold to the former owner. The purchase price includes all delinquent taxes, interest and penalties.

The next two properties were sold at the April 2, 2003 Owner Occupant Auction. The purchasers will be required to rehabilitate the structures within 18 months of closing and to occupy the properties for a minimum of three years.

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

Easements

The proposed legislation authorizes the granting or retention of any easements required for the installation of sidewalks, utilities (including sewers), cable, and telecommunications necessary for the development of the parcels and street parcel at the Atlantic-Woodstock subdivision. Since SBL numbers will not be assigned until the map has been filed with the Monroe County Clerk, the lots are those shown below and on the subdivision map entitled "Atlantic-Woodstock Subdivision" (prepared by the Sear-Brown Group and last revised February 4, 2003); said subdivision plat to be filed with the Monroe County Clerk:

Lot 1	Lot 8	Lot 14	Lot 21
Lot 2	Lot 9	Lot 15	Lot 22
Lot 3	Lot 10	Lot 16	Lot 23
Lot 4	Lot 11	Lot 17	Lot 24
Lot 5	Lot 12	Lot 18	Lot 25
Lot 6	Lot 12B	Lot 19	Lot 26
Lot 7	Lot 13	Lot 20	

Amendments

On December 17, 2002, City Council approved the

sale of 675 Frost Avenue through the Homestead Lottery Program to Latonia Nesmith. However, the property has been extensively vandalized and no longer qualifies for the program. The proposed legislation would amend the prior legislation to authorize the sale of 416 Champlain Street to Latonia Nesmith. The property located at 675 Frost Avenue will be demolished.

On March 11, 2003, City Council approved the sale of a list of parcels for Project Turnaround. The proposed legislation would amend the prior ordinance to authorize the sale of the following revised list of parcels:

17 Alphonse Street	63 Maria Street
29 Alphonse Street	71 Maria Street
50 Alphonse Street	73 Maria Street
55 Alphonse Street	74 Maria Street
8 Bernard Street	75 Maria Street
28 Bernard Street	77 Maria Street
82 Bernard Street	81 Maria Street
728 Clifford Avenue	96 Thomas Street
732 Clifford Avenue	105 Thomas Street
45 Maria Street	109 Thomas Street

Donation

The proposed legislation would accept the donation of title to property at 199 Waring Road by the owners, Michael E. and Angela Pichichero. The property consists of a vacant lot which has a land area of 4,839 square feet. This legislation will further authorize the sale of this property to an approved Home Expo developer.

The property is to be conveyed with no outstanding liens or encumbrances. City taxes and other current year charges shall be canceled up to the date of closing. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-92

Ordinance No. 2003-225
(Int. No. 256)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcel of improved property to the former owner:

Address: 833-843 Clinton Ave. N.
S.B.L.#: 106.38-1-29.1
Price: \$19,970
Purchaser: Leng, Sivilay & Matthew K. Kaisanasy

Section 2. The Council hereby further approves the sale of the following parcels of improved property through the owner occupant auction:

Address	Legal Use	Price
S.B.L.#	Purchaser	
52 Baldwin St.	1 Family	\$ 6,800
107.69-1-80	Lydell C. Strickland	

161 Benton St. 1 Family 11,400
121.81-2-15 Kevin T. Burns

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

Address: 30 Weld St.
S.B.L.#: 106.65-3-57
Sq. Ft.: 3,993
Purchaser: Dorothy L. Montgomery

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-226
(Int. No. 257)

Approving Easements For The Atlantic-Woodstock Subdivision

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

Section 1. The Council hereby approves the granting or retention by the City of all necessary easements for the installation of sidewalks, utilities (including sewers), cable and telecommunications for the development of the Atlantic-Woodstock Subdivision.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-227
(Int. No.258)

Amending Ordinances Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2002-375, relating to the sale of real estate, as amended, is hereby further amended by authorizing the sale of 416 Champlain Street, SBL# 120.59-2-50, to Latonia Nesmith through the homestead lottery, instead of 675 Frost Avenue, as approved in Section 5 thereof.

Section 2. Ordinance No. 2003-52, relating to the sale of real estate as a part of Project Turnaround, is hereby amended by revising the list of parcels in Section 2 to read as follows:

Address	SBL#
17 Alphonse Street	106.32-2-40.1
29 Alphonse Street	106.32-2-42.1
50 Alphonse Street	106.32-2-61
55 Alphonse Street	106.32-2-46.1
8 Bernard Street	106.24-2-70
28 Bernard Street	106.24-2-66.1
82 Bernard Street	106.24-2-44
728 Clifford Avenue	106.32-2-31.1

732 Clifford Avenue	106.32-2-30
45 Maria Street	106.32-1-55.1
63 Maria Street	106.32-1-47
71 Maria Street	106.23-3-63.1
73 Maria Street	106.23-3-62.1
74 Maria Street	106.32-1-4.1
75 Maria Street	106.23-3-60.1
77 Maria Street	106.23-3-57.3
81 Maria Street	106.23-3-57.2
96 Thomas Street	106.32-2-39
105 Thomas Street	106.32-1-12.1
109 Thomas Street	106.32-1-10.1

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-228
(Int. No. 259)

Accepting Donation Of Real Estate And Authorizing Sale

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 199 Waring Road, SBL# 92.71-3-34, from the current owners, Michael E. and Angela Pichichero.

Section 2. Upon acquisition of said parcel by the City, City taxes and other charges against said parcel shall be canceled as of the date of closing. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. Said parcel shall be accepted free and clear of any other outstanding liens or encumbrances.

Section 3. Upon acquisition of said parcel by the City, the Council hereby approves the addition of said parcel to the parcels approved for sale as a part of the 2002 Home Expo Program in Ordinance No. 2002-74 and Ordinance No. 2002-288.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-229
Re: Real Estate Sale - Westside Health Services

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of the following three adjoining City-owned properties to the Westside Health Services, Inc. for the construction of a 17,350 sq. ft. clinic and 74-car parking lot:

350 Orchard Street	399 Saxton Street
370 Orchard Street	

The purchase price will be \$42,000 based on an independent appraisal report prepared by Kevin Bruckner, MAI. A credit in the amount of \$5,900 will be given to the purchaser at closing for a portion of the total cost of a Phase I Environmental Site Assessment, testing of soil samples, correspondence with Foundation Design and SWBR Architects, payment of the

excavation contractor and preparation of the final report documents.

In addition to the construction of the building and site improvements, the purchaser has agreed to enter into an agreement to allow the use of their parking lot in conjunction with the Pae-Tec Park Stadium activities during times when the clinic is not in operation.

As part of the purchase of this property, Westside Health Services, Inc. has agreed to waive its right to tax exemption. The purchaser, its successors, and assigns shall pay in full all City of Rochester and City of Rochester School District ad valorem real property taxes, charges and assessments on the subject property.

City taxes and other current year charges against said parcels shall be canceled up to the date of closing.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-93

Ordinance No. 2003-229
(Int. No. 260)

Approving The Sale Of Parcels To The Westside Health Services, Inc.

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

Section 1. The Council hereby approves the sale of 350 Orchard Street, SBL No. 105.75-01-054; 370 Orchard Street, SBL No. 105.75-01-001 and 399 Saxton Street, SBL No. 105.75-01-003, for the sum of \$42,000, to the Westside Health Services, Inc. Westside Health Services, Inc. may receive a credit at closing in the amount of \$5,900 for environmental assessment and remediation costs. Westside Health Services, Inc. shall agree to waive its right to a tax exemption for the parcels and shall agree to allow the use of the parking lot to be constructed for parking for Pae-Tec Park activities during hours that the clinic to be constructed is not open.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-230
Re: Community Housing Development Organizations

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Community Housing Development Organizations (CHDOs) Program. This legislation will:

1. Appropriate \$182,200 from the 2003 HOME Program for CHDO operating administration; and
2. Authorize agreements with designated CHDOs for use of these funds.

The City is required to reserve at least 15% of its annual HOME award to fund the development of affordable housing by non-profit Community Housing Development Organizations. The City is also permitted to set aside an additional 5% of its HOME award to assist CHDOs with their operating costs.

The proposed appropriation will be used to fund the operating expenses of designated CHDOs requiring this assistance. The funds shall be distributed based upon need, capacity, and performance. To date, there are 12 CHDOs eligible for this assistance. They are:

1. Group 14621
2. Housing Opportunities, Inc. (HOP)
3. Ibero American Development Corporation
4. ISLA Housing Development Corporation
5. Marketview Heights Association
6. NCS Community Development Corporation
7. North East Area Development (NEAD)
8. North East Block Club Alliance (NEBCA)
9. Neighborhood Housing Services (NHS)
10. South East Area Coalition (SEAC)
11. South Wedge Planning Committee
12. South West Area Development Corporation (SWADCO)

A status report on CHDO activity is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-94

Ordinance No. 2003-230
(Int. No. 261)

Appropriating Funds And Authorizing Agreements For CHDO Operating Assistance

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

Section 1. There is hereby appropriated from the 2003 Home Program funds the sum of \$182,200, or so much thereof as may be necessary, to fund the operating expenses of designated Community Housing Development Organizations (CHDO's).

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDO's for use of these funds.

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

Section 4. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-231
Re: Agreement - Wilson Commencement Park Housing Mobility Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the continuation of services for the Housing Mobility Program. This legislation will:

1. Authorize an agreement for up to one year with Wilson Commencement Park, 251 Joseph Avenue, in an amount not to exceed \$21,000; and
2. Appropriate \$21,000 from the Improve the Housing Stock and General Property Conditions allocation (Fair Housing Activities) of the 2003-04 Community Development Block Grant to fund the agreement.

The Housing Mobility Program implements one of the strategies identified in the Community Choice Action Plan, developed by the City, County, Towns of Greece and Irondequoit, and the Rochester Housing Authority. The City's participation in the development of the plan was authorized by City Council on February 20, 1996. The plan involves 80 strategies to address impediments to fair housing in the county. A summary of these strategies and their implementation status is included in the 2002-2003 Consolidated Community Development Program, approved by City Council on May 14, 2002.

The goal of the Housing Mobility Program is to provide comprehensive support services fostering self-sufficiency and upward mobility, combined with meaningful information about housing options and qualifications for relocation, to produce an increase in the number of families desiring to move from a poverty impacted area to an area of lower-poverty concentration.

The Housing Mobility Program was initiated for a two-year demonstration period in January 2000. A summary of program performance is attached. City Council authorized the most recent agreement for this program on August 20, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-231
(Int. No. 263)

Authorizing An Agreement For The Housing Mobility Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Wilson Commencement Park for the continuation of the Housing Mobility Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$21,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-17
Re: Appointment - Zoning Board of Appeals

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of Leonard P. Licata, residing at 95 Grassmere Park to the Zoning Board of Appeals.

Mr. Licata is a life-long city resident and will represent the Northwest district as a member of the Zoning Board of Appeals. He will be appointed to a full, two-year term. A copy of Mr. Licata's resume is on file in the Office of the City Clerk.

Mr. Licata's term will extend through July 31, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-17
(Int. No. 289)

Resolution Approving Appointment To The Zoning Board Of Appeals

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

Section 1. The Council hereby approves the appointment of Leonard P. Licata, 95 Grassmere Park, to the Zoning Board of Appeals for a term which shall expire July 31, 2005.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Introductory No. 215A did not come with a transmittal letter.

Ordinance No. 2003-232
(Int. No. 215A, As Amended)

Amending Chapter 120 Of The Municipal Code, The Zoning Code

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- 66) To amend the prohibited accessory structure requirements in §120-163D(1):
 - (1) Except as permitted in Section 90-15B(7) of the Municipal Code, [In] no [case shall a] vehicle of any kind or type without current license plates shall be parked or stored on any residentially zoned property other than in a completely enclosed building.

Section 2. This ordinance shall take effect two

weeks after the date of its adoption.

Bracketed material is deleted; underlined material is added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-233 And
Local Law No. 8
Re: Amendment to Property Code and Local Law

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval are amendments to:

1. Chapter 90 of the City Code to conform with the new Property Maintenance Code of New York State; and
2. Sections 3-15 (B) 1, 2 & 3; (C) 1d,e; (C) 2a,c; & (C) 6 of the City Charter in regard to nuisance points.

Chapter 90 - Property Code

On January 1, 2003, a new International Fire Prevention and Building Code took effect in New York State. The new Code also includes a section that deals with existing structures entitled "Property Maintenance Code of New York State". All municipalities are required to conform to the new Code. The proposed changes to Chapter 90 of the City Code are necessary to achieve the required conformance with the State Code. The sections being retained in Chapter 90 are either more restrictive than the new State Code or address topics that are not clearly identified therein. The sections that are considered to be more restrictive will be submitted to the State for approval, unless they have previously been authorized. If the proposed changes are approved, all existing structures will have to comply with both the State Maintenance Code and the provisions of Chapter 90.

The attached spreadsheet indicates all proposed changes and the rationale for each.

City Charter 3-15 - Abatement of Nuisances

As you will recall, on July 1, 1996, City Council approved a series of changes to section 3-15 of the City Charter to regulate nuisance activities that negatively impact the quality of life of City residents. The proposed changes to this section of the Charter are highlighted on the attached document. They are the result of a reassessment of the current law and the challenges enforcement personnel have faced over the past six years.

The proposed changes include:

- Amendments to Section (B) that will allow the City to encourage and enforce cooperation on the part of business owners to take control over the area immediately surrounding their establishment.
- Amendments to Section (B) 1,2 & 3 that will expand the number and types of violations covered under the law, and will reclassify the point level for many of the current violations.

- The addition of Section (C) 1d & e that will prohibit anyone who has imposed nuisance abatement charges from obtaining a City grant or loan for a specific period of time.
- Amendments to Section (C) 2a that will enhance the City's ability to effectively prioritize nuisance cases.
- The addition of (C) 2c that will require documentation of any and all current nuisance violations on all Certificates of Occupancy, Certificates of Zoning Compliance and property tax bills. This curtails quick deed transfers for the purpose of avoiding 3-15 enforcement.
- Amendments to (C) 6 that will clarify that property owners are not entitled to maintain a nonconforming use if the premises have been closed as a public nuisance for more than nine months.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-95

Ordinance No. 2003-233
(Int. No. 291, As Amended)

Amending Chapter 90 Of The Municipal Code, The Property Conservation Code

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

Section 1. Article I of Chapter 90 of the Municipal Code, Property Conservation Code, as amended, is hereby further amended to read in its entirety as follows:

ARTICLE 1. General Regulations

§90-1. Title.

This chapter shall be known as the "Property Conservation Code of the City of Rochester, New York".

§90-2. Purpose.

The City of Rochester has numerous residential, commercial and industrial buildings, which are substantially sound and habitable structures providing decent housing resources for residents and businesses in the city. The city also has vacant areas and lots. Their condition and maintenance are vital to the protection and enhancement of the well being of residents and businesses in adjacent residential neighborhoods and commercial and industrial areas. In order to conserve these valuable property resources in the city, to enhance the residential neighborhoods of the city and protect the safety, health and welfare of the persons who live, work and recreate in the city, the provisions of this code are established. In conforming with the several provisions of the code, the City of Rochester encourages use of techniques which will promote and encourage conservation of energy and other natural resources.

§90-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER - The Commissioner of Community Development of the City of Rochester or legally designated representative.

DIRECTOR - The Director of NET of the City of Rochester or legally designated representative.

DEPARTMENT- The Department of Community Development of the City of Rochester.

EXIT - A way of departure on foot from the interior of a building or structure to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.

GRADE - When a curb level has been established, "grade" is curb level. When a curb level has not been established or when the natural ground surface at the building is at a different level than the curb level, "grade" is, with respect to a building, the average ground elevation adjoining the building.

JUNKED VEHICLE - Any vehicle, including a trailer, which is without a currently valid license plate or plates and which is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. The Director or Commissioner or their designee shall make the final determination of whether a vehicle is a "junked vehicle" as defined herein.

MIXED OCCUPANCY - Occupancy of a building in part for residential use and in part for some other use not accessory thereto.

MULTIPLE DWELLING - A dwelling which is designed or intended to be occupied, or is occupied, as a temporary or permanent residence or home of three (3) or more families living independently of each other, including but not limited to the following: a tenement, flat house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, duplex apartment, kitchenette apartment, hotel, lodging house, rooming house, boarding house, boarding and nursery school, furnished-room house, club-sorority house, fraternity house, college and school dormitory, convalescent, old-age or nursing home or residence. It shall also include a dwelling two (2) or more stories in height and with five (5) or more boarders, roomers or lodgers residing with any one (1) family.

UNLICENSED VEHICLE - Any vehicle which does not display a current valid license or registration.

§90-4. Interpretations, procedural rules, regulations and forms.

The Director or Commissioner shall, consistent with the express standards, purposes and intent of this chapter, promulgate, adopt and issue such interpretations, procedural rules, regulations and forms, and amendments thereto, as are in the Director or Commissioner'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 office of the Director or Commissioner. Such rules, regulations and forms shall be effective upon filing with the City Clerk, as a communication to City Council.

§90-5. Applicability of provisions.

A. The Property Maintenance Code of New York State shall be applicable in the City of Rochester to all existing land and structures.

B. This chapter shall apply to the following premises within the City of Rochester:

- (1) Lots, plots or parcels of land which are vacant or upon which buildings used for dwellings, mixed occupancy, commercial, industrial or storage uses, whether occupied or vacant, are located.
- (2) Residential dwellings, including private dwellings and multiple dwellings, unless specifically excluded.
- (3) Buildings of mixed occupancy, occupied in whole or in part.
- (4) Commercial, industrial and storage buildings.
- (5) Vacant residential, mixed-occupancy, commercial, industrial and storage buildings.
- (6) Residential, mixed-occupancy, commercial, industrial and storage buildings which are under construction or demolition, including buildings not completed, to the extent that a nuisance or practice exists, or is being carried out, which is a disturbance to the public health, safety or welfare.
- (7) Accessory structures, accessory to dwellings, commercial, industrial or vacant buildings.
- (8) Parking lots.
- (9) Junkyards.

C. Existing buildings and their accompanying yards shall be maintained in conformance with this chapter and the Life Safety Code (Chapter 101, NFPA) and its latest amendments. This chapter shall exclude public streets and rights-of-way.

§90-6. Applicability of other regulations; resolution of conflicts.

The provisions of this chapter shall be read together with other laws, ordinances, codes or regulations. In the event of a conflict between this chapter and other chapters of the City Code, that provision that provides a greater level of safety shall apply.

§90-7. Conformance with other state and local regulations required.

Installations, alterations and repairs to buildings and materials, and related assemblies and equipment shall also be in conformity with the applicable provisions of the Rochester Building Code, the Fire Prevention Code and the Zoning [Ordinance] Code of the City of Rochester, with the Multiple Residence Law of the State of New York, and with any other applicable state or local law, ordinance or regulation.

§90-8. Heating.

A. Liquid fuel room heaters. Portable room heaters utilizing liquid fuels are prohibited.

B. All warm-air heat systems shall have adequate cold air returns. If basement cold air is utilized, it must be filtered.

§90-9. Electrical requirements.

A. General requirements. Existing electrical fixtures,

devices, wiring and systems shall be maintained in safe working condition and in a manner which will avoid a potential source of ignition or shock and shall be properly connected to an adequate source of electric power. Any alterations shall comply with the requirements of the National Electrical Code and/or the equipment, fixtures and devices shall be firmly secured to the surface on which they are mounted. Electrical wiring and equipment shall be protected against excessive current panelboards, shall be kept free from encumbrances and shall be accessible to occupants or a resident manager at all times.

B. Additional residential requirements.

(1) General.

(a) Each living unit with less than five hundred (500) square feet shall have at least one (1) fifteen-ampere circuit. For each additional eight hundred (800) square feet or fraction thereof, one (1) additional fifteen-ampere circuit shall be provided. A separate twenty-ampere circuit shall be required within kitchen areas in an appropriate and accessible location for electrical appliances.

(b) Any living unit containing one (1) or more of the following, or similar major electric appliances: electric range, electric clothes dryer, electric water heater, electric space heater, electric powered washing machine, dishwasher and/or garbage disposal shall have separate circuits of suitable size and capacity to provide for such equipment.

(c) Any heating system must be installed on an individual circuit.

(2) Single and multiple dwellings.

(a) Existing single-family dwellings. An existing single-family dwelling containing not more than six (6) branch circuits shall have a minimum service capacity of one hundred ten (110) volts, sixty (60)-ampere service. However, if any additional wiring is required in the system, the service capacity must be upgraded to at least two hundred twenty (220) volts, one hundred (100) amperes.

(b) Two, three and four-family dwelling structures.

[1] The following service capacities are required for structures containing two (2), three (3) or four (4) dwelling units.

[a] Two-family dwelling: two hundred twenty (220) volts, one hundred fifty (150) amperes.

[b] Three-family dwelling: two hundred twenty (220) volts, two hundred (200) amperes.

[c] Four-family dwelling: two hundred twenty (220) volts, two hundred (200) amperes.

[2] In a two, three or four-family dwelling, because of particular electrical

- use, such as the presence of major electrical appliances or electrical heating facilities, the requirements for a minimum electrical service capacity of the National Electrical Code shall apply if calculated to be greater than those outlined above in subsection B(2)(b)[1][a], [b] and [c].
- (c) All structures containing five (5) or more dwelling units shall be required to have an electrical service capacity calculated in accordance with the National Electrical Code requirements.
- (d) In multiple dwellings having a single electrical meter, the service capacity shall be calculated in accordance with the National Electrical Code requirements.
- (e) The electrical capacity for stores and businesses in mixed occupancy structures shall be computed independently of dwelling units within the structure.
- (3) At least one (1) grounded-type receptacle shall be provided within six (6) feet of all laundry facilities. Adapters shall not be used.
- (4) Unless otherwise permitted in this subsection, when additional electrical outlets are required they shall be installed on new circuits that meet the requirements of the National Electrical Code in force at the time of installation. However, taps from existing circuits may be allowed if such existing circuits meet the requirements of the National Electrical Code as to the following:
- (a) Loads.
 - (b) Deterioration of conductors.
 - (c) Proper separation of branch circuits.
 - (d) Proper fill of boxes, etc.
 - (e) Proper installation of said branch circuit(s) wiring methods.
 - (f) Proper installation of conductors.
- (5) With the exception of electrical work in an owner occupied single-family home, all electrical work must be installed by a licensed electrician. Electrical work shall be installed in a neat and workmanlike manner.
- (6) All installations of electrical equipment require a permit and shall be inspected and approved by the City of Rochester or by the designated electrical inspection agencies.
- (7) In multiple-family dwellings, all floors, treads or landings in public halls, stairways and main entrances shall be clearly illuminated with artificial light to avoid a safety hazard to occupants. Artificial lighting shall be made available to all tenants and guests and shall be connected to the owner's meter. Artificial lighting shall also be made available at all exterior entrance and exit doors.
- (8) Every bathroom, toilet room, laundry room, furnace room, boiler room, interior stairway, public hall and kitchen shall contain at least one (1) electrical lighting fixture.
- (9) Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets.
- (10) Extension cords, which are not part of a fixture, shall not be permitted on a permanent or semipermanent basis as part of a branch circuit or an extension thereof.
- (11) Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
- §90-10. Fire safety.
- A. At least one (1) smoke-detection device per unit shall be installed adjacent to sleeping areas in all one and two-family dwellings.
- B. In one and/or two-family dwellings, where it has been demonstrated that third floor occupancy commenced before January 1, 1984, a hardwired fire and smoke detection system shall be installed in the basement and in all common areas on each level which is audible throughout the entire structure, except that for buildings with no common areas, a hardwired fire and smoke detection system shall be installed in the basement and on each level.
- C. In multiple dwellings with at least five (5) dwelling units at least one (1) interconnected smoke alarm system shall be installed in the public hallways on each floor and the basement to activate an alarm system. This requirement shall be met before a certificate of occupancy is issued pursuant to §90-16 of the Municipal Code. The installation of this system shall comply with the Fire Code of New York State.
- D. In addition to the above, a smoke or heat-detection system shall be installed in the nonresidential portion of a mixed-occupancy building containing five (5) or more dwelling units to activate an alarm in the public hallways on each floor of the residential portion of the building. This requirement shall be met before a certificate of occupancy is issued pursuant to §90-16 of the Municipal Code.
- §90-11. Weatherization.
- A. In every two-family dwelling, mixed-occupancy dwelling containing two (2) or more families or multiple dwelling, storm windows, storm doors, band insulation and attic insulation shall be installed.
- B. The above requirements shall be satisfied before a certificate of occupancy is issued for transfer of title to a new owner.
- C. The weatherization materials and installation shall be subject to the approval of the Director or Commissioner and in accordance with standards developed by the Director or Commissioner.
- §90-12. Locking devices at entrances.
- A. In multiple dwellings, where the main entrance is equipped with separate bells to each dwelling unit, the main entrance shall remain locked.
- B. In every multiple dwelling two (2) or more stories in height, every door opening on to a public hall

or stairway shall be equipped with self-closing devices.

- C. Each such self-closing device shall be properly installed and maintained in good working order. A door so equipped shall be able when released to close and latch under its own power from a sixty-degree open position. Common screen door spring door closures shall not be used as self-closing devices.

§90-13. Egress requirements.

In every multiple dwelling over one (1) story in height, every apartment, dwelling unit and rooming unit that does not, for its exclusive use, have direct exit to a street shall have access to at least one (1) additional exit separate from and independent of the primary interior stairway or fire tower, constructed in accordance with the Building Code of the City of Rochester. In multiple dwellings of less than five (5) units and less than three stories in height, a hardwired fire and smoke detection system may be installed in lieu of the required second means of egress. The hardwired fire and smoke detection system shall be installed in the basement and in all common areas on each level of the structure and in accordance with the Fire Code of New York State.

§90-14. Property maintenance.

- A. Paint containing more than five-tenths percent (0.5%) lead by weight shall not be applied to any exterior or interior surface. Where such paint is found, it shall be promptly refinished or resurfaced.
- B. Every flight of stairs which is more than two (2) risers in height shall have handrails and every open-sided walking surfaces, mezzanines, platforms, stairways, ramps and landings which are located more than thirty (30) inches above floor or grade shall have guardrails. All stairs, handrails and guardrails shall be installed and maintained pursuant to the Building Code of New York State.
- C. Windows doors and other openings used for ventilation shall be appropriately screened to prevent the entry of mosquitoes, flies and other flying insects.

§90-15. Junked, abandoned or unlicensed vehicles.

- A. A junked vehicle shall not be parked, stored or left in the open unless it is necessary for the operation of a business enterprise lawfully situated on private property. Any other junked vehicle left in the open must be immediately removed from the property to an approved location.
- B. Powers of the Director or Commissioner. In addition to whatever powers the Director or Commissioner has, the Director or Commissioner is granted the following powers:
- (1) To administer §1224 of the New York State Vehicle and Traffic Law with respect to abandoned vehicles left on private or city-owned property within the City of Rochester, excluding the public highways, city parking lots and garages.
 - (2) To implement the procedural requirements of Title 15, New York Codes, Rules and Regulations, Part 18 (Abandoned Vehicles), with respect to abandoned vehicles left on private or city-owned property within the City of

Rochester, excluding the public highways, city parking lots and garages.

- (3) To determine the value of [such abandoned] vehicles utilizing such criteria as used car valuation books and the physical and mechanical condition of the vehicle.
- (4) To dispose of [such] abandoned vehicles, whether through the Department, through contract or through the Chief of Police, provided that the disposal complies with the requirements of §1224 of the New York State Vehicle and Traffic Law.

- (5) To cause the removal of:

- (a) Junked vehicles, as defined in §90-3 of the Municipal Code, which are parked, stored or left in the open in violation of [the Property Maintenance Code of New York State] this Section.
- (b) [Automotive vehicles] Vehicles without current license plates parked or stored in violation of Municipal Code §120-163D(1).

- (6) To dispose of junked vehicles and unlicensed vehicles removed pursuant to this chapter, provided that the procedural requirements contained herein are complied with.

- (7) To issue outdoor storage permits for unlicensed vehicles. The issuance of such permits shall be governed pursuant to the following:

(a) Not more than one (1) vehicle per dwelling unit shall be permitted, and a permitted vehicle must be a passenger vehicle.

(b) No permit shall be issued if there is an off-street parking deficiency.

(c) The vehicle shall be covered with a commercial, fitted car tarpaulin.

(d) The term of the permit shall be six (6) months, renewable.

(e) The permit fee shall be twenty-five dollars (\$25.).

(f) Unlicensed vehicles shall not be stored in any required parking space or in access to or maneuvering space for any required parking space or in any required open space, and storage of the vehicle shall otherwise comply with all requirements of the Zoning Code and the remainder of the Municipal Code.

(g) The vehicle shall be owned by the resident of the property, and proof of ownership and residency shall be provided at the time of application for the permit.

- [B] C. Procedural requirements relating to unlicensed, abandoned and junked vehicles.

- (1) The Director or Commissioner shall give the property owner and vehicle owner, if known, written notice of the violation and of the right to an administrative hearing by registered or certified mail, return receipt requested, sent to the property owner's address on file in the

Bureau of Assessment and to the vehicle owner at his last known address, prior to causing the removal of any vehicle from private property. The notice shall give the property owner and vehicle owner, if known, ten (10) days from the date of mailing to request a hearing or remove the vehicle. The property owner and/or vehicle owner shall be permitted to be represented by counsel at the hearing, to submit evidence and summon witnesses on his/her behalf, to inspect documents and to cross-examine opposing witnesses. Compliance with the technical rules of evidence shall not be required. Failure to request a hearing or remove a vehicle within the designated time shall be deemed a waiver of rights and an authorization for the Director or Commissioner to remove said vehicle in accordance with this section.

- (2) The Director or Commissioner and his/her employees are authorized to enter onto private property to conduct inspections and remove vehicles in accordance with this section and shall have the power to seek and obtain warrants where such are constitutionally required.
- (3) The Director or Commissioner may immediately remove any unlicensed, junked or abandoned vehicle left on City-owned property other than public highways, city parking lots and garages.
- (4) Property and vehicle owner liability and disposition of vehicles removed by the Director or Commissioner.
 - (a) The Director or Commissioner shall deliver vehicles removed in accordance with this section to the Chief of Police for storage and disposal in accordance with §111-72 of the Municipal Code, except that the Director or Commissioner may immediately sell to a vehicle dismantler or a scrap processor any vehicle whose title immediately vests in the City of Rochester as an abandoned vehicle pursuant to §1224 of the New York State Vehicle and Traffic Law and, in abating the nuisance, any junked or unlicensed vehicle of a whole-sale value, taking into consideration the condition of the vehicle, of one thousand two hundred fifty dollars (\$1250.) or less, removed from public or private property pursuant to this Section, if said vehicle is not suitable for operation on the public highways as determined by the Director or Commissioner or his/her designee].
 - (b) For vehicles removed from private property, the property owner and vehicle owner shall be liable, jointly and severally, to the City of Rochester for the costs of removal, storage and disposal of any vehicle removed, stored and/or disposed of by the Director or Commissioner. The amount due for removal and storage shall be as set forth in §111-72 of the Municipal Code.
 - [1] Any proceeds from the sale of a vehicle shall first be used to pay any expenses incurred by the City of Rochester. Any excess proceeds shall be returned to the vehicle owner, if known. If the vehicle owner is un-

known, the excess proceeds shall be held by the city without interest, for the benefit of the vehicle owner for a period of one (1) year. If not claimed within the one-year period, the excess proceeds shall be paid into the city's general fund.

- [2] In the event that the expenses incurred by the city exceed the sale proceeds, the additional expenses shall be payable by the property owner and/or the vehicle owner and, if not paid, may be added to a subsequent tax bill for the property pursuant to §6-94 of the City Charter.

[C] D. Junked, unlicensed and abandoned vehicles deemed a public nuisance. Notwithstanding any inconsistent provision of any local law or ordinance, any junked, abandoned or unlicensed vehicle standing, parked or stored on private or city-owned property in violation of any law or ordinance, within the City of Rochester, shall be deemed a public nuisance which shall be abated by the person or persons causing such public nuisance or by the property owner or by the Director or Commissioner as provided herein. The sale of said vehicles by the City, either immediately or after a required holding period, shall constitute an integral step in the abatement of the nuisance.

§90-16. Certificates of occupancy.

A. When required.

- (1) A certificate of occupancy or a conditional certificate of occupancy must be obtained within ninety (90) days prior to the occurrence of any of the following:
 - (a) The transfer of title to a new owner of any two-family dwelling, mixed-occupancy dwelling containing two (2) or more families or multiple dwelling.
 - (b) The recording of a mortgage for a subject dwelling, independent of title transfer, except that a new certificate of occupancy shall not be required under this subsection when a property owner retains title to the property and records a new mortgage due to refinancing of the property.
 - (c) The reoccupancy of a dwelling which has been entirely vacant for more than two (2) months.
 - (d) A change of occupancy or use that would bring a dwelling under a different or additional classification of this chapter, the Building Code, Zoning [Ordinance] Code, Fire Prevention Code or other provisions of the City Code.
 - (e) The expiration or termination of a valid certificate of occupancy for a subject dwelling.
 - (f) A change of occupancy whereby a one-family dwelling or a single-family dwelling unit in a mixed-occupancy building is no longer occupied by the owner, or a spouse, child or parent of the owner. For one-family dwellings or single-family dwelling units in a mixed-occupancy

building that are not occupied by an owner or a family member as required herein on January 1, 1998, a certificate of occupancy or a conditional certificate of occupancy shall be obtained immediately, but in no event later than forty (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) Subsequent to the occurrence of any event enumerated in Subsection A(1) herein, unless the Director or Commissioner has issued a certificate of occupancy or a conditional certificate of occupancy, the Director or Commissioner may order occupants of the dwelling to vacate the dwelling.

B. When waived.

- (1) The Director or Commissioner shall waive the requirement for a certificate of occupancy when title is transferred:
- (a) By an executor or administrator in the administration or settlement of an estate.
 - (b) In lieu of foreclosure.
 - (c) By a court-appointed referee.
 - (d) By a trustee in bankruptcy.
 - (e) To or by an assignee for benefit of creditors.
 - (f) By the Monroe County Sheriff pursuant to a judicial sale.
 - (g) To a municipality as a result of tax foreclosure.
 - (h) Between husband and wife
 - (i) To a person who had immediate, previous legal ownership in whole or in part.
 - (j) Pursuant to the formation, reorganization or dissolution of a partnership or corporation.
 - (k) By a corporation to its shareholders.
 - (l) To the United States Department of Housing and Urban Development or to the Administrator of Urban Affairs.
 - (m) By a person who retains life use of and/or interest in the property.
- (2) The Director or Commissioner shall issue or deny the waiver within five (5) business days of receipt of a written request.
- (3) The owner of a one-family dwelling or a single-family dwelling unit in a mixed-occupancy building who does not occupy the dwelling and whose dwelling is not occupied by a family member as required in Subsection A(1)(f) above, may apply to the Director or Commissioner for a waiver of the requirement for a certificate of occupancy. Such waiver shall extend for a period of one year. The application for a waiver must include written documentation that the owner has attempted to market the property without success. An

owner of two or more one-family dwellings or single-family dwelling units in a mixed-occupancy building that are not occupied by an owner or a family member as required in Subsection A(1)(f) above shall not be eligible for such a waiver. The Director or Commissioner shall issue or deny the waiver within five (5) business days of the request. The Director or Commissioner is authorized to establish rules and regulations relating to the time within which a waiver application shall be filed, the type of proof that will be accepted with respect to unsuccessful attempts to market the property, the time period within which such marketing efforts shall have been made, and such further regulations as the Director or Commissioner shall deem necessary in order to assume that such waivers are not granted to dwellings which have a blighting influence upon the neighborhood. The Director or Commissioner shall also establish regulations providing for the revocation of such waivers if conditions leading to the granting of the waiver have changed, if false information was submitted with respect to an application, or if the dwelling has a blighting influence upon the neighborhood.

C. Contents of a certificate of occupancy. All certificates of occupancy shall state that the subject dwelling substantially conforms to the provisions of this chapter, the Building Code, the Zoning [Ordinance] Code, the New York State Multiple Residence Law (if applicable) and other provisions of the City Code.

D. Conditional certificate of occupancy. The Director or Commissioner, in his/her discretion, may issue a conditional certificate of occupancy within ninety (90) days prior to the occurrence of any of the events enumerated in Subsection A herein when occupancy or use of the building will not jeopardize life or property, and:

- (1) The subject dwelling is near substantial compliance with this section and all other applicable laws, ordinances and rules;
- (2) The work required to bring the dwelling into full compliance is not essential to making the building habitable;
- (3) The dwelling complies with the Zoning [Ordinance] Code as evidenced by the endorsement of the head of the bureau or division responsible for administering the Zoning [Ordinance] Code; or
- (4) The owner of record, or contract vendee, or lessee has agreed with the Director or Commissioner on a schedule of rehabilitation or demolition.

E. Contents of conditional certificate of occupancy. A conditional certificate of occupancy shall state that the subject dwelling complies with the requirements of Subsection D herein and shall specify the purposes for which the building may be used in its several parts. It shall also specify the date by which the owner of record must obtain the certificate of occupancy specified in Subsection C herein and warn that failure to obtain the certificate of occupancy by the date shall be sufficient cause for revoking the conditional certificate of occupancy without further notice to the owner(s) and other interested parties. Time limitations set

forth in conditional certificates of occupancy shall constitute amendments to time limitations imposed by prior notices and orders by the Department.

F. Issuance and filing.

- (1) A certificate of occupancy shall be issued by the Department within ten (10) days after an inspection by the Department reveals that a subject dwelling is in substantial compliance with applicable laws, ordinances or rules.
- (2) A record of all certificates of occupancy, and conditional certificates of occupancy and their status, shall be kept in the office of the Director or Commissioner, and copies shall be furnished, upon request, to the public.

G. Validity of certificate of occupancy.

- (1) Expiration. A certificate of occupancy shall remain valid for a period of five (5) years from the date of its issuance, unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(1)(a), (b), (c) and (d) herein, 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.
- (2) Renewal. The owner of record shall obtain a new certificate of occupancy within ninety (90) days prior to or following the expiration or termination of the valid certificate of occupancy pursuant to Subsection G(1) herein. If the new certificate of occupancy is not so obtained, the Director or Commissioner, within thirty (30) days of the expiration or termination of the valid certificate of occupancy, may cause an inspection to be made of the subject dwelling.

H. Inspections

- (1) Notwithstanding the existence of the valid certificate of occupancy, the Director or Commissioner, Fire Chief or head of the bureau or division responsible for administering the Zoning [Ordinance] Code may cause the subject building to be inspected as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances or rules which they enforce.
- (2) Whenever violations of the Property Conservation Code, Building Code, Fire Prevention Code, Zoning [Ordinance] Code or any applicable law, ordinance or rule are discovered and those violations affect the structure's substantial compliance with the applicable law, ordinance or rule, the existing certificate of occupancy may, at the discretion of the Director or Commissioner, be declared null and void. If such declaration is made, the Director or Commissioner may order occupants of the building to vacate the building through notification to the owner(s) and the occupants of the property, in writing, in the same manner as the service of a notice and order, as set forth in §52-6 of the Municipal Code unless an emergency exists.

- I. Liability for damages. This code shall not be construed to hold the City of Rochester responsible for any damages to persons or property by reason of inspections made pursuant to an application for a

certificate of occupancy or issuance of or the failure to issue a certificate of occupancy.

§90-17. Vacant properties.

A. Purpose and definitions.

- (1) Purpose. In the City of Rochester there are vacant structures which do not possess the protective measures normally provided by legal occupants, making such structures subject to unlawful entry, vandalism and fires. Therefore, these vacant structures present a potential health and safety hazard to the general public, the immediate neighbors and residents and public employees performing municipal duties and services in the area or at the site of the vacant structure.

- (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

SECURE - To render inaccessible to unauthorized entry by closing, bolting, repairing, boarding or otherwise fastening all doors, windows and other openings through which unauthorized entry may be gained.

VACANT BUILDING - A building which is not occupied or used or lived in.

VACANT LOT - A lot, other than parklands, which is not improved by a structure and is not regularly maintained.

B. Owner's duties.

- (1) Vacant buildings. It shall be the duty of every owner of property which has a vacant building thereon:
 - (a) To maintain the building in a safe and sanitary condition and in compliance with this Property Code and sections 302 and 303 of the Property Maintenance Code of New York State.
 - (b) To secure the building to prevent unauthorized entry.
 - (c) To maintain the yard free of refuse, high grass and overgrown weeds.
 - (d) To paint all boarded openings in a neutral or earth-tone color. A "neutral color" is defined as one which is a similar shade to the existing color of the structure.
- (2) Vacant lots. It shall be the duty of every owner of a vacant lot to maintain the lot in a safe and sanitary condition and in compliance with the Property Code. It shall also be the duty of every owner of a vacant lot to maintain the lot free of refuse, high grass and overgrown weeds.

C. Program to maintain, secure and clear. The Director or Commissioner shall organize and implement a program to identify vacant lots and to maintain and secure vacant buildings and clear vacant lots when owners are unwilling or unable to discharge their duties described above. The program shall meet the following minimum objectives:

- (1) Identification of vacant buildings and lots. The Director or Commissioner will identify complaints received by the Department, information received from other city departments

and surveys conducted by the Department. The Director or Commissioner will have buildings and lots inspected to determine whether they are in fact vacant.

- (2) Notification of owners. Notice sent to the owner by first class mail addressed to the owner's address as appears in the records of the Bureau of Assessment, or to the owner's last known address or place of residence if such address does not appear in the records of the Bureau of Assessment, shall be sufficient notification. Notice to the owner by mail addressed to the owner's last address known to the Director or Commissioner will be sufficient notification. The notice shall specify the type of charges or penalties to which the owner may be subject if the owner fails to act in accordance with the Director or Commissioner's order. The notice must specify the sections of the City Code which the owner is violating.
- (3) Discharge of owner's duties by city.
 - (a) If the owner fails to comply with the notice within five (5) days after the notice is sent, the Director or Commissioner may have the owner's duties discharged by city employees or contractors. The owner will be billed by the Director or Commissioner for any costs incurred by the city. It shall be the personal obligation of the owner to reimburse the city for such costs.
 - (b) If the owner has previously disregarded the orders of the Director or Commissioner and thereafter the property again is in violation of this section, the Director or Commissioner may again discharge the owner's duties, at the owner's expense, without notice to the owner.
- (4) Other remedy of city. The Director or Commissioner may proceed to enforce the order according to Chapter 52, Enforcement Procedures, of the City Code.

D. Standards of safety and sanitation. A vacant building or lot is neither safe nor sanitary when any of the following conditions exist:

- (1) The building walls or other structures are in poor structural condition or the floors are overloaded, or there are other major structural defects.
- (2) The building and its contents constitute a fire hazard.
- (3) Violations of the Property Code exist which are danger to health, safety or public welfare.
- (4) Other conditions exist which endanger the health, safety or welfare of the public.

E. Foreclosure against an abandoned private dwelling or multiple dwelling. The Director or Commissioner may institute a proceeding in accordance with Article 19-B of the Real Property Actions and Proceedings Law.

F. Demolition proceedings.

- (1) Inspection. Upon the receipt of information that a vacant structure may be unsafe or dangerous to the health, safety or welfare of the public, the Director or Commissioner shall

cause an inspection to be made, and a report of that inspection shall be reduced to writing and maintained at the office of the Director or Commissioner.

- (2) Demolition hearing scheduled. If the Inspector believes that the structure is unsafe or dangerous, then, pursuant to §47A-16A of Chapter 47A, Demolition Regulations, of the City Code, the Director or Commissioner shall establish a date for a hearing to show cause why the structure should not be demolished.
- (3) Pursuant to §47A-16B of Chapter 47A, Demolition Regulations, of the City Code, the Director or Commissioner shall order demolition of a structure when an imminent danger exists.
- (4) Pursuant to §47A-16C of Chapter 47, Demolition Regulations, of the City Code, the Director or Commissioner shall order demolition of a structure when an immediate danger exists.

G. Powers of Director or Commissioner. In addition to whatever powers the Director or Commissioner has, the Director or Commissioner is granted the following powers:

- (1) Order to vacate. Upon the declaration of an emergency, the Director or Commissioner may order occupants of the subject structure to vacate the structure immediately.
- (2) Order to demolish. Upon the declaration of an emergency pursuant to §47A-16 of Chapter 47A, Demolition Regulations, of the City Code, the Director or Commissioner may order immediate demolition of the subject structure and removal of debris therefrom.
- (3) Closing streets and other places. The Director or Commissioner shall have the power to close temporarily sidewalks, streets, structures and other places adjacent to structures which have become the subject of an emergency order. The Director or Commissioner may also prohibit such places from being used or occupied. The Commissioner of Environmental Services, the Chief of Police and the Fire Chief, when called upon by the Director or Commissioner to cooperate, will assist in the enforcement of such orders or requirements, after consultation and agreement.
- (4) Employment of contractors and materials. The Director or Commissioner may employ such contractors and purchase such materials as may be necessary to perform work under an emergency order.
- (5) Order to secure. The Director or Commissioner may order the immediate securing of a vacant structure or portion thereof to prevent unauthorized entry when the same is deemed necessary to protect against arson, drug usage and other illegal activities at the structure or in order to provide for the health, safety or welfare of any remaining occupants of the structure and neighboring residents. The costs of the securing shall be a personal liability of the property owner, who shall be billed therefor. Such costs shall also be a lien upon the property from the first day the costs are billed to the owner. Such costs, if not paid, may be added to a subsequent tax bill for the property pursuant to §6-94 of the City Charter.

§90-18. Responsibilities of owners.

- A. Owners of premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor except as otherwise provided in Subsection D hereof, regardless of the fact that this chapter may also place certain responsibilities on occupants and regardless of any agreements between owners or occupants as to which party shall assume such responsibility.
- B. Owners and operators of multiple dwellings shall be responsible for proper installation, maintenance, condition and operation of service facilities and for furnishing adequate heat and hot-water supply where they have contracted to do so.
- C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the city as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner of said property within the true intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the recorded owner; and notice to any such person or any order or decision of the Director or Commissioner shall be deemed and taken to be good and sufficient notice, as if such person or persons were actually the record owner or owners of such property.
- D. The hearing examiner may grant an owner an adjournment in contemplation of dismissal, for a period not to exceed four (4) months, on any violation which the owner proves clear and convincing evidence was caused by the lessees or occupants of a specific unit. The violation shall be dismissed if, prior to the expiration of the period of adjournment, the owner provides proof that the violation has been corrected. Notwithstanding such an adjournment, the premises, if vacated by the current lessees or occupants, shall not be reoccupied until all high-level health and safety violations relating to the unit have been corrected. If, at the expiration of the period of adjournment, the violation has not been corrected, the proceeding shall not be dismissed, and the hearing examiner shall promptly determine the charge.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Bracketed material deleted; underlined material added.

Passed unanimously.

Local Law No. 8
(Int. No. 292)

Local Law Amending The City Charter With Respect To The Abatement Of Nuisances

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 3-15 thereof, Abatement Of Nuisances, to read in its entirety as follows:

- A. Declaration of legislative findings. The Council finds that public nuisances exist in the City of Roch-

ester in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The Council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the City of Rochester and of the businesses thereof and the visitors thereto. It is the purpose of the Council to authorize and empower the Mayor to impose sanctions and penalties for such public nuisances, and such powers of the Mayor may be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws. The Council further finds that the sanctions and penalties imposed by the Mayor pursuant to this law constitute an additional and appropriate method of law enforcement in response to the proliferation of the above-described public nuisances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the city and to promote the general welfare.

- B. Public nuisances defined. For purposes of this section, a public nuisance shall be deemed to exist whenever through violations of any of the following provisions resulting from separate incidents at a building, erection or place, or immediately adjacent to the building, erection or place as a result of the operation of the business, twelve (12) or more points are accumulated within a period of six (6) months, or eighteen (18) or more points within a period of twelve (12) months, in accordance with the following point system. Where more than one (1) violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation.
 - (1) The following violations shall be assigned a point value of six (6) points:
 - (a) Article 220 of the Penal Law - Controlled Substances Offenses.
 - (b) Article 221 of the Penal Law - Offenses Involving Marihuana.
 - (c) Article 225 of the Penal Law - Gambling Offenses.
 - (d) Article 230 of the Penal Law - Prostitution Offenses.
 - (e) Sections 165.15(4),(6),(7), & (8), 165.40, 165.45, 165.50, 165.52, 165.54, 165.71, 165.72, and 165.73 of the Penal Law - Criminal Possession of Stolen Property.
 - (f) The Alcoholic Beverage Control Law.
 - (g) Article 265 of the Penal Law - Firearms and other Dangerous Weapons.
 - (h) Sections 260.20 and 260.21 of the Penal Law - Unlawfully Dealing with a Child.
 - (i) Article 263 of the Penal Law - Sexual Performance by a Child.
 - (j) Section 415-a of the Vehicle and Traffic Law - Vehicle Dismantlers.

- (k) Section 175.10 of the Penal Law - Falsifying Business Records.
 - (l) Sections 170.65 and 170.70 of the Penal Law - Forgery of and Illegal Possession of a Vehicle Identification Number.
 - (m) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law.
 - (n) Article 158 of the Penal Law - Welfare Fraud.
 - (o) Article 178 of the Penal Law - Criminal Diversion of Prescription Medications and Prescriptions.
 - (p) Section 147 of the Social Services Law - Food stamp program fraud.
 - (q) Section 3383 of the Public Health Law - Imitation controlled substances.
 - (r) The Agriculture and Markets Law.
 - (s) Operating a premises without the requisite certificate of use in violation of @90-33 of the Code of the City of Rochester.
 - (t) Sections 240.36 and 37 of the Penal Law - Loitering in the First Degree and Loitering for the Purpose of Engaging in a Prostitution Offense.
 - (u) Section 2024 of Title 7 of the United States Code.
 - (v) Section 1324a of Title 9 of the United States Code.
 - (w) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting or lewdness.
 - (x) Chapter 75 of the Municipal Code - Noise
 - (2) The following violations shall be assigned a point value of four (4) points:
 - (a) Chapter 20 of the Code of the City of Rochester - Refuse Collection .
 - (b) Chapter 29 of the Code of the City of Rochester - Amusements.
 - (c) Chapter 47 of the Code of the City of Rochester - Dangerous Articles.
 - (d) Chapter 54 of the Code of the City of Rochester - Fire Prevention Code.
 - (e) Chapter 90 of the Code of the City of Rochester - Property Code.
 - (f) Any commercial violations of Chapter 120 of the Code of the City of Rochester - Zoning.
 - (g) Allowing persons on the premises in excess of occupancy limits.
 - (h) Chapter 569, Article 8 (Service Food Establishments) and Article 9 (Food and Food Establishments) of Law of the County of Monroe - Sanitary Code.
 - (3) The following violations shall be assigned a point value of three (3) points:
 - (a) Chapter 69 of the Municipal Code - Littering.
 - (b) Sections 31-5, 11 and 19 of the Municipal Code - Howling dogs, Number of Dogs, and Nuisances.
 - (c) Operating a business at the premises in a manner which causes it to be a source of disruption for the neighborhood and/or a focal point of police attention.
 - (4) For purposes of this section, a conviction for an offense in a court of competent jurisdiction or an administrative bureau shall not be required. Instead, the city shall prove by a preponderance of the evidence that the violations have occurred. However, a conviction as defined and applied in accordance with the provisions of Section 1.20 of the Criminal Procedure Law, in any court of competent jurisdiction, or a conviction or plea of guilty in the Municipal Code Violations Bureau, shall constitute conclusive proof of a violation. Conviction of an attempt to commit a violation of any of the specified provisions shall be considered a conviction for a violation of the specified provision.
- C. Powers of the Mayor with respect to public nuisances.
- (1) In addition to the enforcement procedures established elsewhere, the Mayor or the Mayor's designee, after notice and opportunity for a hearing with respect to a public nuisance, shall be authorized:
 - (a) To order the closing of the building, erection or place to the extent necessary to abate the nuisance; or
 - (b) To suspend for a period not to exceed six (6) months or revoke for a period of one (1) year a Certificate of Use issued for such premises, and to prevent the operator from obtaining a new Certificate of Use for another location for the period of suspension or revocation; or
 - (c) To suspend for a period not to exceed six (6) months or revoke for a period of one (1) year any occupational license or permit issued by the city related to the conduct of a business or trade at the premises, which suspension or revocation shall also apply to any other locations operated by the holder for which the license or permit is required; or
 - (d) To suspend for a period not to exceed six (6) months or revoke for a period of one (1) year eligibility to secure grants or loans from the City of Rochester; or
 - (e) Any combination of the above.
 - (2) Service of notice.
 - (a) Prior to the issuance of orders by the

Mayor or the Mayor's designee pursuant to this section, the Mayor or the Mayor's designee shall give notice and opportunity for a hearing to the owner, lessor, lessee and mortgagee of a building, erection or place wherein the public nuisance is being conducted, maintained or permitted. Such notice shall be served upon an owner pursuant to Article 3 of the Civil Practice Law and Rules, upon a lessor or lessee pursuant to §735 of the Real Property Actions and Proceedings Law, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service with the clerk of any court before the hearing. The person in whose name the real estate affected by the orders of the Mayor or the Mayor's designee is recorded in the office of the County Clerk shall be presumed to be the owner thereof. Proceedings shall be commenced by service of the notice and opportunity for a hearing within ninety (90) days after the occurrence of the most recent violation cited in the notice.

- (b) The lack of knowledge of, acquiescence or participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgagees and all those persons in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessors and lessees, mortgagees and such other persons.
- (c) Every Certificate of Occupancy, Certificate of Zoning Compliance and real property tax bill issued by any City Department shall state the number of nuisance points, if any, assessed against the premises as of the date of the record being issued.
- (3) Orders of the Mayor or the Mayor's designee issued pursuant to this section shall be posted at the building, erection or place where a public nuisance exists or is occurring in violation of law and shall be mailed to the owner of record thereof within one (1) business day of the posting.
- (4) Five (5) business days after the posting of an order issued pursuant to this section and upon the written directive of the Mayor or the Mayor's designee, officers of the Rochester Police Department are authorized to act upon and enforce such orders.
- (5) Where the Mayor or the Mayor's designee closes a building, erection or place pursuant to this section, such closing shall be for such period as the Mayor or the Mayor's designee may direct, but in no event shall the closing be for a period of more than one (1) year from the posting of the order pursuant to this section. If the owner, lessor or lessee shall file a bond in an amount determined by the Mayor or the Mayor's designee but which may not exceed the value of the property ordered to be closed and submit proof satisfactory to the Mayor or

the Mayor's designee that the nuisance has been abated and will not be created, maintained or permitted for such period of time as the building, erection or place has been directed to be closed by the order of the Mayor or the Mayor's designee, then the Mayor or the Mayor's designee may vacate the provisions of the order that direct the closing of the building, erection or place.

- (6) A closing directed by the Mayor or the Mayor's designee pursuant to this section shall not constitute an act of possession, ownership or control by the city of the closed premises, nor will it constitute a closure caused by a government for purposes of nonconformity under section 120-199(G)(2) of the Zoning Code of the City of Rochester.
- (7) It shall be a misdemeanor for any person to use or occupy or to permit any other person to use or occupy any building, erection or place, or portion thereof, ordered closed by the Mayor or the Mayor's designee. Mutilation or removal of a posted order of the Mayor or the Mayor's designee shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or both, provided such order contains therein a notice of such penalty.
- (8) Intentional disobedience or resistance to any provision of the orders issued by the Mayor or the Mayor's designee pursuant to this section, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment not to exceed six (6) months, or both.
- (9) The Mayor or the Mayor's designee may promulgate rules and regulations to carry out and give full effect to the provisions of this section.
- (10) If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.
- (11) The Mayor shall prepare a quarterly report to be submitted to City Council summarizing the actions taken under this section and indicating the results of such actions.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-234
Re: Update - Analysis of Impediments
to Housing Choice

R2010: Campaign 9 - Healthy Urban

Neighborhoods

Transmitted herewith for your approval is legislation relating to the preparation of an updated Analysis of Impediments to Fair Housing Choice. This legislation will:

1. Establish maximum compensation of \$40,000 for a professional service agreement with Greater Upstate Law Project, Inc., 80 St. Paul Street, Rochester, New York 14604, to prepare the analysis;
2. Appropriate \$40,000 from the Improve the Housing Stock and General Property Conditions allocation (Housing Development Support) of the 2002-2003 Community Development Program; and
3. Amend the 2002-2003 Consolidated Community Development Plan to reduce the Housing Development Support allocation by \$40,000 and to increase the Fair Housing allocation from \$100,000 to \$140,000.

As an entitlement community receiving annual formula grant allocations under the Community Development Block Grant and Home Investment Partnerships Programs, the City of Rochester is obligated to periodically assess the extent of impediments which may limit housing choices among protected class members who are covered by the national Fair Housing Act. Housing discrimination is prohibited based upon a person's: race, color, national origin, religion, sex, disability, marital status, and familial status (families with children). The Fair Housing Act applies to any party involved, directly or indirectly, in a housing transaction, i.e., the sale, rental, or financing of housing. This includes landlords, property managers, real estate brokers and agents, appraisers, and mortgage lenders.

The most recent Analysis of Impediments (AI) was prepared in 1996 as a joint undertaking by the City and the three other local entitlement communities, Greece, Irondequoit and Monroe County. The Department of Community Development was unable to reach consensus with these parties on a mutually acceptable approach to conducting the required update. While it is proposed that the City proceed independently, the scope of our undertaking will analyze the operations of the metropolitan Rochester housing market, irrespective of political subdivision boundaries.

The resulting AI will serve as the basis for revisiting the 1998 Community Choice Plan in order to determine appropriate strategies for future action. Any willing parties will be welcomed to cooperate with the City in that effort.

On May 8, 2003, the City issued a Request for Proposals for this service. There were three responses to the RFP. GULP is recommended to prepare the AI because of their experience and expertise in the field of fair housing and the scope of the services they propose to undertake in comparison to the other proposers.

A public hearing is required for the amendment of the Consolidated Plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-234
(Int. No. 264)

Authorizing An Amendatory 2002-03 Community Development Program Plan And Authorizing An Agreement For Fair Housing Services

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

Section 1. The Council hereby approves an amendment to the 2002-03 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Housing Development Support Account shall be reduced by the sum of \$40,000 and said amount shall be transferred to the Fair Housing Account.

Section 2. The Mayor is hereby authorized to enter into an agreement with Greater Upstate Law Project, Inc., 80 St. Paul Street, Rochester, New York 14604, for the preparation of an updated Analysis of Impediments to Fair Housing Choice.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-235

Re: Neighborhood Housing Services
Housing Program Agreements

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation regarding continued operation of the Revolving Loan Fund Program and the continued provision of homebuyer education by Neighborhood Housing Services of Rochester (NHS). This proposed legislation will:

1. Establish maximum compensation for two agreements with NHS for those services;
2. Appropriate the following amounts to fund those agreements:
 - a. \$75,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant;
 - b. \$33,812 from the Improving the Housing Stock and General Property Conditions allocation of the 2001-02 Community Development Block Grant;
 - c. \$28,063 from the Improving the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant; and
3. Amend the 2001-02 Consolidated Plan and

Community Development Program to accommodate that appropriation.

The Revolving Loan Fund Program (RLF) was initiated in the Edgerton neighborhood area in 1980, expanded to the primary target area in 1988, and made available city-wide in 1995. It is designed to permit homeowners with either an excessive debt-to-income ratio, or an inadequate credit or employment history to obtain a rehabilitation loan.

NHS has administered the program since its inception. The most recent agreement for such administration was authorized by the City Council on June 18, 2002. Since then, 14 loans totaling \$69,098 were made. These loans leveraged an additional \$51,583 in loan and grant funds.

Under the proposed RLF agreement, NHS will originate 30 new rehabilitation loans in 2003-04 for an administrative fee of \$75,000. The balance of \$13,125 needed to fund this agreement will come from the unexpended RLF funding of the same amount from 2001-02. NHS will be responsible for:

1. Promoting the program;
2. Determining, for each loan, the eligibility of the property owners, inspecting the property, estimating the costs of rehabilitation, reviewing insurance needs, providing financial counseling, arranging loan packaging, preparing work specifications, soliciting bids, providing construction management and servicing the loan;
3. Selling approved loans on the secondary market, if appropriate;
4. Resolving delinquencies through counseling, restructuring, or the collection of liens; and
5. Administering the program and fund-raising.

The proposed agreement for homebuyer education will be a continuation of this NHS program. As a condition of purchase, buyers using City assistance for the Home Expo, Home Rochester and Home Purchase Assistance Programs must attend the homebuyer education sessions. The agreement for \$75,000 will fund the program, which consists of pre-purchase and post-purchase training sessions. NHS has the capacity to train approximately 800 participants each year. Following is a summary of current activity and proposed goals for next year.

Training Focus	Actual # Sessions July, 2002 - May 1, 2003	Proposed # Sessions July, 2003 - June, 2004
Fast Track to Home Ownership 8 hours (pre-purchase)	10	12
Home Buyers Club 16 hours 8 sessions (post-purchase)	6	6
Making Your House Your Home 3 hours (post-purchase)	4	4
Best on the Block - Spring 3 hours (post-purchase)	2	2

Training Focus	Actual # Households	Proposed # Households
Best on the Block - Fall 3 hours (post-purchase)	2	2
Fast Track to Home Ownership	285	400
Home Buyers Club	79	100
Making Your House Your Home	149	160
Best on the Block - Spring	60	125
Best on the Block - Fall	100	125

A public hearing is required for the amendment of the Consolidated Plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-235
(Int. No. 265)

Authorizing Amendatory 2001-02 And 2002-03 Community Development Program Plans, Amending Ordinance No. 2001-256, And Authorizing An Agreement With Neighborhood Housing Services

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

Section 1. The Council hereby approves an amendment to the 2001-02 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Rehab Rochester Account shall be reduced by the sum of \$33,812 and said amount shall be transferred to the Revolving Loan Fund Account.

Section 2. The Council hereby approves an amendment to the 2002-03 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Rehab Rochester Account shall be reduced by the sum of \$28,063 and said amount shall be transferred to the Revolving Loan Fund Account.

Section 3. The Mayor is hereby authorized to enter into an agreement with Neighborhood Housing Services of Rochester for the continued operation and capitalization of the Revolving Loan Fund Program and the continued provision of home buyer education.

Section 4. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$150,000, and of said amount, or so much thereof as may be necessary, \$75,000 is hereby appropriated from 2003-04 HOME Program Funds, \$28,063 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program and \$46,937 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development

Program.

Section 5. Ordinance No. 2001-256, relating to an agreement with Neighborhood Housing Services, is hereby amended by reducing the amount authorized and appropriated in Section 2 thereof from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program by the sum of \$13,125, which amount is reappropriated in Section 4.

Section 6. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-236
Re: Rochester Housing Development
Fund Corporation

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Rochester Housing Development Fund Corporation (RHDFC). This legislation will:

1. Authorize Community Development Block Grant and City Development Fund float loans totaling \$2,880,000 for use by the RHDFC for the following purposes:

	<u>Amount</u>	<u>Source</u>
Acquisition & Construction Capital	\$2,000,000	CDBG
Loan Loss Reserve	475,000	CDF
Interest Reserve	<u>405,000</u>	CDBG
Total	<u>\$2,880,000</u>	

2. Amend the 2003-04 Consolidated Community Development Plan to provide for the float loans and appropriate said funds;
3. Authorize an agreement with the RHDFC in an amount not to exceed \$186,000 to finance the operations of the RHDFC;
4. Appropriate \$186,000 from the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant to fund the RHDFC operating agreement; and
5. Authorize agreements as necessary to effect the above authorizations and appropriations.

The RHDFC was formed in June 2001 for the express purpose of assisting the City in the fulfillment of its obligations to the United States Department of Housing and Urban Development (HUD) under the Asset Control Area Partnership (ACAP) agreement, which was authorized by the City Council on September 15, 1999.

The RHDFC has accomplished what was intended. It has acquired 100 ACA properties from the City for rehabilitation and resale to owner-occupants, which has provided the City with the revenue stream to repay HUD for the initial cost of acquisition.

The RHDFC's activities have been funded with a \$9 million capital loan, through a unique public/private collaboration involving the following parties:

<u>Investor</u>	<u>Investment</u>
The Enterprise Foundation	\$2,000,000
City of Rochester	1,000,000
Greater Rochester Housing Partnership	1,000,000
United Way of Greater Rochester	750,000
Banking Partners	<u>4,250,000</u>
Total	<u>\$9,000,000</u>

The banking partners include JP Morgan Chase as the lead lender, HSBC, Citibank, Charter One, and M&T.

This financing took the form of an unsecured line of credit, with a term of two years, which will expire on August 29, 2003.

The City's participation was authorized on January 16, 2001. To encourage participation and reduce overall risk exposure among the investors, the City also agreed to fund two reserve accounts, a loan loss reserve of \$800,000 and an interest reserve of \$405,000.

The other major objective in forming the RHDFC was to enable a significant expansion of the HOME Rochester program. This has been accomplished by the RHDFC offering the following:

- * A steady supply of properties suitable for rehabilitation and resale as affordable homes;
- * A source of readily available construction financing for non-profit developers;
- * Technical assistance and services to less experienced developers; and
- * Additional subsidy sources.

Prior to the formation of the RHDFC, HOME Rochester production was averaging fewer than 25 units per year. Annual production through the RHDFC is now 65 units.

While the term of the RHDFC financing is not scheduled to expire until the end of August, the funds will be exhausted sooner than originally estimated. To date, \$8.2 million of the \$9 million line of credit has been drawn; without new financing in place, the RHDFC would have to suspend operations. The new financing package is being proposed to avoid this problem.

The investment partners who participated in the original RHDFC financing have recommitted to the funding of a second credit facility of \$16 million. This significantly higher amount is required in order to accommodate a \$3.2 million balance on the \$9 million loan facility and also to meet the higher estimated costs of development based upon the past two years of experience. A total of 150 homes would be financed through this new loan facility over a 30-month period.

The new financing would be structured in a manner nearly identical to the first, but with a lower loan loss reserve than the original:

Current Proposed

Acquisition & Construction

Capital	\$9,000,000	\$16,000,000
Loan Loss Reserve	800,000	475,000
Interest Reserve	405,000	405,000

The sources of financing are as follows:

Acquisition & Construction Capital		
City of Rochester	\$	2,000,000
The Enterprise Foundation		2,000,000
Greater Rochester Housing Partnership		1,000,000
United Way of Greater Rochester		500,000
Banking Partners		<u>10,500,000</u>
Total		\$16,000,000

The City is again requested to fund the loan loss and interest reserve accounts.

While the RHDFC is performing as originally expected, there are seven renovated homes that have been difficult to market. The new financing will not accommodate these properties; a contingency plan is proposed that would permit the extension of the original \$1 million float loan for an additional six-month period. The properties in question represent a total investment of \$618,842. A marketing plan has been developed and is being implemented; it is anticipated that these aggressive and focused efforts will result in the successful sale of all seven properties during the extension period.

The 2003-04 RHDFC operating expenses will be \$186,000 as follows:

Personnel (wages & taxes)	\$109,325
Employee Benefits	13,643
Administrative Support	17,540
Legal Services	8,000
Audit Fee	7,500
Office Operation (supplies, postage, etc.)	<u>29,992</u>
Total	\$186,000

The RHDFC contracts for staff services through the Greater Rochester Housing Partnership.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-236
(Int. No. 266)

Authorizing An Amendatory 2003-04 Community Development Program Plan And Agreements For Float Loans And Funding For The Rochester Housing Development Fund Corporation

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

Section 1. The Council hereby approves an amendment to the 2003-04 Community Development Program whereby the sum of \$2,000,000 shall be added to the Improving the Housing Stock and General Property Conditions Allocation in a new account for a float loan to fund a capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the rehabilitation of HUD foreclosed properties acquired from the City as a part of the HUD

Asset Control Area (ACA) Program.

Section 2. The Council hereby approves an amendment to the 2003-04 Community Development Program whereby the sum of \$405,000 shall be added to the Improving the Housing Stock and General Property Conditions Allocation in a new account for a float loan to fund an interest reserve account for the capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition from the City of HUD foreclosed properties as a part of the ACA Program and the rehabilitation and resale of said properties.

Section 3. The Council hereby approves an amendment to the 2003-04 City Development Fund whereby the sum of \$475,000 shall be added in a new account for a float loan to fund a loss reserve account for the capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition from the City of HUD foreclosed properties as a part of the ACA Program and the rehabilitation and resale of said properties.

Section 4. The Mayor is hereby authorized to enter into agreements to establish and participate in the Rochester Housing Development Fund Corporation loan pool and accounts authorized herein. The Mayor is hereby further authorized to enter into agreements with necessary parties for the float loans authorized herein. The float loans shall be for a term not to exceed 30 months or 2.5 years, without interest.

Section 5. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for operating funds to support the acquisition of HUD foreclosed properties from the City as a part of the ACA Program and the rehabilitation and resale of said properties.

Section 6. The agreement shall obligate the City to pay an amount not to exceed \$186,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

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

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 267
Re: Acquisition of 123-125 Roth Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition, through negotiation or condemnation, of one property on Roth Street. This property was identified by the Norton Street N.E.T. office as a blighting influence on the surrounding neighborhood. Pertinent information regarding the property to be acquired is as follows:

Address: 123-125 Roth Street
Owner: Jack C. Smith
Lot Size: 37' x 95'

Legal Use: 2 Family
Amount: \$1,800

The parcel is adjacent to an abandoned industrial site that will be redeveloped into affordable rental housing for low-income elderly residents. The structure will be demolished and the resulting vacant parcel will be used to provide street access for the affordable rental housing development, which will utilize the land in a manner consistent with zoning requirements.

The acquisition amount was established through independent appraisals prepared by Robert G. Pogel, SRPA, and Kevin Bruckner, MAI. The property is vacant; therefore, no relocation estimates are required. The maximum total cost of the transaction will be \$12,000, which will cover the acquisition, demolition and closing costs for this parcel. The source of funds is the 2002-03 Cash Capital Allocation.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to return Introductory No. 267 to committee.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Introductory No. 267

APPROVING THE ACQUISITION OF 123-125 ROTH STREET BY NEGOTIATION OR CONDEMNATION

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

Section 1. The Council hereby approves the acquisition of the following parcel from the current owner for a maximum amount not to exceed the following for the development of affordable housing:

Property Address:	123-125 Roth Street
Reputed Owner:	Jack C. Smith
SBL #:	106.21-3-16
Type:	2 Family
Maximum Acquisition Cost:	\$1,800

Section 2. The acquisition, demolition and closing costs shall obligate the City to pay an amount not to exceed \$12,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

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.

Section 5. This ordinance shall take effect im-

mediately.

Held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-237
Re: Foreclosure Intervention Services -
PILOR

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the provision of expanded legal services to assist low- and moderate-income residential property owners who are confronted with mortgage foreclosure by predatory lenders. This legislation will:

1. Establish maximum compensation of \$28,000 for an agreement with the Public Interest Law Office of Rochester (PILOR);
2. Appropriate the following amounts to fund the agreement with PILOR:
 - a. \$5,000 from the Improving the Housing Stock and General Property Conditions objective of the 2000-2001 Community Development Block Grant (Housing Development Support allocation); and
 - b. \$23,000 from the Improving the Housing Stock and General Property Conditions objective of the 2001-2002 Community Development Block Grant (Rehab Rochester Program); and
3. Amend the 2000-2001 and 2001-2002 Consolidated Plans and Community Development Programs to accommodate these appropriations.

Predatory lending has emerged as a significant issue in local mortgage foreclosure actions over the past several years, paralleling trends at the state and national levels. Predatory lenders frequently target home owners who are elderly and/or who have properties in inner-city, predominantly minority, neighborhoods, with the result being an increasing rate of mortgage foreclosure and the loss of owner-occupied housing.

As a pro-active measure, the City has funded a local Don't Borrow Trouble (DBT) campaign for the past two years. That educational outreach and legal services program is operated jointly by the Housing Council and PILOR. Through PILOR's current DBT legal service activities, they have found that an overwhelming majority of clients have a sustainable legal basis for actions against the predatory lenders.

In the local area, Household Finance Corporation and Beneficial Finance Corporation, together with a myriad of subsidiary and related entities, are among the most notorious predatory lenders. The Attorneys General of several states, including New York, have reached a settlement with Household et. al., on redressing the victims of their past predatory practices. New York borrowers will share a settlement of \$37 million.

The terms of this consent agreement with Household creates a local need to take actions that will assist Household borrowers in determining whether they should accept the settlement offered under this agreement or pursue a separate course of legal action. Later

this month or in early August, the NYS Attorney General will have mailed notices to 25,000 to 30,000 borrowers, up to 3,000 of whom are local, to apprise them of the terms of the settlement offer. They must respond within a 90-day time period to either opt in or out of the settlement. A typical borrower could realize from \$1,600 to \$3,000 under the settlement.

The Attorney General is estimating that up to 500 local borrowers will have questions about whether or not to accept the terms of the settlement. However, in order to judge which option is best for a borrower, an assessment of the specific circumstances of each individual must be made. That assessment can only be accomplished by an attorney who is trained in the review of such matters.

PILOR staff currently represent 24 Household clients; they have concluded that each of these clients has the potential legal basis for an individual settlement which could be valued at between \$50,000 and \$100,000. This would not be a lump-sum pay-out. The value of such settlements is estimated using a combination of principle and interest reduction over the term of a loan. This is a very significant difference from what the borrowers would be entitled to under the terms of the multi-state settlement.

It is proposed that the City provide funding to PILOR for the following:

Private Bar and PILOR Staff Training: The National Consumer Law Center (NCLC) would train PILOR project staff and attorneys in both private and legal services practices on the issues facing Household settlement clients. Private practice attorneys would agree to provide pro bono services to low-income clients, as well as to provide informed counsel to over-income Household victims. Given the number of potential cases, it will be important to build capacity among private practice attorneys for pro bono representation. It is expected that up to 20 attorneys will participate in the NCLC training. The estimated cost for this training is \$8,000.

PILOR Temporary Staffing: PILOR expects to receive several hundred calls from Household borrowers who receive letters from the Attorney General. It is expected that the Attorney General will advise borrowers that PILOR is available as a resource. Other Household borrowers who may not have received a letter, but who become aware of the PILOR service through publicity are also likely to call, particularly those who may be in default. These borrowers will be screened to determine their likelihood of benefiting from separate representation. It is expected that up to 70 of the screened borrowers will be determined to be income qualified and have a potential legal basis for independent claim.

PILOR will retain the services of two attorneys, one part-time, who will interview the screened clients, conduct the legal analysis of their situations, and advise them as to whether they should opt into the settlement agreement. It is expected that there will be a need to provide immediate legal representation to some number of these individuals where foreclosure has been initiated by Household. The estimated cost of this service is \$20,000.

Assuming that an additional 30-40 clients are identified from those who opt out of the settlement, up to \$4 million in owner equity would be preserved.

A public hearing is required for the amendment of the

Consolidated Plans.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-237
(Int. No. 290)

Authorizing Ammendatory 2000-01 And 2001-02 Community Development Program Plans And Authorizing An Agreement For Foreclosure Intervention Services

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

Section 1. The Council hereby approves an amendment to the 2000-01 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Housing Development Support Account shall be reduced by the sum of \$5,000 and said amount shall be transferred to a new account for Foreclosure Intervention Services.

Section 2. The Council hereby approves an amendment to the 2001-02 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Rehab Rochester Account shall be reduced by the sum of \$23,000 and said amount shall be transferred to a new account for Foreclosure Intervention Services.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Public Interest Law Office of Rochester (PILOR) for the provision of expanded legal foreclosure intervention services.

Section 4. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$28,000, and of said amount, or so much thereof as may be necessary, \$5,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program and \$23,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-238
Re: Zoning Map Amendment - Broad Street, Romeyn Street and Orange Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation modifying Ordinance No. 2002-80, which was adopted on April 12, 2002, and conditionally changed the Zoning Classification of 11-35 Orange Street and 14-34 Romeyn Street from R-2 Two-Family Residential and the two (2) properties at 583-599 Broad Street and 37 Romeyn Street from M Manufacturing Industrial to

C-2 Community Commercial. The proposed amendment would make the following changes:

1. The legal description would be amended to include 611 and 619 Broad Street and 1 Orange Street as part of the area to be rezoned to C2 Community Commercial;
2. The conditions imposed on the zoning change would be rescinded. These conditions include: abandoning Romeyn Street and constructing, dedicating and naming a new connector street between Orange Street and Romeyn Street; and
3. The C-2 zoning would take effect immediately.

The modification to the legislation has been requested by the owner of all the properties, Chester Palozzi. Under the terms of the existing legislation, Mr. Palozzi must complete specific conditions relating to the abandonment of a portion of Romeyn Street and the construction of a new connector street before the C-2 zoning goes into effect. The zoning was approved prior to the adoption of the 2003 Zoning Code and Map and was approved so that it could go into effect within eighteen months of the adoption of the ordinance.

The original rezoning was proposed in conjunction with a request to construct a self-service car wash facility. Under the 1975 Zoning Code, car washes required a special permit in the C-2 district. Under the 2003 Code, car washes are neither permitted nor specially permitted in the C-2 district. A use variance will be required. An application for a use variance can only be entertained if the C-2 zoning is in place. However, the C-2 zoning will only go into effect when the conditions of the rezoning (i.e., the abandonment and the construction of the new street) have been implemented. Until then, the properties will remain under 2003 zoning classification, R-1 Low Density Residential. Mr. Palozzi feels this is overly burdensome.

Mr. Palozzi currently owns and operates the plaza at 583-599 Broad Street. The rezoning was proposed to consolidate all the properties into a C-2 Community Commercial zoning district. This portion of Orange and Romeyn Streets is currently characterized predominantly by vacant lots and deteriorated housing. Establishing the C-2 Commercial district would allow for the assembly of a site of adequate dimensions to redevelop with commercial uses. The conditions imposed on the rezoning could instead be imposed in the site plan review and/or variance processes as a condition of the approval of the car wash or other commercial operation.

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

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-238
(Int. No. 293)

Amending Ordinance No. 2002-80, Relating

To Changing The Zoning Classification Of 11-35 Orange Street And 14-34 Romeyn Street From R-2 Two-Family Residential And 583 Broad Street And 37 Romeyn Street From M Manufacturing Industrial To C-2 Community Center, To Remove Conditions And To Include 581, 611 And 619 Broad Street And 1 Orange Street In The Rezoning

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

Section 1. Ordinance No. 2002-80, relating to changing the Zoning Classification of 11-35 Orange Street And 14-34 Romeyn Street from R-2 Two-Family Residential and 583 Broad Street And 37 Romeyn Street from M Manufacturing Industrial to C-2 Community Center, as amended, is hereby further amended by amending the property description contained in Section 1 thereof to further change the zoning classification of 581, 611 and 619 Broad Street and 1 Orange Street from R-1 Low Density Residential to C-2 Community Center, which description shall read in its entirety as follows:

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

Beginning at the intersection of the centerline of Romeyn Street and the centerline of West Broad Street;

- Thence 1) Southeasterly along the centerline of West Broad Street a distance of 145 feet more or less to the northeasterly projection of the southeasterly line of the abandoned Rickard Alley;
- Thence 2) Southwesterly along said projection and along said southeasterly line of Rickard Alley a distance of 313 feet more or less to the northerly line of Interstate 490;
- Thence 3) Westerly along the northerly line of interstate 490 a distance of 21 feet more or less to a point;
- Thence 4) Northwesterly and at right angles to the centerline of Rickard Alley a distance of 7.5 feet to the southwesterly corner of Lot 8 of the Staples Tract as recorded in the Monroe County Clerk's Office in Liber 37 of maps at page 17;
- Thence 5) Northwesterly along the southwesterly line of said Lot 8 and it's northwesterly extension a distance of 130.0 feet more or less to the centerline of Romeyn Street;
- Thence 6) Northeasterly along the centerline of Romeyn Street to a point 3 feet from the northeasterly line of Lot 23 of said Staples Tract projected southeasterly to the centerline of Romeyn Street;
- Thence 7) Northwesterly parallel to the northeasterly line of Lot 22 and 3 feet southwesterly therefrom a distance of 113.3 feet more or less to the rear line of said Lot 23;

- Thence 8) Southwesterly along the rear line of said Lot 23 and the rear line of Lot 5 of James M. Whitney's Subdivision of Lot 38, Section F, of the Whitney Tract to a point 40.42 feet more or less from the southerly line of said Lot 5;
- Thence 9) Northwesterly along the midline of said Lot 5 and it's extension a distance of 67.5 feet more or less to the centerline of Orange Street;
- Thence 10) Northeasterly along the centerline of Orange Street to the centerline of West Broad Street;
- Thence 11) Southeasterly along the centerline of West Broad Street to the point or place of beginning.

Section 2. Section 2 of Ordinance No. 2002-80 is hereby repealed.

Section 3. This ordinance shall take effect immediately and shall constitute the zoning classification of said parcels irrespective of any reclassification in conjunction with the adoption of the new Zoning Code made subsequent to the adoption of Ordinance No. 2002-80.

Passed unanimously.

Introductory No. 214 was introduced June 17, 2003, and appears in its original form with its transmittal letter on page 197 of the current Council Proceedings.

Attachment No. AC-96

Ordinance No. 2003-239
(Int. No. 214)

Changing The Zoning Classification Of 17-35, 45, 49 And A Portion Of 57 Bay Street, And 236-238 Portland Avenue, From R-2 Medium Density Residential To C-1 Neighborhood Center

Passed unanimously.

Councilmember Norwood moved to discharge Introductory No. 262 out of committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-240
Re: Agreement - National Elevator
Inspection Services, Inc.

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with National Elevator Inspection Services, Inc., of St. Louis, for the continued provision of elevator inspection and certification services. The maximum annual cost of this agreement will be \$20,000, which will be funded from the 2003-04 and future annual budgets of the Department of Community Development.

Under Chapter 50 of the City Code, any new or existing elevator in Rochester must be inspected and certified prior to its initial use and periodically thereafter. Since 1987, National has performed the required inspections and certifications for the City under periodic agreements. The most recent agreement was authorized by the City Council on July 18, 2000.

The Bureau of Buildings and Zoning has formed an internal task group to perform an elevator inspection study to identify and implement strategies for process improvement. The study will be coordinated with an interdepartmental team.

Under the proposed agreement, National will provide the following services at the following designated rates:

1. Review and approval of all permit applications, plans and specifications related to the construction and installation of elevators (\$72.00 per hour);
2. Initial inspection or safety testing of new elevators (\$72.00 per hour);
3. Periodic re-inspections of existing elevators (\$62.00 per unit);
4. Periodic re-inspections of wheelchair lifts (\$62.00 unit);
5. Issuance of certificates, as appropriate (no charge);
6. Investigation of complaints of improper maintenance referred by DCD (no charge); and
7. As necessary, decommissioning elevators for use when ordered by the Commissioner of DCD (\$62.00 per unit).

The fees for the review of permit applications, plans and specifications will be paid by the City. The fees for initial inspection, safety test and re-inspections will be paid directly by the applicant. The agreement will have an initial term of one year with provision for renewal for two additional one-year periods.

At present, approximately 20 new permit applications for elevators are received each year. The total estimated cost to the City for review of these applications is \$20,000. This cost is offset by permit revenues.

Approximately 2,900 certificates are issued each year, each of which requires an inspection or re-inspection. The total estimated cost to applicants for these inspections is \$180,000.

Accordingly, total annual fees received by National, from both the City and applicants, are expected to be about \$200,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-97

Councilmember Norwood moved to amend Introductory No. 262.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2003-240
(Int. No. 262, As Amended)

Authorizing An Agreement For Elevator Inspection Services

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

Section 1. The Mayor is hereby authorized to enter into the extension of an agreement with National Elevator Inspection Services, Inc. for the continued provision of elevator inspection services in the City of Rochester for a period of one year[, with two additional one-year renewal options].

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000 [annually] for such services, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 [and subsequent] budget[s] of the Department of Community Development[, contingent upon approval of said subsequent budgets]. The agreement shall also establish the amounts to be paid for certain services by the permit applicants.

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.

Passed unanimously.

By Councilmember Griswold
July 22, 2003

To the Council:

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

Int. No. 268 - Authorizing An Agreement For The BEST Program

Int. No. 269 - Authorizing Agreements And Appropriating Funds For Human Services Projects

Int. No. 270 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Laser Equipment

Int. No. 271 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Monroe Branch Library Improvement Project

Respectfully submitted,
Nancy K. Griswold
Tony M. Thompson
Lois J. Giess
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-241
Re: Agreement - Basic Employability Skills Training (BEST) Program

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the Basic Employability Skills Training (BEST) Program. This legislation will:

1. Authorize an agreement with Career Systems Development Corporation to administer and operate the BEST Program, and
2. Appropriate \$125,000 from the 2003-04 Community Development Block Grant to fund said agreement.

In 1996, community leaders and stakeholders were brought together in a targeted forum to solicit input and support for the development of a unique employment training model. The result of this planning effort was the creation of the Basic Employability Skills Training (BEST) Program, modeled after the nationally successful STRIVE Program in New York City. The six week BEST program curriculum has provided intensive job readiness training, pre- and post-case management services, a weekly candidate stipend, and access to job opportunities for successful graduates. The Department of Parks, Recreation and Human Services has administered the BEST Program in the Bureau of Human Services since July of 1997, conducting 35 six-week cycles, with 301 of the 408 graduates finding employment.

As you will recall, the 2003-04 Budget that City Council approved on June 17 made reference to the fact that the City was not able to continue to operate the BEST Program because of fiscal constraints. It was indicated that other funding sources were being sought to continue this valuable program. In March of 2003, the Workforce Investment Board (WIB) agreed to provide \$125,000 to match an equal amount in CDBG funds to support the program.

In May of 2003, a Request for Proposal (RFP) was issued and advertised, seeking a qualified and capable organization to continue the BEST Program, moving it from a City-based program and aligning it with current workforce development efforts. In addition to Career Systems Development Corporation, proposals were received from Action For A Better Community, Baden Street Settlement, Get Involved in Your Community, Inc, and Totally You-Nique School of Charm and Etiquette. A panel of representatives from the City and RRA, experienced in the work force/employment arena, rated and evaluated the five submitted proposals. In experience, program content, proposal quality, and cost effectiveness, the program proposed by Career Systems Development Corporation was the unanimous selection.

Career Systems will deliver the City of Rochester's BEST curriculum to a total of 200 adults through eight six-week cycles that address appearance, behavior, work, money management, and job retention. Candidates will also complete a one-week work internship. Career Systems will employ a coordinator/case manager, curriculum facilitators, and a placement specialist. Career Systems Development has placed more than 10,000 people into gainful employment during its 31 years of operation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-98

(Int. No. 268)

Ordinance No. 2003-242
(Int. No. 269)

Authorizing An Agreement For The BEST Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Career Systems Development Corporation for the Basic Employability Skills Training (BEST) Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$125,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 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. 2003-242
Re: CDBG Human Services Projects

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
City of Rochester Biz Kids II	\$23,000
YMCA of Greater Rochester Teen City Southwest	25,000

The Biz Kids II and Teen City Southwest projects are considered Projects With Matching Funds and are eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreements represent the second year of CDBG funding for Biz Kids II and the third year of CDBG funding for Teen City Southwest.

The cost of the Biz Kids II agreement will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant. The cost of the Teen City Southwest agreement will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-99

Authorizing Agreements And Appropriating Funds For Human Services Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations or the following amounts are authorized for human services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
City of Rochester Biz Kids II	\$23,000
YMCA of Greater Rochester Teen City Southwest	25,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$48,000, and of said amount, or so much thereof as may be necessary, \$25,000 is hereby appropriated from the General Community Needs allocation of the 2003-04 Community Development Program and \$23,000 is hereby appropriated from the General Community Needs allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-243
Re: Agreement - Stone Mt. Lighting Group

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement with Stone Mt. Lighting Group, 5387 Manor Drive, Stone Mountain, GA, to provide the following services:

1. Annual upkeep of the existing laser equipment;
2. A 20-minute light and sound show at the High Falls Gorge every Friday and Saturday from July 1 - September 15, 2003; and from May 20 - June 30, 2004; and
3. Occasional laser shows scheduled intermittently during the same period.

The maximum cost of this agreement will be \$60,000, which will be financed from the 2003-04 budget of the Department of Parks, Recreation and Human Services.

Stone Mt. Lighting Group has maintained the lasers since they were originally installed in the High Falls Gorge and has produced numerous lasers shows at the falls.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-243
(Int. No. 270)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Laser Equipment

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

Section 1. The sum of \$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 Stone Mountain Laser, Inc. for upkeep of the laser equipment at High Falls. Said amount shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-244
Re: Monroe Branch Library
Improvement Project

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Konopka Architecture, PC, 1501 East Avenue, Suite 1, for design of ADA improvements to the Monroe Branch Library. The proposed amendatory agreement will increase the maximum cost of the agreement by \$31,600, from \$40,100 to \$71,700, which will be financed from a previously approved bond ordinance.

City Council authorized the original agreement with Konopka on April 8, 2003, for design of improvements to the facility's exterior envelope and plumbing systems. At the time, an ADA feasibility study was being performed for the City by Pardi Partnership. The ADA feasibility study identified options and estimated costs for the ADA improvements and included the following list of recommendations:

1. Provide a new unisex toilet room on the Children's level that meets ADA requirements and all other applicable codes;
2. Replace the ramp at the main entrance on Monroe Avenue;
3. Add electric door openers at the main entry and vestibule area;
4. Provide a new addition at the rear of the building for a new lift for accessible vertical circulation; and
5. Provide ADA signage at the facility.

This is the only City library facility that does not meet ADA requirements; all other City libraries have been appropriately modified. The amendatory agreement with Konopka includes full design services for the

improvements including preparation of construction documents and bid packages, assistance through award, and construction administration. Construction is scheduled to begin in the summer of 2004 and be completed in the winter of 2004. The estimated cost of construction is \$800,000, which will be financed from a previously approved bond ordinance for ADA improvements (\$289,400) and from the 1997-98, 2000-01, and 2002-03 Cash Capital allocations (\$510,600).

Konopka was selected for this project based on its ability to add this work to the existing design project at the facility and its ability to incorporate the activities in a manner that is responsive to the existing schedule.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-244
(Int. No. 217)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Monroe Branch Library Improvement Project

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

Section 1. The sum of \$31,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Konopka Architecture, P.C. for design services for the Monroe Branch Library Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from Bond Ordinance No. 95-365.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
July 22, 2003

To the Council:

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

Int. No. 272 - Establishing Maximum Compensation For A Professional Services Agreement For The Highland Park/Brighton Park Trail Planning Project

Int. No. 273 - Amending The 2003-04 Budget With Respect To Pavement Markings

Int. No. 274 - Authorizing The Acquisition By Negotiation Or Condemnation Of Permanent Easements For The Henrietta Street Improvement Project

Int. No. 275 - Authorizing The Acquisition By Negotiation Or Condemnation Of Permanent Easements For The Rutgers Street Improvement Project

Int. No. 276 - Establishing Maximum Compensation For A Professional Services Agreement For The Cobbs Hill Reservoir Drive Rehabilitation Project

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

entitled legislation:

Int. No. 277 - Abandonment Of A Portion Of Hanford Landing Road

Int. No. 278 - Local Improvement Ordinance - Upgrading Of Streetscape Features As A Part Of The St. Paul Street (Avenue E To Norton Street) Improvement Project

Int. No. 279 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,016,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The St. Paul Street Improvement Project

Int. No. 280 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$336,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The St. Paul Street Improvement Project

Int. No. 281 - Establishing Maximum Compensation For A Professional Services Agreement For The St. Paul Street Improvement (Avenue E To Norton Street) Project

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-245
Re: Highland Park/Brighton Town Park Trail Planning Project

R2010: Campaign 5 - Regional Partnerships
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation which will:

1. Establish maximum compensation for an agreement with McCord Landscape Architecture for planning and concept design of the trail project at a maximum cost of \$30,000 to be funded from the Federal Highway Administration grant (\$20,000) and from the 2000-01 Cash Capital allocation (\$10,000), and
2. Appropriate \$20,000 from anticipated reimbursements from the Federal Highway Administration as administered through the Genesee Transportation Council for partial funding for said agreement.

The project will provide for the planning and concept design of a multi-use trail between Brighton Town Park/Erie Canal Heritage Trail in the Town of Brighton, Highland Park in the City, and the Genesee Riverway Trail near Mt. Hope Cemetery (generally shown on the attached map). The project is being jointly administered by the City of Rochester and the Town of Brighton with the City taking the lead role. The project will provide improved regional trail access to the Erie Canal Heritage and Genesee Riverway regional trails for several City and town

neighborhoods and will also promote eco-tourism by encouraging users of the two regional trails to visit important parks and historic sites in both Rochester and Brighton.

A request for proposals was issued via the NYS Contract Reporter. An inter-governmental team reviewed the seven submissions responding to the project proposal and recommended McCord Landscape Architecture. The contractor will inventory existing physical conditions, develop alternative trail locations, assist a Project Advisory Committee in selecting a recommended trail location, and develop cost estimates and concept plans for the recommended trail.

Project planning is expected to begin in September 2003 with completion by March 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AC-100

Ordinance No. 2003-245
(Int. No. 272)

Establishing Maximum Compensation For A Professional Services Agreement For The Highland Park/Brighton Park Trail Planning 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 McCord Landscape Architecture for planning and project design for the Highland Park/Brighton Park Trail Planning Project. The agreement may extend until six (6) months after completion and acceptance of the Project. Of said amount, \$10,000 shall be funded from the 2000-01 Cash Capital Allocation and \$20,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration through the Genesee Transportation Council.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-246
Re: County of Monroe - Pavement Markings

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize an amendment of \$81,700 to the 2003-04 Budget of the Department of Environmental Services to reimburse the County of Monroe for the cost of installing long line and crosswalk pavement markings on non-arterial streets in the City. Funds for the pavement marking program will be transferred from the Contingency account to a new DES Operating Budget line for Pavement Markings.

In 1991, Council authorized an agreement to pay the County of Monroe for the installation of pavement markings within the City. Through this agreement, the City paid Monroe County approximately \$44,000 per year from 1991 through 1994. Monroe County

absorbed these pavement marking costs in their own budget from 1995 through 2003. This year, given County budget constraints, the County notified the City that it will no longer pay these pavement marking costs and has asked for reimbursement in the amount of \$81,700. These costs have been deemed reasonable by the City Engineer. The requested budget amendment will provide these funds.

The same charges are being made to all municipalities within Monroe County.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-246
(Int. No. 273)

Amending The 2003-04 Budget With Respect To Pavement Markings

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

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$81,700 from the Contingency Account to the Department of Environmental Services to reimburse the County of Monroe under a current agreement for the installation of pavement markings on non-arterial City streets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-247
Re: Henrietta Street Improvement Project

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition of 15 permanent easements, by negotiation or condemnation, as required for the Henrietta Street Improvement Project.

Pertinent information regarding the acquisitions is as follows:

Address	Sq. Ft.		
Owner			
Land	Improvements		Total
4 Henrietta Street Paul D. Humphrey \$ 500 \$ 0	108.95		\$ 500
12 Henrietta Street Paul D. Humphrey 500 0	101.60		500
15 Henrietta Street The Whistle Stop 400 0	111.73		400
18 Henrietta Street Paul D. Humphrey 100 300 (Hedge)	76.04		400
22 Henrietta Street Florentino Z. & Theresa R. Tovar 100 0	74.09		100
30-32 Henrietta Street Scott Cirman	198.74		

200 0		200
42 Henrietta Street William C. Gerling 100 0	11.28	100
66-74 Henrietta Street Singer Real Estate, L.P. 100 0	11.22	100
90-92 Henrietta Street Johannes Mueller 100 0	11.22	100
91-93 Henrietta Street Michael J. Henry 100 100 (Fence & Bushes)	12.30	200
114 Henrietta Street Aaron D. Whitfield 100 50 (Fence)	11.22	150
124 Henrietta Street James W. Rapp 100 0	21.99	100
1-7 Nelson Street John Fox 100 0	11.28	100
8-10 Nelson Street Kris & Karla Voss 100 0	28.89	100
119 Field Street Gerald R. & Patrick G. Guisto 100 0	11.12	100
Totals	\$2,700 \$450	\$3,150

The acquisition values have been determined through an independent appraisal performed by Robert G. Pogel, SRPA. The properties qualify as de minimus takings since the parcels each contain less than 2,000 square feet.

The total acquisition cost, including closing costs, will not exceed \$7,000 and will be funded through a Street Rehabilitation Bond Ordinance authorized by City Council on May 16, 2000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-101

Ordinance No. 2003-247
(Int. No. 274)

Authorizing The Acquisition By Negotiation Or Condemnation Of Permanent Easements For The Henrietta Street Improvement Project

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

Section 1. The Council hereby approves the acquisition of permanent easements over the following parcels for the construction and maintenance of municipal improvements as a part of the Henrietta Street Improvement Project:

Property Address	Sq. Ft.		
Reputed Owner			
Land	Improvement		Total
Value	Value		Acquisition
			Value
4 Henrietta Street Paul D. Humphrey \$ 500 \$ 0	108.95		\$ 500
12 Henrietta Street Paul D. Humphrey	101.60		

500	0		500
15 Henrietta Street		111.73	
The Whistle Stop			
400	0		400
18 Henrietta Street		76.04	
Paul D. Humphrey			
100	300 (Hedge)		400
22 Henrietta Street		74.09	
Florentino Z. & Theresa R. Tovar			
100	0		100
30-32 Henrietta Street		198.74	
Scott Cirman			
200	0		200
42 Henrietta Street		11.28	
William C. Gerling			
100	0		100
66-74 Henrietta Street		11.22	
Singer Real Estate, L.P.			
100	0		100
90-92 Henrietta Street		11.22	
Johannes Mueller			
100	0		100
91-93 Henrietta Street		12.30	
Michael J. Henry			
100	100 (Fence & Bushes)		200
114 Henrietta Street		11.22	
Aaron D. Whitfield			
100	50 (Fence)		150
124 Henrietta Street		21.99	
James W. Rapp			
100	0		100
1-7 Nelson Street		11.28	
John Fox			
100	0		100
8-10 Nelson Street		28.89	
Kris & Karla Voss			
100	0		100
119 Field Street		11.12	
Gerald R. & Patrick G. Guisto			
100	0		100
Totals			
\$2,700	\$450		\$3,150

Section 2. The acquisitions and necessary closing costs shall obligate the City to pay an amount not to exceed \$7,000, and said amount, or so much thereof as may be necessary, shall be funded from Bond Ordinance No. 2000-126.

Section 3. In the event that any or all of said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-248
Re: Rutgers Street Improvement Project

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition of three permanent easements, by negotiation or condemnation, as required for the Rutgers Street Improvement Project.

Pertinent information regarding the acquisitions is

as follows:

Address	Sq. Ft.			
Owner		Land Value	Improvement Value	Total
340 Rutgers Street	1,202			
Theodore A. Cohen				
\$700	\$0			\$700
347 Rutgers Street	149			
Thomas H. & Sally A. Moore				
100	0			100
1 & 5 Adwen Place	554			
Thomas J. McGuigan				
100	0			100
Totals		\$900	\$0	\$900

The acquisition values have been determined through an independent appraisal performed by Robert G. Pogel, SRPA. The properties qualify as de minimus takings since the parcels each contain less than 2,000 square feet.

The total acquisition cost, including closing costs, will not exceed \$5,000 and will be funded through proceeds from a bond ordinance for street improvements approved by City Council on June 17, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-102

Ordinance No. 2003-248
(Int. No. 275)

**Authorizing The Acquisition By Negotiation Or
Condemnation Of Permanent Easements For The
Rutgers Street Improvement Project**

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

Section 1. The Council hereby approves the acquisition of permanent easements over the following parcels for the construction and maintenance of municipal improvements as a part of the Rutgers Street Improvement Project:

Property Address	Sq. Ft.			
Reputed Owner		Land Value	Improvement Value	Total Acquisition Value
340 Rutgers Street	1,202			
Theodore A. Cohen				
\$700	\$0			\$700
347 Rutgers Street	149			
Thomas H. & Sally A. Moore				
100	0			100
1 & 5 Adwen Place	554			
Thomas J. McGuigan				
100	0			100
Totals		\$900	\$0	\$900

Section 2. The acquisitions and necessary closing costs 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 Bond Ordinance No. 2003-193.

Section 3. In the event that any or all of said easements cannot be acquired by negotiation, the

Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-249
Re: Cobbs Hill Reservoir Drive
Rehabilitation Project

R2010: Campaign 7- Quality Service
Transmitted herewith for your approval is legislation to establish maximum compensation of \$75,000 for a professional services agreement with Bergmann Associates for resident project representation (RPR) services for the rehabilitation of the Cobbs Hill Reservoir Drive rehabilitation project. The source of funds is the 1998-99 Cash Capital allocation (Water Fund).

Work on the project involves the rehabilitation of the Cobbs Hill Reservoir Drive pavement with associated drainage and parking; security enhancements including installation of 14" high curb, bollards in select locations, and security gates on the Upper Gatehouse drive; lighting improvements at the Upper Gatehouse and at the drive entry; and installation of a reservoir service gate.

The work was designed by Bergmann Associates under an agreement authorized by City Council on June 19, 2001 and amended on October 15, 2002.

Bids for the construction were received on May 27, 2003. The work will be performed by Villager Construction at a cost of \$764,430, which is 6% less than the engineer's estimate. An additional \$75,390 will be allocated for contingencies. The cost of the construction and the agreement will be financed from the aforementioned Cash Capital allocation.

Bergmann Associates is recommended to perform the RPR services because of the firm's qualifications, familiarity with the work, and ability to perform the services within the period specified by the City. Bergmann Associates prepared the design of improvements.

It is anticipated that construction will begin in July 2003 and be completed in the Fall of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-103

Ordinance No. 2003-249
(Int. No. 276)

Establishing Maximum Compensation For A Professional Services Agreement For The Cobbs Hill Reservoir Drive Rehabilitation Project

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

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates

for resident project representation services for the Cobbs Hill Reservoir Drive Rehabilitation 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 1998-99 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-250
Re: Official Map Amendment -
Abandonment Of A Portion Of
Hanford Landing Road

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a 2,040 square foot portion of Hanford Landing Road extending from Maplewood Drive to the east end.

The abandonment is requested by the Eastman Kodak Company in conjunction with a proposal to enhance security for their Kings Landing Water Treatment Facility. Fencing and other improvements are proposed to be installed within the existing right-of-way to control vehicular and pedestrian access to the facility.

This portion of Hanford Landing Road has been identified as an easement street and a park road. If the street is abandoned, the abandonment area will revert to the City. Upon abandonment, Kodak will require the approval by City Council of a revokable license to utilize the former right-of-way for access to their facilities and to make the necessary improvements within the former right-of-way.

The abandonment request was referred to the necessary agencies for comment. The abandonment will be conditioned upon the filing of easements for existing utilities within the street and the relocation of a small portion of the Maplewood Park trail onto Kodak lands. Kodak will also be required to provide easements to the City of Rochester for all portions of the Maplewood trail system located on their property. A site plan review application is currently being reviewed by the Director of Zoning for this project.

The Planning Commission held an informational hearing on the proposal on June 23, 2003; there were no speakers. The Commission recommended approval by a vote of 7-0.

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

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-104

Ordinance No. 2003-250
(Int. No. 277)

**Abandonment Of A Portion Of Hanford Land-
ing Road**

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following parcel, heretofore dedicated to street purposes and constituting a portion of Hanford Landing Road:

All that tract or parcel of land containing 2,040 square feet, more or less, situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Hanford Landing Road, Right-of-Way to be Abandoned" prepared by Sear- Brown of Rochester, New York, dated April 14, 2003, and having Drawing No. 1363563 SU 13 and being more particularly bounded and described as follows:

Beginning at the intersection of the northerly right-of-way line of Hanford Landing Road (60 feet wide) and the easterly right-of-way line of Maplewood Drive (varied width); thence

1. N 85°36'45" E, along the northerly right-of-way of Hanford Landing Road, a distance of 68.00 feet to a point of intersection with the easterly right-of-way line of said road; thence
2. S 20°54'06" E, along the aforementioned easterly right-of-way line of Hanford Landing Road, a distance of 31.29 feet to a point of intersection with the southerly right-of-way line of Hanford Landing Road; thence
3. S 85°36'45" W, along the southerly right-of-way of said Hanford Landing Road, a distance of 68.00 feet to a point of intersection with the easterly right-of-way line of Maplewood Drive; thence
4. N 20°54'06" W, along the easterly right-of-way of said Maplewood Drive, a distance of 31.29 feet to the Point or Place of Beginning;

Subject to any easements or encumbrances of record.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of June 23, 2003.

Section 3. The Council hereby approves the granting and acceptance of necessary easements and licenses for the maintenance of existing sewers and water mains and other facilities and for relocation of the Maplewood Park Trail onto lands of the Eastman Kodak Company, and for access by Eastman Kodak Company to its Kings Landing Water Treatment Facility.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-251, 2003-252, 2003-253, And Introductory No. 278
Re: St. Paul Street Improvement Project
(Avenue E to Norton Street)

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation relating to the St. Paul Street Public Improvement Project. This legislation will:

1. Authorize the issuance of bonds in the amount of \$1,016,000 and appropriate the proceeds thereof to finance the cost of the street improvements;
2. Authorize the issuance of bonds in the amount of \$336,000 and appropriate the proceeds thereof to finance the cost of the water improvements;
3. Appropriate a total of \$231,000 from the Local Improvement Fund to finance the cost of installing certain streetscape enhancements, and authorize the subsequent assessment of this amount against the benefited properties, to replenish the fund;
4. Authorize the establishment of a special assessment district for the 38 properties having frontage on St. Paul Street to finance the incremental costs associated with the installation of the enhancements; and
5. Establish maximum compensation of \$183,000 for an agreement with Fisher Associates, P.E., L.S., P.C. for resident project representation services.

The project consists of pavement reconstruction, new granite curbs, concrete sidewalks, catch basin, pavement markings and driveway aprons; a new water main, services and hydrants; a new street lighting system and tree plantings, topsoil and seed.

The preparation of the engineering design for this project, by Fisher Associates, was authorized by City Council on August 21, 2001. Pavement width changes were authorized by City Council on August 20, 2002 and amended on April 8, 2003.

Bids for construction were received on June 9, 2003. The work will be performed by Gordon J. Phillips at a cost of \$ 1,580,608, which is 9% more than the engineer's estimate. An additional \$129,992 will be allocated for contingencies, which include construction contingency and street lighting costs.

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

Category	Construction	Contingency	Total
	RPR		
Street Bond	\$ 813,899	\$ 63,101	\$1,016,000
	\$139,000		
Water Bond	287,335	15,365	336,000
	33,300		
County Traffic	92,212	4,788	107,700
County Sewer	10,700		

	129,845	6,555	
		0	136,400
Trail Enhancements	66,500	0	
		0	66,500
L.I.O.-Enhancements	190,817	40,183	
		0	231,000
Total	\$1,580,608	\$129,992	
		\$183,000	\$1,893,600

The cost of the street and water will be financed from proceeds of the proposed bonds. The cost of the enhancements will be financed from the proceeds of the Local Improvement Ordinance. The sewer improvements will be financed from the sewer bonds authorized by City Council on May 16, 2000, March 19, 2002, and June 18, 2002. The traffic improvements will be financed from anticipated reimbursements for Monroe County.

The streetscape enhancement features includes colored concrete sidewalks along the west side, decorative light fixtures, stamped concrete crosswalks at signalized intersections, and banners on light poles and on banner poles. Additionally, at the intersections of St. Paul Street with Norton Street and Avenue E designs in the pavement, decorative walls behind the sidewalk and additional landscaping will be installed and a colored concrete design in the pavement at the intersection of St. Paul and Norton Street.

The additional cost of the streetscape for the proposed St. Paul Street enhancement district will be apportioned among the properties based upon front footage. The total incremental costs of \$222,100 will be repaid over 15 years.

SBL No.	Property Address	Front Footage
90.84-1-22.1	74 Avenue E	99
90.84-1-21.1	1400 St. Paul Street	187.16
90.84-1-02.1	1405 St. Paul Street	323.8
90.76-1-24.2	1430 St. Paul Street	210.62
90.84-1-03.1	1447 St. Paul Street	326.12
90.76-1-25	1452 St. Paul Street	38
90.76-1-32	1464 St. Paul Street	40
90.76-1-33	1468 St. Paul Street	42
90.76-1-34	1478 St. Paul Street	96.75
90.76-1-35	1486 St. Paul Street	38.75
90.76-1-47	1500 St. Paul Street	38.75
90.76-1-48	1504 St. Paul Street	38.75
90.76-1-49	1510-1512 St. Paul St.	55
90.76-1-50	1516-1520 St. Paul St.	55
90.76-1-61	1532 St. Paul Street	50
90.76-1-62	1538-1540 St. Paul St.	50
90.76-1-01	1539-1589 St. Paul St.	1058.45
90.76-1-63	1548 St. Paul Street	50
90.76-1-64	1552-1554 St. Paul St.	51.98
90.76-1-65	1564 St. Paul Street	133.3
90.76-1-66	1574 St. Paul Street	42
90.76-1-02	1580-1586 St. Paul St.	90.5
91.61-3-23	1598 St. Paul Street	35
90.68-1-11	1599-1601 St. Paul St.	40
91.61-3-24	1602 St. Paul Street	35
90.68-1-10.1	1603-1605 St. Paul St.	40
91.61-3-25	1606 St. Paul Street	35
90.68-1-9.1	1609-1611 St. Paul St.	40
91.61-3-26	1610 St. Paul Street	35
90.68-1-08	1615-1617 St. Paul St.	40
90.68-1-07	1619-1621 St. Paul St.	40
91.61-3-27	1620 St. Paul Street	88
91.61-3-29	1624-1626 St. Paul St.	44
90.68-1-06	1625-1631 St. Paul St.	60

91.61-3-30	1632-1634 St. Paul St.	40
90.68-1-05	1633-1645 St. Paul St.	172.05
91.61-3-31	1638 St. Paul Street	40
91.61-3-01	1646-1652 St. Paul St.	66.8

Construction of the St. Paul Street improvements is scheduled to begin in the summer of 2003 and be completed by the spring of 2004.

Public informational meetings were held April 4, 2002 and March 25, 2003. Minutes to these meetings were forwarded previously.

A public hearing on the assessment district is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-105

Councilmember Stevenson moved to return Introductory No. 278 to committee.

The motion was seconded by Councilmember Douglas.

The motion was adopted unanimously.

Introductory No. 278

LOCAL IMPROVEMENT ORDINANCE - UP-GRADING OF STREETScape FEATURES AS A PART OF THE ST. PAUL STREET (AVENUE E TO NORTON STREET) IMPROVEMENT PROJECT

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

Section 1. The Council hereby authorizes the upgrading of streetscape features as a part of the St. Paul Street (Avenue E to Norton Street) Improvement Project.

Section 2. The Council hereby finds that the upgrading of said streetscape features will benefit the parcels of property within the district described in proportion to each parcel's front footage within the District, with corner properties 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:

SBL No.	Property Address	Front Footage
90.84-1-22.1	74 Avenue E	99
90.84-1-21.1	1400 St. Paul Street	187.16
90.84-1-02.1	1405 St. Paul Street	323.8
90.76-1-24.2	1430 St. Paul Street	210.62
90.84-1-03.1	1447 St. Paul Street	326.12
90.76-1-25	1452 St. Paul Street	38
90.76-1-32	1464 St. Paul Street	40
90.76-1-33	1468 St. Paul Street	42
90.76-1-34	1478 St. Paul Street	96.75
90.76-1-35	1486 St. Paul Street	38.75
90.76-1-47	1500 St. Paul Street	38.75
90.76-1-48	1504 St. Paul Street	38.75
90.76-1-49	1510-1512 St. Paul St.	55
90.76-1-50	1516-1520 St. Paul St.	55
90.76-1-61	1532 St. Paul Street	50
90.76-1-62	1538-1540 St. Paul St.	50
90.76-1-01	1539-1589 St. Paul St.	1058.45
90.76-1-63	1548 St. Paul Street	50

90.76-1-64	1552-1554 St. Paul St.	51.98
90.76-1-65	1564 St. Paul Street	133.3
90.76-1-66	1574 St. Paul Street	42
90.76-1-02	1580-1586 St. Paul St.	90.5
91.61-3-23	1598 St. Paul Street	35
90.68-1-11	1599-1601 St. Paul St.	40
91.61-3-24	1602 St. Paul Street	35
90.68-1-10.1	1603-1605 St. Paul St.	40
91.61-3-25	1606 St. Paul Street	35
90.68-1-9.1	1609-1611 St. Paul St.	40
91.61-3-26	1610 St. Paul Street	35
90.68-1-08	1615-1617 St. Paul St.	40
90.68-1-07	1619-1621 St. Paul St.	40
91.61-3-27	1620 St. Paul Street	88
91.61-3-29	1624-1626 St. Paul St.	44
90.68-1-06	1625-1631 St. Paul St.	60
91.61-3-30	1632-1634 St. Paul St.	40
90.68-1-05	1633-1645 St. Paul St.	172.05
91.61-3-31	1638 St. Paul Street	40
91.61-3-01	1646-1652 St. Paul St.	66.8

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

Section 4. The additional construction costs relating to such streetscape features upgrading, in an amount not to exceed \$231,000, shall be annually assessed and billed as Special Assessments against the parcels of property within the district for a period of fifteen (15) years, commencing with the 2004-05 year. Such amount shall be appropriated from the Special Assessments. Such assessments shall be billed each year 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.

Item held.

Ordinance No. 2003-251
(Int. No. 279)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,016,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The St. Paul Street Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction and reconstruction of certain streets as a part of the St. Paul Street (Avenue E to Norton Street) 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 \$1,016,000, and said amount is hereby appropriated therefor. The

plan of financing includes the issuance of \$1,016,000 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 \$1,016,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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

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

Passed by the following vote:

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

Nays - None - 0.

Ordinance No. 2003-252
(Int. No. 280)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$336,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The St. Paul Street Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the St. Paul Street (Avenue E to Norton Street) Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$336,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$336,000 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 \$336,000 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 \$336,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of

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

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

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

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

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

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

Passed by the following vote:

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

Nays - None - 0.

Ordinance No. 2003-253
(Int. No. 281)

Establishing Maximum Compensation For A Professional Services Agreement For The St. Paul Street (Avenue E to Norton Street) Improvement Project

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

Section 1. The sum of \$183,000, 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 for resident project representation services for the St. Paul Street (Avenue E to Norton Street) Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$139,000 shall be funded from a bond ordinance adopted for street reconstruction, \$33,300 shall be funded from a bond ordinance adopted for water main reconstruction, and \$10,700 shall be funded from a local improvement ordinance for streetscape enhancements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
July 22, 2003

To the Council:

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

Int. No. 282 - Cancellation Of Taxes And Charges

Int. No. 283 - Establishing \$40,000 As Maximum Compensation For An Amendatory Professional Services Agreement For Continued Provision Of Real Estate Title Services

Int. No. 284 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 285 - Establishing Maximum Compensation For A Professional Services Agreement For Veterinary Services

Int. No. 286 - Establishing Maximum Compensation For A Professional Services Agreement For A Customer Service Survey For The Police Department

Int. No. 287 - Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2004, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

Int. No. 288 - Resolution Approving Appointment To The Municipal Civil Service Commission

Int. No. 294 - Establishing Maximum Compensation

For A Professional Services Agreement For Legal Services And Amending The 2003-04 Budget

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Lois J. Giess (Did not vote on Int. No. 282 through 285)

FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-254
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$10,706.82.

An amount of \$7,426.01, or 69.36% of the total, relates to one property that should have received a larger exemption on the 2001 Final Assessment Roll.

A total of \$3,280.51, or 30.64%, of the total, relates to one property which had delinquent refuse charges attributed to the owner; the charges should have been the responsibility of the tenant.

If this cancellation is approved, total cancellations thus far for 2002-03 will be \$ 206,917.03.

	<u>Accounts</u>	<u>Amounts</u>
City Council	30	\$164,860.30
Administrative	144	
	<u>42,056.73</u>	
Total	174	\$206,917.03

These cancellations represent .099% of the tax receivables as of July 1, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-254
(Int. No. 282)

Cancellation Of Taxes And Charges

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

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

(a) The correct exemption was not granted.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>Tax Year</u>	
106.071-0001-024	NH	\$
7,426.31		
175-177 N. Clinton Ave.	2002	

(b) The property owner is not responsible for the tenant's refuse charges.

S.B.L.#	Class	Amount Canceled
Address	Tax Year	
120.220-0001-029	NH	\$
3,280.51		
295 Mt. Read Blvd.	2003	
Total		\$10,706.82

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. 2003-255
Re: Agreement - Real Estate Title Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Independent Title Agency, LLC, 99 Ridgeland Road, for the continued provision of real estate title services. The maximum cost of this agreement will be \$40,000, which will be financed from the 2002-03 budget for Undistributed Expense.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings and real estate sales. Currently, these services are provided by Independent under an agreement authorized by the City Council on December 17, 2002.

At that time, it was expected that approximately 1,750 foreclosure searches and approximately 170 sale or acquisition searches would be required during 2002-03. However, it is now projected that 1,800 foreclosure searches and 280 sale or acquisition searches will actually be needed. The proposed amendatory agreement will provide for the needed additional searches.

The following fees per parcel will continue to be applicable:

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

If the proposed amendatory agreement is approved, the total cost of the 2002-03 agreement with Independent will increase to \$213,400.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-255
(Int. No. 283)

Establishing \$40,000 As Maximum Compensation For An Amendatory Professional Services Agreement For Continued Provision Of Real Estate Title Services

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

Section 1. The sum of \$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 Independent Title Agency, LLC, for continued provision of real estate title services. Said amount shall be funded from the 2002-03 Budget For Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-256
Re: Agreement - Police Complaint Management Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing renewal of an agreement with the Center for Dispute Settlement, Inc. (CDS), 300 State Street, Suite 301, Rochester NY 14614, for the provision of complaint management services. The maximum cost of the agreement is \$108,800, the same amount as the previous contract, which will be funded from the 2003-04 Budget of the Police Department.

Under the provisions of the agreement, CDS will continue to administer the civilian complaint review process established by City Council Resolution No. 92-40, including selection and training of panelists, conduct of hearings, and maintenance of related records. CDS will also continue to provide complaint intake services at its offices for any complainants who do not wish to come to Police Department offices. They will also provide conciliation services for less serious complaints against Police Department personnel and will supply "civilian" panelists for Sec. 75 hearings. During calendar 2002, CDS administered 50 Citizen Review Board hearings and three Conciliations.

The most recent agreement with CDS for this purpose was by authorized by City Council on August 20, 2002. The proposed agreement continues unchanged the provisions of previous contracts.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-256
(Int. No. 284)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

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

Section 1. The sum of \$108,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of

the Rochester Police Department. Said amount shall be funded from the 2003-04 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-257
Re: Agreement With The Humane Society
For Veterinary Services

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted for your approval is legislation authorizing renewal of an agreement with the Humane Society of Rochester and Monroe County to provide veterinary services to the Verona Street Animal Shelter. The maximum cost of the agreement is \$94,000, which will be funded from the 2003-04 Budget of the Police Department.

The current agreement was authorized by City Council on August 20, 2002. The Humane Society is willing to renew the agreement at the same unit cost charges for services. The amount authorized for 2002-03 was \$108,000, based on the volume of services anticipated due to the changes in state law. Unfortunately, the constant challenge of Feline Upper Respiratory Infection prevented the sterilization of the majority of cats adopted from the shelter. It is estimated that expenditures will total approximately \$83,500 for 2002-03. The City will collect approximately \$40,800 in new adoption revenue this year because of the added sterilization fees charged at the shelter. That translates into a net expense of \$42,700, comparable to our vet expenses for the prior fiscal years, but with enhanced services and increased adoptions. The proposed budget for the upcoming fiscal year assumes a more normal volume of cat sterilizations.

As a result of amendments to the Agriculture and Markets Law in 2002 mandating spaying and neutering of shelter animals, the shelter began sterilizing nearly all dogs adopted from the shelter. This increase in surgeries caused a dramatic increase in veterinary expenses; however, the increased adoption revenue generated at the shelter has offset the majority of that increase.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-106

Ordinance No. 2003-257
(Int. No. 285)

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 \$94,000, 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 Humane Society of Rochester and Monroe County for the continued

provision of veterinary services for the Animal Control Shelter. Said amount shall be funded from the 2003-04 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-258
Re: Police Customer Service Survey

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Institute of Technology (RIT) for the design, implementation, and analysis of a customer service survey for the Police Department.

The maximum cost of the agreement is \$20,475, which will be funded from the 2003-04 Budget of the Police Department through a grant award from the federal COPS program focusing on the issues of racial profiling and minority community engagement. The administration of a customer service survey, in collaboration with a local university, is a required component of the work program under the grant award.

RIT submitted a proposal that offers a reliable mechanism to gather and analyze data to properly evaluate minority engagement initiatives in the community. The agreement includes three components: survey design (\$5,370), survey implementation (\$9,285), and survey evaluation and reporting (\$5,820). The survey will include a focus group component. RIT is in the process of designing the survey instrument. The entire project is expected to be completed by December 31, 2003. Upon completion of the survey, the Police Department will be the "owner" of the instrument and will be able to use it in the future.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-258
(Int. No. 286)

Establishing Maximum Compensation For A Professional Services Agreement For A Customer Service Survey For The Police Department

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

Section 1. The sum of \$20,475, or so 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 customer service survey for the Police Department. Said amount shall be funded from the 2003- 04 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2003-259
Re: RAN - City School District

R2010: Campaign 2 - Educational Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of revenue anticipation notes totaling \$50 million. This legislation was requested by the Board of Education on June 23, 2003.

The City periodically issues revenue anticipation notes for the District because of the difference between the times the District expends funds and when it receives funds from the State. The District usually expends funds at a fairly uniform rate over its fiscal year; however, it receives its allocation of state education aid, its major source of revenue, later in the fiscal year.

Although the change in the City's contribution has been accelerated, the District will continue to experience a cash deficiency although at a lesser amount. At present, a cash deficiency is projected for late October. In order to avoid such a deficiency, a revenue anticipation note in the amount of \$50 million is required. The request is \$10,000,000 more than the amount requested in 2002-03.

A note sale will be scheduled in late summer in order to maintain an adequate cash balance.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-107

Ordinance No. 2003-259
(Int. No. 287)

Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2004, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Rochester, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$50,000,000, and any notes in renewal thereof, is hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the City School District in the current fiscal year from New York State Education Grants and Basic Formula Aid to Education; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City School District for said fiscal year payable from the

revenues in anticipation of which they are issued.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2005.

Section 4. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City School District and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. Subject to the provisions of this ordinance and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 6. The validity of the Notes 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. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

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

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-18
Re: Appointment - Civil Service
Commission

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation confirming the following appointment to the Civil Service Commission of the City of Rochester:

Diane M. Larter
450 Wellington Avenue
Rochester, New York 14619

Ms. Larter would fill a currently vacant position and bring the Commission to full membership. Prior to her retirement, Ms. Larter was the Deputy Director of Social Services for Monroe County; a copy of her resume is on file in the Office of the City Clerk.

Ms. Larter's term will run through May 31, 2009.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-18
(Int. No. 288)

Resolution Approving Appointment To
The Municipal Civil Service Commission

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

Section 1. The Council hereby approves the appointment of Diane M. Larter, 450 Wellington Avenue, to the Municipal Civil Service Commission, for a term which shall expire on May 31, 2009.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-260
Re: Agreement - Legal Services

Transmitted herewith for your approval is legislation authorizing an agreement with Geiger and Rothenberg, LLP, for the provision of required legal services to defend the City against a potential claim by Tim O. Mains and Edward Cavalier. The maximum cost of this agreement is \$100,000, which will be funded through a transfer from the 2003-04 Contingency account to the budget of the City Council/City Clerk.

As you are aware, on March 11, City Council approved Int. 53, a proposed Local Law that effectively prohibits employees of the City School District from serving as Mayor or City Councilmembers. On April 1, Mayor Johnson signed the legislation and it took effect as Local Law No. 4 of 2003. That legislation resulted from a lengthy review of the conflict of interest provisions in the City's Code of Ethics relating to Mr. Mains simultaneous service as a Councilmember and a Principal in the City School District.

In November, 2002, in response to a request from Mr. Mains for an advisory ruling, the Board of Ethics had issued an opinion that there was a conflict of interest in a Councilmember holding an untenured, policy-level position in the City School District. Mr. Mains rejected the opinion and continued his service on the Council.

On June 30, a Notice of Claim was filed by Tim O. Mains and Edward Cavalier, in which the provisions

of Local Law No. 4 of 2003 were challenged. The Notice of Claim asserts in part that:

- the provisions of the Law are preempted by Article 52 of the Education Law
- they violate provisions of the US and NY Constitutions;
- they would prevent Mr. Mains from running for reelection in 2005; and
- they would prevent both claimants from voting for the candidate of their choice.

Obviously, we reject the assertions in the Notice of Claim and believe it is critical that the law be defended.

However, the Notice of Claim cites a legal memorandum prepared at the request of Mr. Mains by the Corporation Counsel as material to the claim. As a result, Ms. Kingsley and her staff would face a conflict in representing the City in the suit. The proposed agreement is therefore required to defend the City's position against any potential suits that arise from the Notice of Claim.

Initially, sworn depositions will be required from the parties to the Notice of Claim; additional legal work will depend on the subsequent actions of the Claimants. Mr. Rothenberg will represent the City in this matter at an hourly rate of \$225.

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

Ordinance No. 2003-260
(Int. No. 294)

Establishing Maximum Compensation For A Professional Services Agreement For Legal Services And Amending The 2003-04 Budget

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

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Geiger & Rothenberg for legal representation in a claim brought against the City. Said amount shall be funded from the 2003-04 Budget of the City Council.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency Account to City Council to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Councilmember Mains abstained vote because he is a party to the suit necessitating this legislation. The meeting was adjourned at 9:00 P.M.

CAROLEE A. CONKLIN
City Clerk

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**SPECIAL COUNCIL MEETING
AUGUST 4, 2003**

Present - President Giess, Councilmembers Curran, Douglas, Norwood, Santiago, Stevenson, Thompson - 7.

Absent - Councilmember Mains - 1.

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

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

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

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-261
Re: Bonds For Retirement Incentive Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is an ordinance authorizing the issuance of \$15,700,000 of taxable serial bonds to pay the New York State Teachers' Retirement System for the cost associated with the Retirement Incentive Program.

The City School District's financial obligation to the New York State Teacher's Retirement System is \$15,700,000 and may be discharged in a single lump sum payment to the State or in five annual payments of \$3,641,003.38, totaling \$18,205,016.90. Both options include interest at an annual rate of 8%.

The City School District is seeking to relieve the debt obligation in a single payment, by issuing taxable bonds, which should be sold at a rate below 8%. The difference between the rates will result in a savings to the District estimated to be approximately \$850,000 over a five-year period.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-261
(Int. No. 295)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of Not To Exceed \$15,700,000 Principal Amount Of Taxable General Obligation Bonds Of Said City To Finance The Rochester City School District's Contribution To The 2002 New York State Retirement Incentive Program, Part A

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

Section 1. By Resolution No. 2001-02:847, the Board of Education of the Rochester City School District elected to participate in Part A of the 2002 New York State Retirement Incentive Program. The City School District elected to fund its Retirement

Incentive Program contribution by requesting the City to issue taxable bonds rather than accept the State's offer to fund the contribution over a five (5) year term at 8% per annum. The taxable bonds authorized by the City herein shall fund the City School District's contribution to the State's 2002 Retirement Incentive Program (the "Project"). The total estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$15,700,000. The plan of financing includes the issuance of not to exceed \$15,700,000 taxable bonds of the City, and said amount is hereby appropriated therefor, 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 not to exceed \$15,700,000 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 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. 42 of the Law, is twenty (20) years.

Section 4. 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 5. 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 6. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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

Section 7. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

The meeting was adjourned at 5:18 P.M.

CAROLEE A. CONKLIN
City Clerk

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SPECIAL COUNCIL MEETING
AUGUST 21, 2003

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

Absent - none - 0.

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

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

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

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-19
Re: Appointment to City Council -
William F. Pritchard

Transmitted herewith for your approval is legislation appointing William F. Pritchard to fill the term of former Councilmember-at-Large Nancy K. Griswold through December 31. As you know, the seat became vacant when Ms. Griswold resigned effective July 26. The City Charter in §5-4 requires that the Council fill any vacancy on the Council within thirty days of that vacancy.

Subsequent to the resignation, Council began a process to identify and interview candidates. That process was completed this week, and Mr. Pritchard has emerged as the consensus candidate of the Council. His extensive experience in a variety of roles through-

out the community will provide valuable perspectives to the Council. We look forward to his immediate and effective participation on Council.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2003-19
(Int. No. 333)

Resolution Appointing William F. Pritchard To City Council

Whereas, Nancy K. Griswold has resigned from City Council effective July 26, 2003, and

Whereas, the City Charter requires that City Council fill a vacancy on the Council within thirty days of the vacancy, and

Whereas, City Council has reviewed the qualifications of the various candidates who have expressed an interest in filling the vacant seat, and

Whereas, William F. Pritchard has demonstrated to the Council the talents and abilities required to serve as a City Councilmember at Large,

Be it therefore resolved by the Council of the City of Rochester as follows:

Section 1. William F. Pritchard is hereby selected to fill the term of Councilmember at Large Nancy K. Griswold until December 31, 2003.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

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

Nays - None - 0.

The meeting was adjourned at 7:10 P.M.

CAROLEE A. CONKLIN
City Clerk

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**REGULAR MEETING
AUGUST 26, 2003**

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

Absent - none - 0.

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

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

Recognition Ceremony

Retirement:
Finance
John O. Noble
RFD
Roger P. Gilder
*Douglas A. Dykins

- DES
 - *Donald A. Bloom
 - *Michael L. Carroll
 - *Joseph Cinanni
 - *Nicholas Lippa, Jr.
 - *Kathryn A. Poluch
- DPRHS
 - *Eileen Andrews
 - *Nancy Griffin
 - *Thomas J. Jackson
- NET
 - *John Guigno
- RPD
 - *Frank Fedele
 - *Robert H. Kennedy

**Not attending meeting.*

APPROVAL OF THE MINUTES
By Councilmember Douglas

RESOLVED, that the minutes of the Special Meeting of June 6, 2003, the Public Hearing of June 11, 2003, and the Regular Meeting of June 17, 2003, 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. 3734-7
 - Public Disclosure - CDBG Participation. 3735-7
 - Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3736-7

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

None presented.

PUBLIC HEARINGS

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

Changing The Zoning Classification Of 219 York Street From R-2 Medium Density Residential To M-1 Industrial Int. No. 304 No speakers.

Approving The Urban Renewal Plan For The Erie Canal Urban Renewal Project Int. No. 305 One speaker: Frank DuRoss.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Erie Canal Urban Renewal Project Int. No. 307 No speakers.

Changing The Zoning Classification Of 524 Oak Street, 900 Broad Street, And 448 And 480 Smith Street From M-1 Industrial To Erie Canal Urban Renewal District Int. No. 308 No speakers.

Abandonment Of A Portion Of Oak Street Int. No. 334 No speakers.

Resolution Approving Relocation To The Monroe County Empire Zone Int. No. 310 One speaker: John Chevrier.

Authorizing An Amendatory 2003-04 Community Development Program Plan And An Agreement For The Creating Assets, Savings And Hope Program Int. No. 314 No speakers.

Authorizing Changes In The Pavement Width Of Lexington Avenue As A Part Of The Lexington Avenue (Mt. Read Boulevard To Dewey Avenue) Improvement Project Int. No. 329 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
August 26, 2003

To the Council:

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

Int. No. 296 - Authorizing The Sale Of Real Estate

Int. No. 297 - Authorizing An Agreement For The Real Estate Marketing Initiative

Int. No. 298 - Authorizing An Agreement For Design Services, Appropriating Funds And Amending The 2003-04 Budget

Int. No. 299 - Approving CityScape 2004 At Newcroft Park

Int. No. 300 - Appropriating Funds For The Community Choice/Fair Housing Website

Int. No. 301 - Authorizing An Application And Agreement For A New York State Grant For The Corn Hill Landing Project And Authorizing An Agreement

Int. No. 303 - Determination And Findings Relating To The Acquisition Of 123-125 Roth Street

Int. No. 267 - Approving The Acquisition Of 123-125 Roth Street By Negotiation Or Condemnation

Int. No. 327 - Authorizing An Agreement With The County Of Monroe For Lead Hazard Control Program

Int. No. 328- Authorizing Agreements For Operation Of The Sister Cities, Genesee Crossroads, And Court Street Parking Garages And Repealing Ordinance No. 2003-158, As Amended

Int. No. 331 - Authorizing An Amendatory Agreement For The High Falls Festival Activities

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

Int. No. 302 - Authorizing The Sale Of A Portion Of 250 South Avenue And An Amendatory Lease For The Parking Lot At 33 Capron Street

Int. No. 304 - Changing The Zoning Classification Of 219 York Street From R-2 Medium Density Residential To M-1 Industrial

Int. No. 305 - Approving The Urban Renewal Plan For The Erie Canal Urban Renewal Project

Int. No. 306 - Extending An Option For The Sale Of Parcels For The New Soccer Stadium

Int. No. 307 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Erie Canal Urban Renewal Project

Int. No. 308 - Changing The Zoning Classification Of 524 Oak Street, 900 Broad Street, And 448 And 480 Smith Street From M-1 Industrial To Erie Canal Urban Renewal District

Int. No. 309 - Amending Ordinance No. 2002-383 To Designate 448 Smith Street And An Additional Portion Of Oak Street For The Erie Canal Urban Renewal District

Int. No. 334 - Abandonment Of A Portion Of Oak Street

Int. No. 310 - Resolution Approving Relocation To The Monroe County Empire Zone

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Lois J. Giess
Gladys Santiago (Did not vote on Int. No. 297 and abstained votes on Int. Nos. 303 & 267.)
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-262
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of nineteen properties. The first four properties are single-family structures that are being sold to RHDFC for their appraised value. The structures will be rehabilitated and resold to owner occupants with incomes not to exceed 80% of the median income for the Rochester Metropolitan Statistical Area.

The next property is being sold to the adjoining owner for its appraised value. The structure will be demolished at the purchaser's expense, and the resulting vacant land will be fenced and landscaped. The parcel will be combined with the purchaser's adjoining property.

The next two properties are vacant lots that are being sold to the adjoining owners for their appraised value. The parcels will be fenced and landscaped, and combined with the purchasers' adjoining properties.

The next three properties were sold at the April 2, 2003 Owner Occupant Auction. The purchasers will be required to rehabilitate the structures within eighteen months of closing, and to occupy the properties for a minimum of three years.

The next property is a vacant lot that was sold at the July 1, 2002 Public Auction. The parcel will be fenced

and landscaped and combined with the purchaser's adjoining property.

The last eight properties are vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable because of their size.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-108

Ordinance No. 2003-262
(Int. No. 296)

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:

Address	S.B.L.#	Price
<u>Purchaser</u>		
533 Augustine St.	090.64-1-42	\$18,900
Rochester Housing Development Fund Corp.*		
128 Hamilton St.	121.56-1-43	10,000
Rochester Housing Development Fund Corp.*		
218 Hayward Av.	106.67-2-22	2,000
Rochester Housing Development Fund Corp.*		
644 Parsells Av.	107.56-2-61	8,000
Rochester Housing Development Fund Corp.*		

*Officers: Jean A. Lowe, Rafael Cestero, Keith V. Recchia, Robert M. Barrows

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

Address:	412-414 Portland Av.
S.B.L.#:	106.42-3-3
Price:	\$700
Purchaser:	Anthony J. Randall

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

Address	S.B.L.#	Price
<u>Purchaser</u>		
9 Elliott Pl.	106.57-2-18.2	\$616
B&L Wholesale Supply, Inc.*		
Pt Of 55 Miller St.	Pt of 106.34-2-25	250
Anthony J. & Phillip Randall		

*Officers: Donald Tomeny, Arthur Finocchario, Robert Latoun

Section 4. The Council hereby further approves the sale of the following parcels of improved property by owner occupant auction:

Address	S.B.L.#	Price
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<u>Purchaser</u>		
112 Grafton St.	091.76-1-64	\$23,100
Eric J. Young		
36 Potter St.	105.72-1-41	7,900
Shane Peek		
122 Stutson St.	047.70-2-1	14,800
Dien Nguyen		

Section 5. The Council hereby further approves the sale of the following parcel of vacant land with proposal by regular auction:

Address:	27-29 Henion St.
S.B.L.#:	120.51-1-32 & 33
Price:	\$100
Purchaser:	Janice Turner

Section 6. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	S.B.L.#	Sq. Ft.
<u>Purchaser</u>		
23-25 Asbury St.	121.82-2-26	3300
Michael & Josephine Barbarita		
50-52 Galusha St.	106.46-2-79	2640±
Twanda S. Wynter		
097 Hortense St.	120.42-1-80	2820
Kenneth M. Harris		
EH 42 Laser St.	Pt of 091.72-4-76	1836±
Lois J. Edick		
WH 42 Laser St.	Pt of 091.72-4-76	1836±
Emily S. Jones		
EH 47 Rialto St.	Pt of 091.78-2-57	2156±
Lithsomphone Rajaphoumy		
WH 47 Rialto St.	Pt of 091.78-2-57	2156±
Olivia Lester		
44 Roycroft Dr.	091.81-1-52	2590
Patricia Walker		

Section 7. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. This ordinance shall take effect immediately.

Passed unanimously:

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-263
Re: Agreement - Landmark Society,
Real Estate Marketing Initiative

R2010: Campaign 9 -Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the promotion of city living. This legislation will authorize an amendatory agreement with the Landmark Society of Western New York, Inc., for continuation of the Real Estate Marketing Initiative at a maximum cost of \$90,000, which will be funded from the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant. Begun in 1998, the Marketing Initiative is designed to encourage more people to consider purchasing

city homes, to assist real estate agents to list and sell properties in the city, to assist neighborhood associations in developing relationships with the real estate community, and to promote the historic qualities and unique character of city neighborhoods and homes. The program is administered by the Landmark Society with the assistance of the Greater Rochester Association of Realtors.

The most recent agreement for such administration was authorized by the City Council on August 20, 2002. During the past year, the following actions or activities took place:

1. The "Home Room", which contains informational materials and displays about city living and a multiple listing service computer, was visited by 125 persons;
2. Internet traffic on the Home Room's web site can be tracked to determine activity. For example, during the month of March, 2003, the site averaged 872 visitor sessions per day or an impressive 27,058 visits for the month. The average visit was 12 minutes;
3. The Marketing Historic Houses Successfully training class, which provides 15 hours of instruction, was completed by 58 real estate agents. To date, this brings the total number of agents benefiting from the classes to 284;
4. City neighborhoods were featured in three editions of the Landmark Society's newsletter; and
5. The website was expanded by the addition of www.MovingToRochester.Org.

Under the proposed agreement, the Landmark Society will:

1. Continue to operate the Home Room;
2. Expand and link the web site to other relevant web sites;
3. Continue to provide a Real Estate agent training class, approved by the NYS Department of State for credit for the Realtor Continuing Education Program;
4. Continue the Home Work column of City newspaper. In addition, the Home Work column has been added to the Home Room web page which includes a section on home buying;
5. Increase radio and television advertisements; and
6. Continue to support "City Living Sundays".

As a further note, the Home Room Project was featured as a "Best Practice" by the National Trust for Historic Preservation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-263
(Int. No. 297)

Authorizing An Agreement For The Real Estate Marketing Initiative

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. to continue the real estate marketing initiative.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-264
Re: Design Center Appropriation and Agreement

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

Transmitted herewith for your approval is legislation appropriating a total of \$63,800 from the 2000-01 (\$31,900) and 2001-02 (\$31,900) Community Development Block Grant Program - Neighbors Building Neighborhoods small area plan allocation, establishing maximum compensation of \$30,000 for an agreement with the Rochester Regional Community Design Center (RRCDC), 34 Meigs Street, Rochester, New York, and amending the 2003-04 Budget of the Department of Community Development, increasing it by \$33,800.

The agreement with RRCDC will provide design support in the following areas:

1. Development and implementation of a training program for City Boards and Commissions and staff on good design principles and the implementation of the new Zoning Code;
2. Assistance to Community design initiatives and charrettes including technical support and recruitment of volunteer design professionals;
3. Development of a resource center and "tool box" of community design information and guides for use by communities and citizen groups; and
4. Development of presentation and promotional materials to support good design and the preservation of community character.

The RRCDC is a newly formed not-for-profit outgrowth of the activities of the American Institute of Architects Urban Design Committee with the mission of supporting quality design and preservation of community character in the Greater Rochester Region. Similar groups have been important partners

in community revitalization in many cities across the country, such as, Chattanooga and Nashville, Tennessee; Baltimore, Maryland; and Columbus, Ohio.

The \$33,800 amendment to the budget of the Department of Community Development will fund a Design Intern Program in the Bureau of Planning. Funds will be used to hire college students in the design professions to work on design projects associated with the Neighbors Building Neighborhoods, Rochester 2010, and Center City plans.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-264
(Int. No. 298)

Authorizing An Agreement For Design Services, Appropriating Funds And Amending The 2003-04 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 Regional Community Design Center for quality design support services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2000-01 Community Development Program.

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

Section 4. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$33,800 to fund a design intern program in the Bureau of Planning, and of said amount, \$1,900 is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2000-01 Community Development Program and \$31,900 is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2001-02 Community Development Program.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-265
Re: CityScape 2004 at Newcroft Park

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to CityScape 2004 at Newcroft Park, a new, market-rate housing development. This legislation will:

1. Authorize the participation of the Rochester Home Builders' Association in the program;

2. Authorize \$123,500 in previously appropriated funds for security, promotion, a Master Landscaping Plan, and related costs to implement the program; and
3. Authorize any agreements necessary to implement the project.

The City of Rochester and the Rochester Home Builders' Association (RHBA) are proposing the redevelopment of the 6.8-acre tract of land at Newcroft Park, formerly comprised of 79 Woodstock Street, 1126 Atlantic Avenue, and 116 Akron Street.

The development involves:

1. The previous acquisition of three privately-owned parcels through negotiated sales and the acquisition of the former APCO site through tax foreclosure;
2. Relocation of a business and the demolition of two structures (now complete);
3. The construction of a new dedicated street: Newcroft Park; and
4. The subsequent construction of 22 new, market-rate, single-family homes.

The construction of the street will commence in late July, 2003 and be completed by November, 2003. Construction of at least six model homes will begin in the spring of 2004. An open house is tentatively planned for June, 2004. Buyers will then have the option to either purchase a model home or have a model home built on one of the available lots in the subdivision.

Proposals to participate in the program will be solicited by the RHBA in the fall of 2003 from the members of the RHBA. These proposals will be evaluated by a committee consisting of representatives from the Department of Community Development and the RHBA. The participation of the builders who are selected will be recommended for City Council approval at a later date.

As indicated, \$123,500 in previously appropriated City Development Fund and Cash Capital funds will be used for security, promotion, a Master Landscaping Plan, and related costs to implement the program. These funds consisted of \$65,500 of Fiscal Year 1996-97 Cash Capital and \$58,000 of Fiscal Year 2001-2002 (Program Year 27) City Development Fund.

The budget for the program is as follows:

Promotion	\$ 41,000
Security	17,000
Master Landscaping Plan	40,000
Contingency	25,500
Subtotal	\$ 123,500

Construction of street/utilities	990,000
Construction of new homes	3,300,000
Total	\$4,413,500

<u>Sources</u>	
City of Rochester	\$1,113,500
Permanent Financing	2,640,000
Owner equity	660,000
Total	\$4,413,500

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2003-265
(Int. No. 299)

Approving CityScape 2004 At Newcroft Park

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

Section 1. The Council hereby approves the participation of the Rochester Home Builders' Association in CityScape 2004 at Newcroft Park.

Section 2. The Mayor is hereby authorized to enter into agreements which may be necessary to implement CityScape 2004 at Newcroft Park.

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$123,500, and of said amount, or so much thereof as may be necessary, \$65,500 shall be funded from the 1996-97 Cash Capital Allocation and \$58,000 shall be funded from the 2001-02 City Development 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. 2003-266
Re: Community Choice / Fair
Housing Website

R2010: Campaign 5 - Regional Partnerships
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation to renew an agreement with the Public Interest Law Office of Rochester (PILOR), 80 St. Paul Street, Rochester, New York, relating to the continued operation and maintenance of the Community Choice / Fair Housing website. This legislation will appropriate \$10,000 from the Fair Housing Allocation / Improve the Housing Stock and General Property Conditions objective of the 2003-2004 Community Development Program and, with this appropriation as the source of funds, authorize an extension to the agreement with PILOR.

The development of the website (www.housingchoice.org) was authorized by City Council on October 12, 1999 with the adoption of Ordinance No. 99-379. PILOR's proposal to develop the site, as part of the implementation of the Community Choice Action Plan, was recommended for funding by a review team, which included representation from the City, County, Greece, Irondequoit, RHA, and the Community Choice Advisory Committee. The site has been operational since August, 2000.

The site contains the following features:

- Information - The website is designed to help the visitor learn about fair housing, including local fair housing initiatives.

- "What's New" - This feature offers recent news stories from local, state and national publications.
- Resource Locator - Provides practical information on private housing resources, including providers of mortgage financing, real estate services and housing assistance. Links are provided to other housing websites.
- Communications - A current events calendar and a discussion page where visitors can exchange views on local housing issues.

The website has proven to be a mechanism by which fair housing information can be readily disseminated throughout the community. Utilization of the site has increased steadily since its launch. Over the past year, the site experienced a four-fold increase in the number of visits (from 4,628 to 20,439), and a three-fold increase in the number of hits (from 20,075 to 65,934).

The \$10,000 amendatory agreement with PILOR will ensure its services for the period July 1, 2003, to June 30, 2004. Contracts to date with PILOR for this service total \$35,000. This amendment will bring the total to \$45,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-266
(Int. No. 300)

Appropriating Funds For The Community Choice/Fair Housing Website

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program to fund the Community Choice/Fair Housing Website of the Public Interest Law Office of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-267
Re: New York State Grant - Corn Hill
Landing Project

R2010: Campaign 10 - Center City

Transmitted herewith for your consideration is legislation relating to the Corn Hill Landing Project. The legislation will:

1. Authorize an agreement with the New York State Department of State for the receipt of grant funds under Title 11 of the Environmental Protection Fund; and
2. Authorize an agreement with Corn Hill Landing LLC for use of the funds.

The \$400,000 Grant was awarded to the City in 2001, under Title 11 of the Environmental Protection Fund. The City was not prepared to accept the grant funds until Corn Hill Landing, LLC received a firm financing commitment from the Department of Housing and Urban Development for construction of the Corn Hill Landing Project. Corn Hill Landing, LLC received a firm commitment for financing from HUD on July 18, 2003. The City will enter into an agreement with Corn Hill Landing, LLC to complete the improvements funded through the grant.

The program funds are provided on a 50-50 matching basis. The City's purchase of the public use and access easement in the project area will be the local match for the grant.

The grant funds will be used to provide amenities in the area to be retained through permanent easements allowing public access and parking for the river walk. These amenities may include such items as ornamental railing, sidewalk pavers, sidewalks, water fountain, benches, kiosks, orientation signs, trash receptacles, segmental retaining walls, floating docks, banner poles and pedestrian light standards.

The Corn Hill Landing Project involves the planned development by Corn Hill Landing, LLC of land on the west bank of the Genesee River between the Troup-Howell and Ford Street bridges. The project includes the construction of 127 market-rate residential units and almost 15,000 square feet of retail and commercial space.

Construction of the Corn Hill Landing project will commence early in August 2003, with completion expected in January of 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-267
(Int. No. 301)

Authorizing An Application And Agreement For A New York State Grant For The Corn Hill Landing Project And Authorizing An Agreement

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of State for funding of improvements as a part of the Corn Hill Landing Project.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Corn Hill Landing, LLC, for improvements as a part of the Corn Hill Landing Project.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$400,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds received under the grant agreement authorized in Section 1.

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. 2003-268
Re: Determinations and Findings -
Clifford Avenue Revitalization
Project Acquisition

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings related to acquisition of the property at 123-125 Roth Street as part of the Clifford Avenue Revitalization Project. Such determinations and findings are required by Article 2 of the Eminent Domain Procedure Law.

A public hearing on this matter was held by the Council on July 22, 2003. There was one speaker at the hearing. Therefore, the following determinations and findings are proposed:

1. Project description - that the City acquire the property at 123-125 Roth Street for redevelopment.
2. Project purpose - that the acquisition will eliminate a blighting influence and will lead to the redevelopment of an abandoned manufacturing site into uses consistent with current zoning.
3. Project effect - that the acquisition and subsequent redevelopment of the property will have no significant adverse effect on the environment and indeed will assist in the revitalization of the neighborhood and facilitate the development of affordable senior rental housing.

If these determinations and findings are approved, the legislation authorizing the property acquisition (Introductory #267) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-268
(Int. No. 303)

Determination And Findings Relating To The Acquisition Of 123-125 Roth Street

WHEREAS, the City of Rochester proposes to acquire the property located at 123-125 Roth Street, necessary for the Clifford Avenue Revitalization Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on July 22, 2003 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of 123-125 Roth Street,

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 123-125 Roth Street:

Proposed Public Project: Clifford Avenue Revitalization Project

Proposed Property Acquisition: 123-125 Roth

Street; SBL #106.210-03-016

Project Description: The City of Rochester is facilitating the redevelopment of an abandoned former manufacturing site located at 200 Clifford Avenue into affordable senior rental housing, a use that is consistent with the current zoning for the area. The site, formerly occupied by Giordano Lumber, is being developed by the Ibero-American Development Corporation to provide a combination of services, including affordable rental housing, to community residents. It is being subdivided into parcels suitable for these purposes, requiring additional access from Roth Street.

The City seeks to acquire 123-125 Roth Street to provide such access. The property is adjacent to the northeast corner of the 200 Clifford Avenue parcel. The subject improvements consist of a vacant 2 story, wood frame residential dwelling in dilapidated condition that is creating a blighting influence on Roth Street. The subject site is rectangular in shape measuring approximately 37' x 95'. Upon acquisition, the subject property will be demolished and combined with an adjoining city-owned parcel, to create access to the housing development from Roth Street.

Public Benefit/purpose: Implementation of the proposed project will benefit the City by:

1. Enhancing the construction of new affordable senior rental housing units.
2. Eliminating a blighting effect on the surrounding area.
3. Developing abandoned vacant land in a use consistent with current zoning.
4. Providing street access for the new housing development that will minimize the traffic flow onto Clifford Avenue.

Section 2. The project will have a significant effect on removing a blighting influence on the area and providing needed services and affordable senior rental housing for community residents. The project will have a highly beneficial effect upon the site and the surrounding neighborhood that will enhance the visual characteristics of this section of Clifford Avenue.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Santiago abstained vote because her employer is involved in the related development project.

Introductory No. 267 was introduced July 22, 2003, and appears in its original form with its transmittal letter on page 264 of the current Council Proceedings.

Attachment No. AC-109

Ordinance No. 2003-269
(Int. No. 267)

Approving The Acquisition Of 123-125 Roth

Street By Negotiation Or Condemnation

Passed by the following vote:

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

Nays - None - 0.

Councilmember Santiago abstained vote because her employer is involved in the related development project.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-270
Re: Monroe County Lead Hazard Control Program

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County relating to their Lead Hazard Control Program. Such an agreement is permitted under section 119-o of the NYS General Municipal Law.

The Monroe County Department of Health (DOH) has received a \$2,082,200 grant award through HUD's Lead-Based Paint Hazard Control Program, effective March 1, 2003. The program is to be implemented over a 30-month period. Under the terms of that award, DOH proposes to provide \$270,000 to the City to supplement the City's Lead Hazard Reduction Program resources. In addition, DOH will provide \$95,000 to reimburse administrative costs incurred.

Under the terms of the proposed agreement, the City will integrate the DOH/HUD funds in the financing of a minimum of 30 lead hazard control projects, with up to \$9,000 available per project. Eligible projects will include qualified owner-occupied and investor-owned residential properties of one through four units that are located in areas at high risk for the incidence of lead poisoning. The City's Bureau of Housing and Project Development and DOH will also coordinate with the Monroe County Department of Human and Health Services to target high risk households.

Monroe County was awarded a similar HUD grant in 1999 and an agreement to participate in the implementation of that program was authorized by Council on July 13, 1999.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-110
Ordinance No. 2003-270
(Int. No. 327)

Authorizing An Agreement With The County Of Monroe For 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 County of Monroe for their Lead Hazard Control Program for a period

of 30 months.

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. 2003-271
Re: Parking Garage Operating Agreements

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the following:

- A. Rescinding Ordinance No. 2003-158, authorizing an operating agreement with the Ralph Parking Company for the Court Street, Sister Cities, and Genesee Crossroads parking garages.
- B. Authorizing agreements for operation of municipal parking garages in Center City Rochester as follows:
 - 1. Pro Park LLC, for operation of the Court Street Parking Garage for a term of two years with two one-year renewal options, and a 51.51% return on gross revenue, after taxes, to the City;
 - 2. Pro Park LLC, for the operation of the Sister Cities Parking Garage for a term of two years with two one-year renewal options, and a 50.61% return on gross revenue, after taxes, to the City; and
 - 3. Allright New York Parking Inc. for the operation of the Genesee Crossroads Parking Garage for a term of two years with two one-year renewal options, and 3% return on gross revenue after taxes to the City.

In July 2003, the Municipal Parking Division solicited proposals for operation of four garages. Responses received were as follows:

Court Street and Sister Cities Garages:

Allright New York Parking Inc., Ralph Parking Corporation, Pro Park LLC, and Mapco Auto Parks Ltd.

Genesee Crossroads Garage:

Allright New York Parking Inc.
High Falls Garage:

No proposals were received. A temporary extension of the existing operating agreement will be negotiated with the current operator, Allright New York Parking Inc., until a new request for proposal process is completed.

Economic Development staff completed a review of the proposals. The review considered nine criteria with a numerical value assigned to each of the criteria; a copy of the criteria is attached. The percentage of gross revenue return to the City received the highest

consideration in the evaluation.

Pro Park LLC, with headquarters in Buffalo, received the highest score for the Court Street and Sister Cities garages. It is recommended that ProPark be awarded the operating agreements for the Court Street and Sister City garages. ProPark manages 19 parking garages and parking lots in the Buffalo area. ProPark is affiliated with the Ciminelli Development Company, a full service real estate management company. The president of ProPark, Richard Serra, previously served as a district manager with Allright Parking, where he was responsible for the overall operation of parking facilities in Buffalo, Rochester, and Jamestown, New York.

Allright New York Parking Inc., a subsidiary of Central Parking Corporation and current operator of the garage, was the only operator to submit a proposal for operation of the Genesee Crossroads Garage. The Allright proposal was reviewed and determined to be acceptable. Allright New York Parking Inc. is recommended to continue as operator of the garage under terms of the new agreement. A comparison of net return to the City is as follows:

	Current Net Rent (after expenses)	Proposed Net Rent
Court Street	\$391,722	\$ 558,734
Sister Cities	545,675	484,936
Genesee Crossroads	22,041	17,580
Total	\$959,438	\$1,061,250

Operation of the garages according to terms of the new agreements is scheduled to begin September 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-111

Ordinance No. 2003-271
(Int. No. 328, As Amended)

Authorizing Agreements For Operation Of The Sister Cities, Genesee Crossroads, And Court Street Parking Garages And Repealing Ordinance No. 2003-158

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 Pro Park LLC for the operation of the Sister Cities and Court Street Parking Garages and with Allright New York Parking Inc. for the operation of the Genesee Crossroads Parking Garage. Both Pro Park LLC and Allright New York Parking Inc. shall provide full-time managers and all other personnel required for operation of the garages, including cashiers, security guards and maintenance staff. They shall also be responsible for the costs of materials and supplies, maintaining service agreements on major equipment including elevator services, insurances, a performance bond for the garages, all utility costs, Pure Waters capital charges/assessments, Downtown Enhancement District charges and Downtown Guides charges. The agreements shall be for a term of two years, with two additional options to renew for one-year terms.

Section 2. The agreements shall obligate Pro Park

LLC to pay to the City 50.61% of the annual [net revenue] gross revenue after taxes of the Sister Cities Parking Garage, 51.51% of the annual [net revenue] gross revenue after taxes of the Court Street Parking Garage, and Allright New York Parking Inc. to pay to the City 3% of the annual [net revenue] gross revenue after taxes of the Genesee Crossroads Parking Garage.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. Ordinance No. 2003-158, relating to an agreement for the operation of parking garages, is hereby repealed.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-272
Re: Amendment - Management
Of High Falls Facility

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Rochester Live, LLC for the operation and management of the High Falls Facility. As you recall, on March 17, 2003, Council authorized an agreement with Rochester Live, LLC for the management of the entire facility, including the festival site.

The requested amendment would delete from the ordinance the requirement to manage the festival site and reduce the maximum authorized amount of the contract with Rochester Live, LLC by \$10,000 annually, as indicated on the following schedule:

Year	Initial Amount	Revised Amount
One	\$525,000	\$515,000
Two	525,000	515,000
Three	475,000	465,000
Four	450,000	440,000
Five	425,000	415,000

The City will subsequently enter into a professional services agreement with the Rochester Broadway Theater League (RBTL) in an amount not to exceed \$10,000 for the provision of the High Falls festival site management services during year one. A termination will subsequently be made concerning future years that may necessitate seeking Council authorization.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-112

Ordinance No. 2003-272
(Int. No. 331)

**Authorizing An Amendatory Agreement For
The High Falls Festival Activities**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Rochester Live, LLC whereby responsibility for the coordination of festival activities in the High Falls Entertainment District shall be removed from the existing agreement for the lease, operation and management of the High Falls Facilities authorized by Ordinance No. 2003-51, and the annual payment by the City to Rochester Live, LLC shall be reduced by the sum of \$10,000 annually for the five (5) year term of the agreement.

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. 2003-273
Re: 250 South Avenue/33 Capron Street

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the sale of a portion 250 South Avenue. This legislation will:

1. Authorize the sale of a portion of 250 South Avenue (Lot 1) to American Site Developers, LLC for the appraised price of \$5.25 per square foot, totaling approximately \$52,500;
2. Grant and accept utility and permanent access easements; and,
3. Amend the terms of the lease agreement with Excellus Health Plan Inc. for parking at 33 Capron Street, thereby reducing the number of parking spaces by 17 and reducing the lease rent amount to \$64,178 annually or \$5,348 per month.

Lot 1, which consists of approximately 10,000 square feet, currently exists as unimproved City-owned vacant land. Lot 1 will be subdivided from 250 South Avenue, a 30,500 square foot parcel containing vacant land, surface parking and a three-story building utilized for storage. Upon sale of Lot 1, American Site Developers, LLC will construct a 28-space, surface parking lot. The parking lot will support the development of 14 new, loft-style condominium units at 228 South Avenue.

The sale of Lot 1 to American Site Developers, LLC shall be based on the condition that American Site Developers, LLC has demonstrated its financial ability to successfully develop 228 South Avenue and Lot 1 as proposed.

The Director of Real Estate shall have the authority to reduce the final purchase price of the property based on findings a Phase II Environmental Investigation, and additional costs, not exceeding \$5,010, to be incurred by the developer to prepare the subdivision

maps and descriptions for the City-owned property.

Utility and access easements will be located adjacent to the rear of 228 South over portions of 33 Capron Street and 250 South Avenue. The easement area will contain approximately 4,000 square feet. The purpose of the access easement is to provide vehicular, pedestrian and service access to 228, 238, 250 South Ave (including Lot 1), and 18 Howell Street. Due to the multiple benefactors, property owners will not be charged for the permanent access easement.

The remaining area of 250 South Avenue and 18 Howell Street, including the three-story existing building, will be considered for sale by the City at a later date. The re-subdivision to change the lot lines of 33 Capron Street, 250 South Avenue and 18 Howell Street is currently underway.

Excellus Health Plan Inc. (Blue Cross/Blue Shield) currently leases 11-33 Capron Street from the City for 230 surface parking spaces. The re-subdivision will result in a loss of 17 spaces to Excellus. The current lease agreement will need to be amended to reflect the loss of spaces and to reduce the rent.

The City currently has the Sear-Brown Group under contract to evaluate the existing and future parking needs of the Capron Street-South Avenue area. The scope of work of the consultant also includes an analysis to improve parking efficiency in the area and recommendations for landscaping and other amenity improvements. The proposed development of Lot 1 as a parking lot for 228 South Avenue is consistent with the consultant's recommendations.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Attachment No. AC-113

Ordinance No. 2003-273
(Int. No. 302)

Authorizing The Sale Of A Portion Of 250 South Avenue And An Amendatory Lease For The Parking Lot At 33 Capron Street

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

Section 1. The Council hereby approves the sale of a portion of the parcel at 250 South Avenue, designated as Lot 1, to American Site Developers, LLC for the price of \$5.25 per square foot. The Director of Real Estate is authorized to make adjustments to said purchase price for necessary environmental remediation and professional services related to the subdivision of the parcel which are provided by the purchaser.

Section 2. The Council hereby further approves the granting and acceptance of permanent easements over portions of 250 South Avenue and 33 Capron Street for vehicular and pedestrian access and utilities as necessary for the parcels at 228, 238 and 250 South Avenue and 18 Howell Street.

Section 3. The Mayor is hereby further authorized to enter into an amendatory agreement with Excellus Health Plan, Inc. for the use of the parking lot at 33 Capron Street whereby the number of spaces shall be reduced by 17 to accommodate the sale of the portion of 250 South Avenue, and the rent shall be reduced to \$64,178 annually.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 304
Re: Zoning Map Amendment - 219 York Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your consideration is legislation amending the Zoning Map by rezoning the property at 219 York Street from R-2 Medium Density Residential to M-1 Industrial District.

The affected property is bordered to the west and south by M-1 Zoning and to the north and east by R-2 Residential.

The front portion of the affected property was developed as an ancillary parking lot to serve the warehouse use at 207 York Street. The rear portion of the property is unused and consists of lawn. The existing ancillary parking lot was approved by special permit on July 8, 2002.

The proposed rezoning will enable the applicant to combine the subject parcel with the adjoining property at 207 York Street, which is zoned M-1 Industrial. Furthermore, the proposed rezoning will also enable the applicant to expand his warehouse business at 207 York Street onto the affected property.

On June 23, 2003, the Planning Commission held an informational hearing; one person spoke in support of the application. By a vote of 1-6, the Commission recommended denial of the requested rezoning.

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

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to return Introductory No. 304 to committee.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Introductory No. 304

CHANGING THE ZONING CLASSIFICATION OF 219 YORK STREET FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 INDUSTRIAL

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 219 York Street, from R-2 Medium Density Residential to M-1 Industrial:

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

Beginning at the intersection of the centerline of York Street and the easterly projection of the northerly line of Lot 1 of the Harding Supply Subdivision, as filed in the Monroe County Clerk's Office in Liber 231 of Maps, Page 43; thence

- 1) Westerly, along said projection and the northerly line of said Lot 1, a distance of 198 feet to a point; thence
- 2) Northerly, and parallel to the centerline of York Street, a distance of 32 feet to a point; thence
- 3) Easterly, and parallel to the northerly line of said Lot 1, a distance of 198 feet to the centerline of York Street; thence
- 4) Southerly, along the centerline of York Street, a distance of 32 feet to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2003-274, 2003-275,
2003-276, 2003-277, 2003-278,
And 2003-279

Re: Zoning & Official Map & Text
Amendments - Rochester Rhinos
PaeTec Park

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your consideration is the following legislation:

- 1. To amend the Zoning Map by rezoning the properties at 524 Oak Street, 900 Broad Street and 448 and 480 Smith Street from M-1 Industrial to Erie Canal Urban Renewal District.
- 2. To amend the Zoning Code by adding subsection 120-119L, the Erie Canal Urban Renewal District, and to reflect the adoption of the Erie Canal Urban Renewal Plan land use provisions.
- 3. To amend the Official Map by abandoning a portion of Oak Street extending between Smith Street and Lind Street.
- 4. To extend by 30 days the purchase option agreement between the City and Rochester Rhino Stadium, LLC, that is presently scheduled to expire on September 2, 2003.

The establishment of an Urban Renewal District and abandonment of a portion of Oak Street will facilitate the construction of a multi-purpose stadium and accessory facilities. Further, the adoption of the Urban Renewal land use plan will serve as a tool for the orderly development of the affected area.

The affected properties are bordered to the north, south, and east by M Manufacturing and to the west by R-1 Residential. The three properties at 524 Oak Street, 900 Broad Street and 480 Smith are vacant lots and are owned by the City. The remaining property at 448 Smith Street is being used as a manufacturing facility and is privately owned. The owner of the property has consented to its inclusion in the rezoning of Erie Canal Urban Renewal District. The existing building at 448 Smith Street is proposed to be used for administrative purposes by the applicant.

The proposed abandonment of Oak Street was referred to the necessary agencies for comment; there were no objections to the abandonment. The abandonment will be conditioned upon the relocation of the existing utilities as stated in the memo from the City Engineer dated July 10, 2003, and the provision of an easement to the property at 448 Smith Street.

On July 21, 2003, the Planning Commission held an informational hearing; two persons spoke in support of the applications. By a vote of 4-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, any agency approving an application which has been the subject of an Environmental Impact Statement must issue a written findings statement.

The proposed 30-day extension to the purchase option between the City and Rochester Rhino Stadium, LLC, will allow sufficient time for preparing for a closing, assuming favorable action by City Council at its meeting on August 26, 2003. Absent the extension, the closing would need to be accomplished in seven calendar days following the Council meeting.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-114

Ordinance No. 2003-274
(Int. No. 305)

Approving The Urban Renewal Plan For The Erie Canal Urban Renewal Project

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

Section 1. The Council hereby approves the following Urban Renewal Plan for the Erie Canal Urban Renewal Project:

Erie Canal Urban Renewal District Plan

Table of Contents

- I. Extent and Purpose of the Plan
- II. Description of the Project Boundary
- III. Urban Renewal Goals and Objectives
- IV. Urban Renewal Actions

- V. Land Use Plan
- VI. Review of Site and Development Plans
- VII. Term of Urban Renewal Plan
- VIII. Obligations of Developers
- IX. Urban Renewal Plan Amendment
- X. Relationship to Rochester Zoning Code
- XI. Special Provisions

Exhibits

- A. District Boundary Map
- B. Land Disposition Map
- C. Existing Zoning Map

I. Extent and Purpose of the Plan.

The Erie Canal Urban Renewal District Plan provides a framework for the development of a new multi-purpose stadium in the City of Rochester. The urban renewal district plan is designed to serve as a tool for developing the site to best serve the needs of the Stadium users as well as the local residents. The Plan is based on the City's recognition that the Project area offers the residents of the City of Rochester and Monroe County opportunities for beneficial short and long-term economic and community development.

The project area has major significance within the City of Rochester and the Rochester/Monroe County Metropolitan area. It is an important portion of the Sector 3 area within Rochester's "Neighbors Building Neighborhoods" program and the City's Comprehensive Plan, entitled "Rochester 2010 - An Urban Renaissance". In the project area and its surrounding neighborhood are located numerous residential, commercial, industrial and community uses which are key to revitalizing the area. Within and immediately adjacent to the project area lie the historic route of the Erie Canal, Brown Square Park, the headquarters of the Eastman-Kodak Company, Frontier Field, the High Falls Entertainment District, Lyell Avenue as a major commercial avenue, the Susan B. Anthony Historic District and Downtown Rochester. In 1994, the project area was included in a New York State Empire Zone, enabling investment within it to qualify for numerous economic development incentives.

The project area includes four properties located northwest of Smith Street and Oak Street, east of Broad Street and south of Lyell Avenue. The properties include three City-owned disposition parcels and one privately-owned parcel. (See Exhibit A).

A description of project boundaries is provided in Section II below. The project area encompasses approximately 18 acres of land.

The provisions of this urban renewal district plan, as described in the following sections, are in conformance with the legal requirements for a redevelopment plan as set forth by Article XV of the General Municipal Laws of New York State.

Existing conditions within the project area have been evaluated and the need established for redevelopment, in accordance with Section 501 of Article 15 of the General Municipal Law of New York State.

II. Description of the Project Boundary.

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

Beginning at a point in the northeasterly line of

West Broad Street at a point 243.25 feet north-westerly from the northwest street line of Smith Street;

Thence 1) N 45° 40' 56" W along the northeasterly line of West Broad Street a distance of 348.11 feet more or less to an angle point in the West Broad Street right-of-way line;

Thence 2) N 65° 50' 06" W along the northerly line of West Broad Street a distance of 543.35 feet to an angle point in the West Broad Street right-of-way line;

Thence 3) Continuing along the northeasterly right-of-way line of West Broad Street and it's various courses a distance of 255.54 feet said point being the northwest corner of Lot 2 as shown on a map prepared by Bergmann Associates and filed in the Monroe County Clerk's Office in Liber 255 of maps at page 3;

Thence 4) Easterly and along the northerly line of said Lot 2 and it's easterly extension a distance of 355.29 feet more or less to the centerline of the former Moore Street;

Thence 5) Northerly along the centerline of the former Moore Street a distance of 4.1 feet more or less to the westerly extension of the northerly line of said Lot 2;

Thence 6) Easterly along said extension and the northerly line of said Lot 2 a distance of 524 feet more or less to the south-westerly line of Oak Street;

Thence 7) Northwesterly along the southwesterly line of Oak Street to the southwesterly extension of the southeasterly right-of-way line of Lind Street;

Thence 8) Northeasterly along said extension and the Lind Street right-of-way a distance of 353.5 feet more or less to the southwest corner of Lot 23 of the John Williams Tract;

Thence 9) Southeasterly along the southwesterly lines of Lots 23, 22 and 21 of the John Williams Tract a distance of 120 feet more or less to the southwest corner of Lot 20;

Thence 10) Southwesterly along the southwesterly extension of the northwesterly line of Lot 20 a distance of 17 feet to a point;

Thence 11) Southeasterly and parallel with the southwesterly line of said Lot 20 a distance of 40 feet more or less to the southwesterly extension of the southeasterly line of said Lot 20;

Thence 12) Northeasterly along said extension a distance of 17 feet to the southwest corner of Lot 20;

Thence 13) Southeasterly along the southwesterly lines of Lots 19 thru 7 a distance of

- 527.95 feet to the southeasterly corner of said Lot 7;
- Thence 14) Northeasterly along the southeasterly line of Lot 7 a distance of 15.75 feet to a point;
- Thence 15) Southeasterly along the northeasterly line of Lot R 37 as shown on a re-subdivision map of part of Township 1, Short Range of the Phelps and Gorham Purchase and filed in the Monroe County Clerk's Office in Liber 252 of maps at page 54 for a distance of 34.03 feet to an angle point in said line;
- Thence 16) Continuing southeasterly along the northeasterly line of said Lot R 37 a distance of 128 feet to the westerly line of Smith Street;
- Thence 17) Southwesterly along the right-of-way line of Smith Street a distance of 735 feet more or less to the southwest corner of Lot 3 as shown on a map recorded in the Monroe County Clerk's Office in Liber 255 of maps at page 3;
- Thence 18) Northwesterly along the southwesterly line of said Lot 3 a distance of 123.25 feet to a point;
- Thence 19) Northeasterly along said Lot 3 a distance of 25.50 feet to a point;
- Thence 20) Northwesterly along the southwesterly line of said Lot 3 a distance of 120 feet to the southeasterly line of said Lot 2;
- Thence 21) Southwesterly along the southeasterly line of said Lot 2 a distance of 125.50 feet to the point or place of beginning.

III. Urban Renewal Goals and Objectives.

Within the context of the City of Rochester's Comprehensive Plan and the Sector 3 Action Plan, the goals and objectives of the Erie Canal Urban Renewal District Plan include:

- A. Amelioration of substandard, deteriorated, blighted and obsolete property conditions through appropriate redevelopment.
- B. Remediation of environmentally unsound conditions where present in the area.
- C. Enhancement of the area through public improvements which beautify streetscapes, add to the quality of public spaces and create a general image for the area which is in keeping with the objectives of the Rochester 2010 Plan and the new Zoning Code of the City of Rochester.
- D. Creation of new jobs for area residents and for the residents of the City as a whole.
- E. Promotion of economic development in the project area including new private business development.

IV. Urban Renewal Actions.

- A. The disposition of largely vacant, under-utilized, deteriorated or unproductive property by the City of Rochester or the Rochester Urban Renewal Agency to a qualified redevelopment entity for redevelopment in accordance with the provisions of the plan.
 - B. Planning, siting, design and construction of new public amenities within the project area in a manner designed to enhance pedestrian enjoyment and increase the attractiveness of the area for both public and private use.
 - C. Disposition of the site to a qualified private development entity, subject to development standards incorporated in disposition agreements, in accordance with the plan.
 - D. Planning, design and construction of utility and other infrastructure adjustments, connections and replacements as needed.
 - E. Construction of new buildings in accordance with the plan.
 - F. Code actions designed to implement provisions and objectives of the plan through adjustment or amendment of the zoning or other codes.
 - G. Coordination with County, State and Federal government agencies in the implementation of the plan.
 - H. Development of project funding commitments, including possible use of local, State and Federal funds.
- V. Land Use Plan.
- A. Permitted Uses.
 - 1. Multi-purpose Stadium with associated concessions, parking and pedestrian ways.
 - 2. Offices.
 - 3. Athletic fields.
 - 4. Retail Sales and service.
 - 5. Restaurants including accessory outdoor seating/assembly areas.
 - B. Lot and yard requirements.
 - 1. Lot area requirements
 - (a) Maximum building coverage: NA
 - (b) Minimum lot coverage: 80%
 - 2. Yard requirements
 - (a) Front yards:
 - (1) Buildings: 20 ft.
 - (2) Parking: 10 ft.
 - (3) Patios/pedestrian ways: 0 ft.
 - (b) Yards abutting residential uses:
 - (1) Buildings: 20 ft.
 - (2) Parking: 10 ft. except where a solid screening wall at least six feet in height is placed on the lot line, in which case no setback shall be

required.

- (3) Patios/pedestrian ways: 10 ft. except where a solid screening wall at least six feet in height is placed on the lot line, in which case no setback shall be required.

C. Fences.

Fences in the district shall be subject to the requirements outlined in Section 120-167 of the City Zoning Code except for the following when along a street frontage:

- (a) Within the required front yard, fences must be decorative and limited to 6 ft in height.
- (b) Behind the required front yard, fences are limited to 6 ft in height.

D. Off-Street Parking.

- 1. Parking lots in the district shall be subject to the parking lot landscaping requirements outlined in Section 120-173F(2) of the City Zoning Code.
- 2. Parking lots in the district shall be subject to the parking lot design standards outlined in Section 120-173F(3) of the City Zoning Code.

E. Signs.

Signage for the district shall be subject to the Alternate Sign Program as outline in Section 120-177K of the City Zoning Code, except signs facing toward the interior of the site located on concession buildings and non permanent signs located on the playing surface level shall be permitted without requiring a Certificate of Zoning Compliance.

F. Additional Requirements.

Development in the Erie Canal Urban Renewal District shall be subject to the Requirements applying to all districts outlined in Article XX of the City Zoning Code except for fences, off-street parking and signs which are regulated in Sections C, D and E above.

G. Exceptions.

Development in the Erie Canal Urban Renewal District shall not be subject to the City-wide design guidelines and standards listed in Article XIX of the City Zoning Code.

VI. Review of Site and Development Plans.

In accordance with Section 120-121 of the Rochester Zoning Ordinance, site and development plans including landscaping plans shall be submitted to the Director of Zoning for review and approval subject to site plan review. The Director of Zoning shall transmit such plans to the Secretary of the Rochester Urban Renewal Agency for review and comment with respect to the conformance of such plans with the respective Urban Renewal Plan and its objectives.

VII. Term of Urban Renewal Plan.

This Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the

Rochester City Council.

VIII. Obligations of Developers.

When land or buildings within the project area are sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchasers or lessees and their successors or assigns shall be obligated by the terms of the contract to devote such land to the uses set forth in this urban renewal plan and to begin and complete construction of improvements within a reasonable time as established by the instrument of sale or lease.

IX. Urban Renewal Plan Amendment.

This urban renewal district plan may be amended at any time by the Rochester City Council in accordance with procedures then in effect for the amendment of an urban renewal plan.

X. Relationship to the Rochester Zoning Code.

Concurrently with the adoption of this Urban Renewal District Plan, Section 120-120 of the Zoning Code shall be amended to include Section V of this plan.

XI. Special Provisions.

A. Anti-discrimination.

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy or use of any real property in the project area on the basis of race, color, creed or national origin.

Section 2. The Council finds that:

- a. The Erie Canal Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The Erie Canal Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Urban Renewal Plan for the Erie Canal Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-275
(Int. No. 306)

Extending An Option For The Sale Of Parcels For The New Soccer Stadium

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

Section 1. The Council hereby approves the extension of the option approved in Ordinance No. 2003-8 for the sale of parcels, to the Rochester Rhinos Stadium, LLC, for the development of a new soccer stadium, for an additional period of 30 days.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-276
(Int. No. 307)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Erie Canal Urban Renewal Project

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

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by adding the following new subsection M thereto:

M. Erie Canal Urban Renewal District.

- (1) Permitted Uses.
 - (a) Multi-purpose Stadium with associated concessions, parking and pedestrian ways.
 - (b) Offices.
 - (c) Athletic fields.
 - (d) Retail Sales and service.
 - (e) Restaurants including accessory outdoor seating/assembly areas.
- (2) Lot and yard requirements.
 - (a) Lot area requirements.
 - [1] Maximum building coverage: NA
 - [2] Minimum lot coverage: 80%
 - (b) Yard requirements.
 - [1] Front yards:
 - [a] Buildings: 20 ft.
 - [b] Parking: 10 ft.
 - [c] Patios/pedestrian ways: 0 ft.
 - [2] Yards abutting residential uses:
 - [a] Buildings: 20 ft.
 - [b] Parking: 10 ft. except where a solid screening wall at least six feet in height is placed on the lot line, in which case no setback shall be required.
 - [c] Patios/pedestrian ways: 10 ft. except where a solid screening wall at least six feet in height is placed on the lot line, in which case no setback shall be required.
- (3) Fences.

Fences in the district shall be subject to the requirements outlined in Section 120-167 of the City Zoning Code except for the following when along a street frontage:

- (a) Within the required front yard, fences must be decorative and limited to 6ft in height.
 - (b) Behind the required front yard, fences are limited to 6 ft in height.
- (4) Off-Street Parking.
- (a) Parking lots in the district shall be subject to the parking lot landscaping requirements outlined in Section 120-173F(2) of the City Zoning Code.
 - (b) Parking lots in the district shall be subject to the parking lot design standards outlined in Section 120-173F(3) of the City Zoning Code.
- (5) Signs.

Signage for the district shall be subject to the Alternate Sign Program as outlined in Section 120-177K of the City Zoning Code, except signs facing toward the interior of the site located on concession buildings and non permanent signs located on the playing surface level shall be permitted without requiring a Certificate of Zoning Compliance.

- (6) Additional Requirements.
- Development in the Erie Canal Urban Renewal District shall be subject to the requirements applying to all districts outlined in Article XX of the City Zoning Code except for fences, off-street parking and signs which are regulated in Sections (3), (4) and (5) above.
- (7) Exceptions.
- Development in the Erie Canal Urban Renewal District shall not be subject to the City-wide design guidelines and standards listed in Article XIX of the City Zoning Code.

Section 2. Section 120-119 of the Municipal Code, relating to Urban Renewal Districts, is hereby amended by adding the following new subsections L and M thereto:

- L. Brooks Landing Urban Renewal District.
- M. Erie Canal Urban Renewal District.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-277
(Int. No. 308)

Changing The Zoning Classification Of 524 Oak Street, 900 Broad Street, And 448 And 480 Smith Street From M-1 Industrial To Erie Canal 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 changing the zoning classification of the following-described properties, constituting 524 Oak Street, 900

Broad Street, and 448 and 480 Smith Street, from M-1 Industrial to Erie Canal Urban Renewal District:

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

Beginning at a point in the northeasterly line of West Broad Street at a point 243.25 feet northwesterly from the northwest street line of Smith Street;

- Thence 1) N 45° 40' 56" W along the northeasterly line of West Broad Street a distance of 348.11 feet more or less to an angle point in the West Broad Street right-of-way line;
- Thence 2) N 65° 50' 06" W along the northerly line of West Broad Street a distance of 543.35 feet to an angle point in the West Broad Street right-of-way line;
- Thence 3) Continuing along the northeasterly right-of-way line of West Broad Street and it's various courses a distance of 255.54 feet said point being the northwest corner of Lot 2 as shown on a map prepared by Bergmann Associates and filed in the Monroe County Clerk's Office in Liber 255 of maps at page 3;
- Thence 4) Easterly and along the northerly line of said Lot 2 and it's easterly extension a distance of 355.29 feet more or less to the centerline of the former Moore Street;
- Thence 5) Northerly along the centerline of the former Moore Street a distance of 4.1 feet more or less to the westerly extension of the northerly line of said Lot 2;
- Thence 6) Easterly along said extension and the northerly line of said Lot 2 a distance of 524 feet more or less to the southwesterly line of Oak Street;
- Thence 7) Northwesterly along the southwesterly line of Oak Street to the southwesterly extension of the southeasterly right-of-way line of Lind Street;
- Thence 8) Northeasterly along said extension and the Lind Street right-of-way a distance of 353.5 feet more or less to the southwest corner of Lot 23 of the John Williams Tract;
- Thence 9) Southeasterly along the southwesterly lines of Lots 23, 22 and 21 of the John Williams Tract a distance of 120 feet more or less to the southwest corner of Lot 20;
- Thence 10) Southwesterly along the southwesterly extension of the northwesterly line of Lot 20 a distance of 17 feet to a point;
- Thence 11) Southeasterly and parallel with the

southwesterly line of said Lot 20 a distance of 40 feet more or less to the southwesterly extension of the southeasterly line of said Lot 20;

- Thence 12) Northeasterly along said extension a distance of 17 feet to the southwest corner of Lot 20;
- Thence 13) Southeasterly along the southwesterly lines of Lots 19 thru 7 a distance of 527.95 feet to the southeasterly corner of said Lot 7;
- Thence 14) Northeasterly along the southeasterly line of Lot 7 a distance of 15.75 feet to a point;
- Thence 15) Southeasterly along the northeasterly line of Lot R 37 as shown on a re-subdivision map of part of Township 1, Short Range of the Phelps and Gorham Purchase and filed in the Monroe County Clerk's Office in Liber 252 of maps at page 54 for a distance of 34.03 feet to an angle point in said line;
- Thence 16) Continuing southeasterly along the northeasterly line of said Lot R 37 a distance of 128 feet to the westerly line of Smith Street;
- Thence 17) Southwesterly along the right-of-way line of Smith Street a distance of 735 feet more or less to the southwest corner of Lot 3 as shown on a map recorded in the Monroe County Clerk's Office in Liber 255 of maps at page 3;
- Thence 18) Northwesterly along the southwesterly line of said Lot 3 a distance of 123.25 feet to a point;
- Thence 19) Northeasterly along said Lot 3 a distance of 25.50 feet to a point;
- Thence 20) Northwesterly along the southwesterly line of said Lot 3 a distance of 120 feet to the southeasterly line of said Lot 2;
- Thence 21) Southwesterly along the southeasterly line of said Lot 2 a distance of 125.50 feet to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-278
(Int. No. 309)

Amending Ordinance No. 2002-383 To Designate 448 Smith Street And An Additional Portion Of Oak Street For The Erie Canal Urban Renewal District

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

Section 1. By Ordinance No. 2002-383, the Coun-

cil designated the parcels known as 900 West Broad Street, SBL #105.75-02-06.1; 524 Oak Street, SBL #105.76-01-057; 480 Smith Street, SBL #105.76-01-50.1, and a portion of Oak Street, as substandard and unsanitary and appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and designated the same as an urban renewal area to be known as the Erie Canal Urban Renewal District in order to facilitate the redevelopment of said area as the site of a new stadium for the Rochester Raging Rhino's Soccer Team. During the development of the plan for said district, the Rhino's entered into negotiations for the acquisition of parcel at 448 Smith Street, adjacent to the district, for administrative and parking use in conjunction with the stadium. Although said parcel is not itself substandard and unsanitary, the Council finds that the addition of said parcel to the district is necessary for the effective undertaking of the urban renewal program. The Council also amends the boundaries to include the complete portion of Oak Street between Smith Street and Lind Street which can now be abandoned. The full area to be designated is now described as follows:

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

Beginning at a point in the northeasterly line of West Broad Street at a point 243.25 feet northwesterly from the northwest street line of Smith Street;

- Thence 1) N 45° 40' 56" W along the northeasterly line of West Broad Street a distance of 348.11 feet more or less to an angle point in the West Broad Street right-of-way line;
- Thence 2) N 65° 50' 06" W along the northerly line of West Broad Street a distance of 543.35 feet to an angle point in the West Broad Street right-of-way line;
- Thence 3) Continuing along the northeasterly right-of-way line of West Broad Street and it's various courses a distance of 255.54 feet said point being the northwest corner of Lot 2 as shown on a map prepared by Bergmann Associates and filed in the Monroe County Clerk's Office in Liber 255 of maps at page 3;
- Thence 4) Easterly and along the northerly line of said Lot 2 and it's easterly extension a distance of 355.29 feet more or less to the centerline of the former Moore Street;
- Thence 5) Northerly along the centerline of the former Moore Street a distance of 4.1 feet more or less to the westerly extension of the northerly line of said Lot 2;
- Thence 6) Easterly along said extension and the northerly line of said Lot 2 a distance of 524 feet more or less to the southwesterly line of Oak Street;
- Thence 7) Northwesterly along the south-

westerly line of Oak Street to the southwesterly extension of the southeasterly right-of-way line of Lind Street;

- Thence 8) Northeasterly along said extension and the Lind Street right-of-way a distance of 353.5 feet more or less to the southwest corner of Lot 23 of the John Williams Tract;
- Thence 9) Southeasterly along the southwesterly lines of Lots 23, 22 and 21 of the John Williams Tract a distance of 120 feet more or less to the southwest corner of Lot 20;
- Thence 10) Southwesterly along the southwesterly extension of the northwesterly line of Lot 20 a distance of 17 feet to a point;
- Thence 11) Southeasterly and parallel with the southwesterly line of said Lot 20 a distance of 40 feet more or less to the southwesterly extension of the southeasterly line of said Lot 20;
- Thence 12) Northeasterly along said extension a distance of 17 feet to the southwest corner of Lot 20;
- Thence 13) Southeasterly along the southwesterly lines of Lots 19 thru 7 a distance of 527.95 feet to the southeasterly corner of said Lot 7;
- Thence 14) Northeasterly along the southeasterly line of Lot 7 a distance of 15.75 feet to a point;
- Thence 15) Southeasterly along the northeasterly line of Lot R 37 as shown on a re-subdivision map of part of Township 1, Short Range of the Phelps and Gorham Purchase and filed in the Monroe County Clerk's Office in Liber 252 of maps at page 54 for a distance of 34.03 feet to an angle point in said line;
- Thence 16) Continuing southeasterly along the northeasterly line of said Lot R 37 a distance of 128 feet to the westerly line of Smith Street;
- Thence 17) Southwesterly along the right-of-way line of Smith Street a distance of 735 feet more or less to the southwest corner of Lot 3 as shown on a map recorded in the Monroe County Clerk's Office in Liber 255 of maps at page 3;
- Thence 18) Northwesterly along the southwesterly line of said Lot 3 a distance of 123.25 feet to a point;
- Thence 19) Northeasterly along said Lot 3 a distance of 25.50 feet to a point;
- Thence 20) Northwesterly along the southwesterly line of said Lot 3 a distance of 120 feet to the southeasterly line of said Lot 2;

Thence 21) Southwesterly along the southeasterly line of said Lot 2 a distance of 125.50 feet to the point or place of beginning.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York, or that the inclusion of parcels in the district is necessary for the effective undertaking of the urban renewal program. Designation of this area as a urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-279
(Int. No. 334)

Abandonment Of A Portion Of Oak 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 parcel, heretofore dedicated to street purposes and constituting a portion of Oak Street:

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

Beginning at the intersection of the southeasterly line of Lind Street and the northeasterly line of Oak Street;

Thence 1) Southwesterly along the extension of the southeasterly line of Lind Street a distance of 60.20 feet more or less to the southwesterly line of Oak Street;

Thence 2) Southeasterly along the southwesterly line of Oak Street a distance of 325.04 feet more or less to an angle point;

Thence 3) Continuing southeasterly along the southwesterly line of Oak Street a distance of 516 feet more or less to an angle point;

Thence 4) Southeasterly along the southwesterly street line of Oak Street a distance of 14.12 feet to the northwesterly street line of Smith Street;

Thence 5) Northeasterly along the northwesterly street line of Smith Street a distance of 70 feet to the northeasterly line of Oak Street;

Thence 6) Northwesterly along the northeasterly line of Oak Street a distance of 523.61 feet more or less to an angle

point;

Thence 7) Continuing northwesterly along the northeasterly line of Oak Street a distance of 327.32 feet more or less to the point or place of beginning.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of July 21, 2003.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2003-20
Re: Aviation Learning, Inc.

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the relocation request of Aviation Learning, Inc which relocated from One Airport Way in the City of Rochester to 150 Lucius Gordon Drive in West Henrietta.

The company was forced to move when their landlord did not renew their lease because their business expanded to include catalog fulfillment. In addition, the landlord only gave the company ten days notice to vacate the premises. Their new location at 150 Lucius Gordon Drive in West Henrietta is located within the Monroe County Empire Zone.

Aviation Learning would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. However, Section 959 (a) (iii) of the NYS law only allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ if the "shift of operations" is approved by the municipality from which the company relocated.

As required by law, where the shift is from an area in one municipality to another municipality's EZ: a public hearing must be held by the municipality from which the company is moving, and the local governing body of that municipality must approve, by resolution, the shift of operations. If the relocation procedure does not occur, the company will not qualify for EZ benefits. In the past, companies have relocated to the City Empire Zone from Henrietta and other municipalities. It was necessary for these companies to go through the same relocation procedures stated above so that they would qualify for EZ benefits in the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-20
(Int. No. 310)

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Aviation Learning, Inc., (the "Company") an instructional software company with offices located at 150 Lucius Gordon Drive, Suite 200, West

Henrietta, New York 14586, did business at One Airport Way, Rochester, New York 14624 in the City of Rochester from August, 2001 through December, 2002 and

WHEREAS, the Company employed sixteen people in 2003, including 11 residents of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when the present landlord of One Airport Way did not renew their lease when their business expanded to include catalog fulfillment, and

WHEREAS, the Rochester City Council has heard public comments that extraordinary circumstances existed to warrant the relocation of the company to the Monroe County Empire Zone at a public hearing held on August 26, 2003 at the City Council Chambers,

NOW, THEREFORE BE IT RESOLVED, that the Rochester City Council consents to the relocation of Aviation Learning, Inc. from the City of Rochester to the Monroe County Empire Zone in the Town of Henrietta.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Thompson
August 26, 2003

To the Council:

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

Int. No. 311 - Authorizing Agreements For Human Services Projects

Int. No. 312 - Authorizing Agreements For The Communi-Tech Project

Int. No. 313 - Authorizing Amendatory Agreements For The RASA Program

Int. No. 335 - Resolution Approving Reappointments To The Board Of Directors Of Action For A Better Community, Inc.

Int. No. 336 - Resolution Approving Reappointment To The Board Of Directors Of Action For A Better Community, Inc.

The Public Services & the Arts Committee recommends for consideration the following entitled legislation:

Int. No. 314 - Authorizing An Amendatory 2003-04 Community Development Program Plan And An Agreement For The Creating Assets, Savings And Hope Program

The following entitled legislation is being held in committee:

Int. No. 332 - Authorizing An Agreement For Youth Development Services And Amending The 2003-04 Budget

Respectfully submitted,
Tony M. Thompson
Tim O. Mains (Abstained vote on Int. No. 335.)
Lois J. Giess

Gladys Santiago
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-280
Re: Agreements - Human Services Projects

R2010: Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety, and Responsibility
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing agreements for the following human services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Academy for Career Development Kid Tech	\$49,331
Arts & Cultural Council Artworks	30,200
Grace Urban Ministries Shalom Family Life Center	20,000
YMCA of Greater Rochester Teens on Track	25,000

The above projects are all considered projects with matching funds and are eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The proposed agreements represent the first year of CDBG funding for the Kid Tech project, the third year of CDBG funding for the Artworks projects, the fourth year of funding for Teens on Track, and the fifth year of funding for Shalom Family Life Center.

The cost of the Artworks agreement will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant. The cost of the Kid Tech, Shalom Family Life Center, and Teens On Track projects will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

The Project Information forms are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-115

Ordinance No. 2003-280
(Int. No. 311)

Authorizing Agreements For Human Services Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for Human Services Projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Academy for Career Development Kid Tech	\$49,331
Arts & Cultural Council Artworks	30,200
Grace Urban Ministries Shalom Family Life Center	20,000
YMCA of Greater Rochester Teens on Track	25,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$124,531, and of said amount, or so much thereof as may be necessary, \$30,200 is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program and \$94,331 is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-281
Re: Community Technology Initiative
Projects
R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation authorizing agreements with the following Community Technology Initiative projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
The Academy for Career Development Communi-Tech	\$95,200
WXXI Public Broadcasting Lease Agreement	4,800

In 2001, the City was awarded an equipment grant for \$100,000 from 3COM Corporation. This grant was a key starting point for a Community Technology Initiative designed to bring community-based computer learning to those citizens experiencing the effects of the digital divide. Using this 3COM equipment, the Communi-Tech project provides a direct, on-line Help Desk that gives technical assistance to a network of neighborhood computer learning centers throughout the City. Communi-Tech also provides Information Technology apprenticeships to disabled, poor, and low-income community residents.

WXXI, through a lease agreement, provides a central location site for the Communi-Tech project for the location of exclusive computer equipment. The location is also the site for the offices of the technical services personnel. Both initiatives share similar goals of advancing community-based learning.

The Communi-Tech project is considered a project with matching funds and is eligible for up to five years of funding under the human services funding under guidelines approved by the City Council in June, 1981. The proposed agreements represent the second year of CDBG funding.

The cost of the agreements will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

The Project Information forms are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-116

Ordinance No. 2003-281
(Int. No. 312)

Authorizing Agreements For The Communi-Tech Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Academy for Career Development for the Communi-Tech Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$95,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

Section 3. The Mayor is hereby further authorized to enter into an agreement with WXXI Public Broadcasting for the lease of technical operation space at 280 State Street to be used for the Communi-Tech Project. The agreement shall extend for a term of one year.

Section 4. The lease agreement shall obligate the City to pay an amount not to exceed \$4,800, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-282
Re: Agreement Amendments - 21st
Century Community Learning
Centers Program

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program. On May 13, 2003,

Council authorized the receipt of a grant of \$2,595,000 from the New York State Department of Education for the operation of the Rochester After School Academy (RASA) program. The full grant period is for five years for a total grant award of \$7,785,000.

RASA is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA will operate 11 Academies (Community Learning Center sites) at Title I schools, and will serve 1,105 students and the 325 family members.

Because of State funding deadlines and requirements, two individual RASA consultant agreements required immediate development and had, at that time, pre-set lengths and amounts. These contracts are with consultant Michelle Benham and consultant Bradley Hurst. The proposed amendment seeks to extend the end dates and increase the amounts of each of these agreements in order to provide these services to the RASA program for a complete full-year term.

This legislation will:

1. Amend the agreement, with Michelle Benham by extending the current end date from August 22, 2003, to June 30, 2004; and by increasing the maximum compensation by \$34,070, from \$9,862 to \$43,932.
2. Amend the agreement with Bradley Hurst by extending the current end date from August 22, 2003, to June 30, 2004; and by increasing the maximum compensation by \$34,070, from \$9,862 to \$43,932.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-282
(Int. No. 313)

Authorizing Amendatory Agreements For The RASA Program

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

Section 1. The Mayor is hereby authorized to enter into amendatory agreements with Michelle Benham and Bradley Hurst for services for the RASA Program in an amount not to exceed \$34,070 each.

Section 2. The amendatory agreements shall obligate the City of Rochester to pay an amount not to exceed \$68,140, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3 of Ordinance No. 2003-135.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-21

Re: Appointments - ABC Board

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation making the following appointments to the Action for a Better Community, Inc. Board of Directors:

Tim O. Mains
10 The Highlands
Rochester, NY 14622

Richard Lourette
245 Ravenwood Avenue
Rochester, NY 14619

Marie Barnes
263 Woodbine Avenue
Rochester, NY 14619

The three appointees will serve a three-year term of office, through August 31, 2006.

The City and Monroe County are each authorized to appoint representatives to the Board of Directors of Action for a Better Community, Inc. Of the City's representatives, three are appointed by City Council, and one is appointed by the Mayor, subject to confirmation by the City Council.

A copy of each appointee's resume is on file in the office of the City Clerk.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2003-21
(Int. No. 335)

Resolution Approving Reappointments To The Board Of Directors Of Action For A Better Community, Inc.

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

Section 1. The Council hereby approves the reappointments of the following persons to the Board of Directors of Action for a Better Community, Inc. for terms which shall expire on August 31, 2006:

Tim O. Mains, 10 The Highlands, Rochester, NY 14622

Richard Lourette, 245 Ravenwood Avenue, Rochester, NY 14619

Marie Barnes, 263 Woodbine Avenue, Rochester, NY 14619

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

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

Nays - None - 0.

Councilmember Mains abstained vote because he is an appointee to the Board of Directors.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-22
Re: Appointment - ABC Board

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation appointing Loretta C. Scott to the Action for a Better Community, Inc. Board of Directors for a three-year term.

As you know, Ms. Scott is the City's Commissioner of Parks, Recreation and Human Services. She has served on the ABC Board since 1988.

The City and Monroe County are each authorized to appoint representatives to the Board of Directors of Action for a Better Community, Inc. Of the City's representatives, three are appointed by City Council, and one is appointed by the Mayor, subject to confirmation by the City Council.

A copy Commissioner Scott's resume is on file in the office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-22
(Int. No. 336)

Resolution Approving Reappointment To The Board Of Directors Of Action For A Better Community, Inc.

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

Section 1. The Council hereby approves the reappointment of Loretta C. Scott to the Board of Directors of Action for a Better Community, Inc. for a term which shall expire on August 31, 2006.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-283
Re: C.A.S.H. Initiative

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the United Way Services Corporation to partially finance the costs of the Creating Assets, Savings and Hope (C.A.S.H.) Initiative. The maximum cost of this agreement is \$20,000, which will be funded from the General Community Needs allocation of the 2003-04 Community Development Block Grant by transferring \$20,000 from the Job Creation/Youth Development account to a new account for this program.

The C.A.S.H. Initiative is a community wide collaborative approach to lift families in Monroe County above the poverty line through a major effort to increase utilization of the Earned Income Credit (EIC) by low-income families and to strengthen the capacities of effective asset-building programs (e.g. matched savings accounts).

According to the U.S. Census Bureau, the EIC has lifted more people above the Federal poverty line than any other federal aid program; despite this fact, up to 25% of those eligible fail to claim this credit. This results in a loss of over \$20 million to the people in Monroe County who are most in need. Many economists believe that lack of assets is a greater barrier to advancement for low-income people than low income. A variety of tools and approaches designed to increase household assets have been developed and will be implemented in this initiative.

Free tax preparation and services to increase financial asset building will be provided for an estimated 5,000 low-income workers in Monroe County, with the emphasis on groups known to under-utilize these benefits. This approach could yield an estimated \$7.4 million returned to area residents.

The total cost of this project is \$105,000. It will be financed as follows:

City	\$ 20,000
United Way Services Corporation	57,000
Rochester Area Community Foundation and Marie & Joseph C. Wilson Foundation	28,000
Total	\$105,000

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-283
(Int. No. 314)

Authorizing An Amendatory 2003-04 Community Development Program Plan And An Agreement For The Creating Assets, Savings And Hope Program

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

Section 1. The Council hereby approves an amendment to the 2003-04 Community Development Program Plan whereby within the General Community Needs Allocation the Job Creation/Youth Development Account shall be reduced by the sum of \$20,000 and said amount shall be transferred to a new account for the Creating Assets, Savings and Hope Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with United Way Services Corporation for the Creating Assets, Savings and Hope Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 332
Re: Youth Development Services

R2010: Campaign 2 - Educationa Excel-
lence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legisla-
tion to:

1. Appropriate \$15,000 from the Third Year Weed And Seed grant;
2. Appropriate \$15,400 from the 1999-2000 Community Development Block Grant General Community Needs allocation;
3. Amend the Department of Parks, Recreation, and Human Services 2003-04 budget by \$30,400; and
4. Authorize maximum compensation of \$21,900 for a professional services agreement with Ms. Melanie Killian with offices located at 75 Lansdale Street, Rochester, New York 14620.

The Department of Parks, Recreation and Human Services will utilize these incremental resources to enhance youth development and recreation services in 2003-04. They will fund a part- time recreation assistant (\$8,500) and the professional services agreement with Ms. Killian (\$21,900) for coordination of Biz Kid\$ 1 and 2 programs; the organization of quarterly reunions for Biz Kid graduates; the training of volunteers and Recreation staff to become trainers; assistance to the Kid Tech program; provision of program support to the advisors of Youth Councils at each Recreation center; coordination and monitoring of the Jr. Recreation Leader Program; assistance in the planning and conducting of monthly meetings and activities with City/County Youth Council; planning and running the "Steppin Up To Solutions" Conference; and creating youth-led training to support youth empowerment.

Ms. Killian had been engaged in similar activities with the Department as an AmeriCorps participant. Federal funding reductions necessitated the termination of her engagement through AmeriCorps.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 332

AUTHORIZING AN AGREEMENT FOR YOUTH DEVELOPMENT SERVICES AND AMENDING THE 2003-04 BUDGET

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

Section 1. The sum of \$21,900, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Melanie Killian for assistance in the establishment of youth development programs at community centers. Said amount shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 2. Ordinance No. 2003-220, the 2003-

04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$30,400, and of said amount, \$15,000 is hereby appropriated from the Federal Weed n' Seed Grant Funds, and \$15,400 is hereby appropriated from the General Community Needs Allocation of the 1999-2000 Community Development Program.

Section 3. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Stevenson
August 26, 2003

To the Council:

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

Int. No. 315 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Broad Street Public Improvement Project

Int. No. 316 - Authorizing An Application And Agreement For A New York State Grant For The Rapids Cemetery And Amending The 2003-04 Budget

Int. No. 317 - Approving An Easement To The Rochester District Heating Cooperative
The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 329 - Authorizing Changes In The Pavement Width Of Lexington Avenue As A Part Of The Lexington Avenue (Mt. Read Boulevard To Dewey Avenue) Improvement Project

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-284
Re: Broad Street Public Improvement
Project (Lyell Avenue to Brown Street)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with FRA Engineering (formerly known as Flint, Allen, White & Radley, P.C.) for additional services required to complete design of the Broad Street Public Improvement Project. The maximum cost of the amendatory agreement will be \$32,000, which will be financed from the 2000-01 Cash Capital allocation. The proposed legislation will bring the total cost of the agreement from \$160,000 to \$192,000.

The original agreement, authorized by Council on September 15, 1998, was for engineering planning

and design services. The project, which extends from Lyell Avenue to Brown Street, involves rehabilitation or reconstruction of the pavement; installation of new water mains, curbs, catch basins, driveway aprons and sidewalks, as required; and landscaping. Preliminary design was begun in 1999; however, further design was deferred because of redevelopment proposals in the area. As you are aware, the Broad Street location was selected to be the site of the new PaeTec Soccer Stadium and it is timely to resume design of the public improvement project.

The services to be provided as part of the amendatory agreement include an update of the survey that was prepared in 1999, additional coordination with the neighborhood and the PaeTec Soccer Stadium, and the additional planning and design services required to incorporate special features and amenities along Broad Street in support of redevelopment in the area.

It is anticipated that design of the public improvements will be completed in early 2004 and that construction will begin in the Spring of 2004. The estimated cost of construction, \$2,475,000 is provided for in the 2004 Capital Improvement Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-117

Ordinance No. 2003-284
(Int. No. 315)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Broad Street Public Improvement Project

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

Section 1. The sum of \$32,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering for engineering planning and design services for the Broad Street Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-285
Re: Rapids Cemetery Grant

- R2010: Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to improvements to the Rapids Cemetery on Congress Avenue. This legislation will:

1. Authorize an agreement with the State of New York/Department of State for the receipt of \$5,000 from the Community Service Provider

Assistance Program.

2. Amend the 2003-04 Cash Capital allocation of the Department of Parks, Recreation and Human Services to reflect this grant.

The Rapids Cemetery (commonly referred to as Congress Avenue Cemetery) was named for the rapids nearby in the Genesee River. Interred there are inhabitants of the early settlement of Castletown, including veterans from the American Revolution, the War of 1812, the Civil War, the Spanish-American War, and World War I. The two acres were originally part of the Wadsworth Tract and set aside in 1810 for a cemetery that was active until the 1950's.

Several years ago, the Department of Parks, Recreation and Human Services was contacted by representatives of the Veteran's Memorial and Executive Committee and asked to improve maintenance of the grounds. Recently, the cemetery has been the site of numerous volunteer projects including several United Way Days of Caring and an Eagle Scout project that righted toppled headstones.

The cemetery is the site of an annual Memorial Day Observance by the Veteran's Memorial and Executive Committee at the grave of Pamela Merritt, a Civil War nurse.

The City of Rochester has been awarded a Legislative Member Item Award through the efforts of former Senator Dollinger in the 2003-2004 State Budget to be administered by the New York State Department of State.

The money will be used to install ornamental and chain link fencing at the cemetery to improve aesthetics and better control access.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-118

Ordinance No. 2003-285
(Int. No. 316)

Authorizing An Application And Agreement For A New York State Grant For The Rapids Cemetery And Amending The 2003-04 Budget

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of State for funding for improvements to the Rapids Cemetery.

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

Section 3. Ordinance No. 2003-220, the 2003-04 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 \$5,000, 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. 2003-286
Re: Permanent Easement - Rochester
District Heating Cooperative

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the granting of a permanent easement to the Rochester District Heating Cooperative (RDHC) for the installation and maintenance of a steam line through the Genesee Crossroads Garage, which will service the Crowne Plaza Hotel located at 70 State Street.

RDHC has requested permission from the City to re-use the original 4" steam line easement that the City had previously granted to Rochester Gas & Electric in 1968. When the Cooperative was formed in 1986, the order of transfer extinguished all previous easements not in use. This 4" line was not in use in 1986; thus, the easement associated with it was extinguished.

The Crowne Plaza would be a significant addition to the Cooperative and would lower all current members' costs. For example, the first-year benefit to the City of Rochester is approximately \$2,000 and would increase to over \$8,000 per year by the tenth year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-286
(Int. No. 317)

Approving An Easement To The Rochester District Heating Cooperative

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

Section 1. The Council hereby approves the granting of an easement to the Rochester District Heating Cooperative for the installation and maintenance of a steam line through the Genesee Crossroads Garage to service the Crowne Plaza Hotel.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-287
Re: Lexington Avenue Improvement
Project (Mt. Read Boulevard to
Dewey Avenue)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Lexington Avenue Public Improvement Project from Mt. Read Boulevard to Dewey Avenue. This legislation will authorize changes in pavement widths on Lexington Avenue as follows:

- 1. An increase of 1 foot, from 70 feet to 71 feet, from Mount Read Boulevard easterly for 150 feet; and,

- 2. A 50 foot transition, from 71 feet to 60 feet; and,
- 3. An increase of 2 feet, from 58 feet to 60 feet, from the latter point easterly for 530 feet; and,
- 4. A decrease of 9 feet, from 58 feet to 49 feet, from the latter point easterly for 500 feet; and,
- 5. A 50 foot transition, from 49 feet to 38 feet; and,
- 6. A decrease of 20 feet, from 58 feet to 38 feet, from the latter point easterly for 600 feet; and,
- 7. A 30 foot transition, from 38 feet to 34 feet; and,
- 8. A decrease of 4 feet, from 38 feet to 34 feet, from the latter point easterly for 160 feet; and,
- 9. A 30 foot transition, from 34 feet to 38 feet; and,
- 10. A decrease of 2 feet, from 40 feet to 38 feet, from the latter point easterly for 250 feet; and,
- 11. A 240 foot transition, from 38 feet to 28 feet; and,
- 12. A decrease of 6 feet, from 34 feet to 28 feet, from the latter point easterly for 85 feet; and,
- 13. A 235 foot transition, from 28 feet to 38 feet; and,
- 14. A decrease of 8 feet, from 46 feet to 38 feet, from the latter point easterly for 340 feet; and,
- 15. A 120 foot transition, from 38 feet to 32 feet; and,
- 16. An increase of 2 feet, from 30 feet to 32 feet, from the latter point easterly for 1500 feet; and,
 - a. A decrease of 6 feet, from 32 feet to 26 feet at the SW corner of Linnet Street to provide a bump out for a school pedestrian crossing; and,
 - b. A decrease of 6 feet, from 32 feet to 26 feet at the SE corner of Oriole Street to provide a bump out for a school pedestrian crossing; and,
- 17. A 270 foot transition, from 32 feet to 38 feet; and,
- 18. Install recessed parking along the north side of Lexington Avenue at the following locations:
 - a. 8 feet wide, beginning 600 feet east of Mt. Read Blvd. easterly for 230 feet; and,
 - b. 10 feet wide, beginning 40 feet east of Lark Street easterly for 100 feet; and,
 - c. 10 feet wide, beginning 180 feet east of Lark Street easterly for 100 feet; and,

- d. 8 feet wide, beginning 40 feet east of Oriole Street easterly for 200 feet; and,
- e. 8 feet wide, beginning 50 feet east of Finch Street easterly for 200 feet.

Design of the Lexington Avenue Public Improvement Project by the Sear Brown Group was authorized by Council on September 17, 2002. The project features include rehabilitation, reconstruction and reconfiguration of the roadway, intersection improvements, installation of new drainage, curbs, sidewalks, a water distribution system, signage, traffic signals, pavement markings, and streetscape improvements.

The City is administering the project on behalf of the New York State Department of Transportation (NYS-DOT) under an agreement authorized by City Council on November 20, 2001 (Ordinance 2001-368).

The proposed pavement width changes on Lexington Avenue will provide service for three different types of neighborhoods:

1. Industrial (Mt. Read Boulevard to R&S Bridge)
 - one 14 foot travel lane in each direction with 10 foot left turn lanes, a 10 foot median, additional 11 travel lanes near Mt. Read Blvd., and recessed parking in front of 1000 Lexington Avenue.
2. Commercial (R&S Bridge to Canary Street)
 - one 14 foot travel lane in each direction with 10 foot left turn lanes, and on street parking.
3. Residential (Canary Street to Dewey Avenue)
 - one 13 foot travel lane, one 11 foot travel lane adjacent to 8 foot on street parking, and some recessed parking in front of schools and the post office.

The current estimated cost of the project is \$5,483,000. Based on this estimate, the distribution of this cost would be as follows:

Federal Highway	\$4,386,000
State/Marcheselli	822,000
City Street	240,000
City Water	22,000
Pure Waters	8,000
MC Traffic	5,000
Total	\$5,483,000

It is anticipated that design of the project will be completed this Winter and that construction will begin in Spring 2004 and be substantially completed by Summer 2005.

A public meeting was held on June 18, 2003. Minutes of this meeting are attached.

The pavement width changes were presented to the Traffic Control Board for its endorsement at the August 5, 2003 meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-119

Ordinance No. 2003-287
(Int. No. 329)

Authorizing Changes In The Pavement Width Of Lexington Avenue As A Part Of The Lexington Avenue (Mt. Read Boulevard To Dewey Avenue) Improvement Project

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

Section 1. The Council hereby approves the following changes in pavement width as a part of the Lexington Avenue (Mt. Read Boulevard To Dewey Avenue) Improvement Project:

1. An increase of 1 foot, from 70 feet to 71 feet, from Mount Read Boulevard easterly for 150 feet; and,
2. A 50 foot transition, from 71 feet to 60 feet; and,
3. An increase of 2 feet, from 58 feet to 60 feet, from the latter point easterly for 530 feet; and,
4. A decrease of 9 feet, from 58 feet to 49 feet, from the latter point easterly for 500 feet; and,
5. A 50 foot transition, from 49 feet to 38 feet; and,
6. A decrease of 20 feet, from 58 feet to 38 feet, from the latter point easterly for 600 feet; and,
7. A 30 foot transition, from 38 feet to 34 feet; and,
8. A decrease of 4 feet, from 38 feet to 34 feet, from the latter point easterly for 160 feet; and,
9. A 30 foot transition, from 34 feet to 38 feet; and,
10. A decrease of 2 feet, from 40 feet to 38 feet, from the latter point easterly for 250 feet; and,
11. A 240 foot transition, from 38 feet to 28 feet; and,
12. A decrease of 6 feet, from 34 feet to 28 feet, from the latter point easterly for 85 feet; and,
13. A 235 foot transition, from 28 feet to 38 feet; and,
14. A decrease of 8 feet, from 46 feet to 38 feet, from the latter point easterly for 340 feet; and,
15. A 120 foot transition, from 38 feet to 32 feet; and,
16. An increase of 2 feet, from 30 feet to 32 feet, from the latter point easterly for 1500 feet; and,
 - a. A decrease of 6 feet, from 32 feet to 26 feet at the SW corner of Linnet Street to provide a bump out for a school pedestrian crossing; and,
 - b. A decrease of 6 feet, from 32 feet to 26 feet

at the SE corner of Oriole Street to provide a bump out for a school pedestrian crossing; and,

- 17. A 270 foot transition, from 32 feet to 38 feet; and,
- 18. Install recessed parking along the north side of Lexington Avenue at the following locations:
 - a. 8 feet wide, beginning 600 feet east of Mt. Read Blvd. easterly for 230 feet; and,
 - b. 10 feet wide, beginning 40 feet east of Lark Street easterly for 100 feet; and,
 - c. 10 feet wide, beginning 180 feet east of Lark Street easterly for 100 feet; and,
 - d. 8 feet wide, beginning 40 feet east of Oriole Street easterly for 200 feet; and,
 - e. 8 feet wide, beginning 50 feet east of Finch Street easterly for 200 feet.

Section 2. Such changes and additional changes as a part of the Lexington Avenue (Mt. Read Boulevard To Dewey Avenue) Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Stevenson moved to have Introductory No. 278 move out of committee. The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Introductory No. 278 was introduced July 22, 2003, and appears in its original form with its transmittal letter on page 276 of the current Council Proceedings.

Attachment No. AC-105

Local Improvement Ordinance No. 1522 (Int. No. 278)

Local Improvement Ordinance - Upgrading Of Streetscape Features As A Part Of The St. Paul Street (Avenue E to Norton Street) Improvement Project

Passed by the following vote:

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

Nays - None - 0.

By Councilmember Douglas
August 26, 2003

To the Council:

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

Int. No. 318 - Cancellation Of Taxes And Charges

Int. No. 319 - Authorizing An Application And Agreement For A New York State Archives Grant For The Fire Department And Amending The 2003-04 Budget

Int. No. 320 - Authorizing Extension Of The Lease Agreement For The Boys Club Parking Lot

Int. No. 321 - Authorizing Grant Agreements With The New York State Division Of Criminal Justice Services And Crime Victims Board

Int. No. 322 - Establishing Maximum Compensation For A Professional Services Agreement For The Police Records Management System

Int. No. 323 - Establishing Maximum Compensation For A Professional Services Agreement And Amending The 2003-04 Budget By Appropriating Forfeiture Funds

Int. No. 324 - Amending Ordinance No. 2003-18 Relating To A Pilot Drug Control Project

Int. No. 325 - Amending The 2002-03 Budget With Respect To Cash Capital

Int. No. 326 - Authorizing An Application And Agreement For The Local Law Enforcement Block Grant Program

Int. No. 330 - Authorizing An Agreement For A Meacham Foundation Memorial Grant And Amending The 2003-04 Budget

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

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-288
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$2,564.62.

An amount of \$1,455.05 or 56.74% of the total relates to one property that should have received a religious exemption on the 2003 Final Assessment Roll.

A total of \$1,109.57 or 43.26% of the total, is the result of a veterans exemption that was erroneously removed from the 2003 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2003-04 will be \$13,271.44.

	<u>Accounts</u>	<u>Amounts</u>
City Council	4	\$13,271.44
Administrative	<u>0</u>	<u> </u>
<u>0.00</u>	Total	4 \$13,271.44

These cancellations represent .006% of the tax receiv-

ables as of July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-288
(Int. No. 318)

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) A religious exemption was not entered on the 2003 Final Assessment Roll for the below referenced property.

S.B.L. #	Class	Amount Canceled
Address	Tax Year	
106.330-0002-046.12	NH	
\$1,455.05		
229 Alphonse St.	2004	

- (b) The property owner's veterans' exemption was inadvertently removed from the 2003 Final Assessment Roll.

S.B.L. #	Class	Amount Canceled
Address	Tax Year	
122.530-0002-005	H	
\$1,109.57		
59-61 Morningside Pk.	2004	

Total
\$2,564.62

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. 2003-289
Re: SARA Grant - Fire Department

R2010: Campaign 3 - Health, Safety & Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Archival Records Administration (SARA) for receipt and use of a grant of \$5,000 that will enable the City to inventory and format Federally mandated Hazardous Materials reports into a records management system with electronic backup. The legislation will also amend the 2003-04 budget of the Fire Department to reflect receipt and use of this grant.

In September 2001, the Council authorized an agreement with the Center for Governmental Research, Inc. (CGR) for the preparation of a disaster recovery plan for City records using a similar SARA grant.

That report, produced under the direction of the City Clerk (who is the City's Records Officer), identified and prioritized areas in greatest need of attention. Last year, funds were provided to address the pressing needs of the Water Bureau records.

The grant funds will be used to purchase equipment necessary for implementing a records management system and providing electronic research and backup capabilities. This will be used to access myriad documents not currently available after normal working hours. Federally mandated reports will be categorized, and site-specific information will be carried by the Hazardous Materials Response Team and Fire Department Command Vehicles. This project is expected to begin this summer and to be completed by June 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-289
(Int. No. 319)

Authorizing An Application And Agreement For A New York State Archives Grant For The Fire Department And Amending The 2003-04 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 Archival Records Administration for funding for the management of hazardous materials records.

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

Section 3. Ordinance No. 2003-220, the 2003-04 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 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-290
Re: Agreement - Boys Club Lot

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Vineyard Christian Church for the continued lease of the Boys Club Lot located at One Favor Street. The lot contains 116 spaces and is currently leased to the Vineyard Christian Church under an agreement authorized by City Council on September 19, 2000. This agreement expires on September 21, 2003.

Under the proposed agreement, the Church would continue to lease the lot for an additional two-year period. The annual lease payment to the City will remain at the current lease amount of \$2,473 because of the designation of 50 parking spaces in the lot for

use by City employees at no charge. These individuals had parking in the lot located on Pine Alley, adjacent to the old Public Safety Building, but were displaced from Pine Alley to this lot during the construction of the new Public Safety Building and the expansion of the Monroe County jail. These individuals still need to park in the lot due to the limited availability of parking near the new Public Safety Building. The lease payment would be adjusted if the City required additional parking spaces. In addition, the City may reserve use of the entire parking lot, upon written notice to the Church, for special event parking (e.g., Corn Hill Arts Festival). The lease payment would be adjusted for such special event parking.

In the event that the lot is needed for economic development purposes, the City would notify the Church, in writing, 90 days in advance before terminating the lease agreement.

The Church will be responsible for all expenses associated with operating the lot, which includes snow plowing, utilities, and all maintenance and repairs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-120

Ordinance No. 2003-290
(Int. No. 320)

Authorizing Extension Of The Lease Agreement For The Boys Club Parking Lot

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Vineyard Christian Church for the extension of the lease of the Boys Club Parking Lot for an additional period of two years. The extension shall provide that in the event the City needs to use more than 50 spaces in the lot, the rent shall be adjusted by the Municipal Parking Coordinator. The Municipal Parking Coordinator may designate the lot for special event parking if necessary and adjust the lease payment. If the parcel is needed for economic development purposes, the lease may be terminated upon 90 days written notice.

Section 2. Vineyard Christian Church shall be obligated to pay to the City the sum of \$2,473 annually for the lease.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-291
Re: Police Grants

R2010: Campaign 3 - Health, Safety, and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Criminal Justice Services (NYS/DCJS) and the New York State Crime Victims Board (NYS/CVB). The proposed agreements will permit the City to receive and expend the following three grants:

1. \$79,778 from NYS/DCJS under the Juvenile Accountability Incentive Block Grant (JAIBG) program for the period from 10/1/03 through 9/30/04;
2. \$233,500 from NYS/CVB under the Crime Victims Board Grants (CVB) program for the period from 10/1/03 through 9/30/04; and
3. \$2,817 from NYS/DCJS under the Juvenile Justice & Delinquency Prevention Administrative (JJDP) Grant program, for the period from 10/1/03 through 9/30/04.

Expenditures and revenues for each of these awards were anticipated in the 2003-04 Budget.

This JAIBG grant will be used to continue the Balanced and Restorative Justice, Juvenile Accountability Conferencing (JAC). These conferences are used to evaluate a juvenile offender's eligibility for diversion, to enable the juvenile to make amends to the victim and the community, to assist offenders in acquiring the skills to learn from their mistakes, and to protect public safety and security by imposing graduated sanctions. During the previous grant period JAC worked with 241 youths, applying the above steps in accountability and responsibility. The program resulted in a 92% compliance rate, and an excellent 9% recidivism rate. This will be the fifth year of funding for this program. The previous award was \$90,599, authorized by Council on May 14, 2002.

The CVB grant will be used to continue funding positions in the Family and Victims Services Section (FVSS). The staff provides direct services to crime victims. In the past year, they were able to work with 4,671 victims of crime in the city. Last year's funding was \$238,400, which was part of a two year award authorized by Council on May 15, 2001.

The JJDP grant will be used to offset a small portion of administrative costs associated with the administration of NYS DCJS juvenile grants. Last year the City received an identical award of \$2,817.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-291
(Int. No. 2003-321)

Authorizing Grant Agreements With The New York State Division Of Criminal Justice Services And Crime Victims Board

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

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Incentive Block (JAIBG) Grant Program and the Juvenile Justice and Delinquency Prevention Administrative (JJDP) Grant Program.

Section 2. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the New York State Crime Victims Board for

funding for the Family and Victim Services Section of the Rochester Police Department.

Section 3. The applications and 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. 2003-292
Re: Enhancements to Police Records System

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

Transmitted herewith for your approval is legislation establishing maximum compensation of \$35,000 for a professional services agreement with Voyager Systems, Inc., of Bedford, NH, for enhancing the Police Department's Records Management System. Funds for this agreement will come from two sources: Local Law Enforcement Block Grant Interest Earnings (\$14,200) and the 2002-2003 Cash Capital allocation (\$20,800).

On February 15, 2000, Council authorized the first phase of the agreement with Voyager. Under that agreement, they successfully converted and enhanced the department's Records Management System and installed it on a new server that is widely available and fully supported.

Under the proposed agreement, Voyager will provide a new graphical user interface (GUI) and a data security system that will allow the Department to conform with recognized security guidelines that pertain to police records. The new GUI will provide superior access to more than twelve years of police records.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-292
(Int. No. 322)

Establishing Maximum Compensation For A Professional Services Agreement For The Police Records Management System

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Voyager Systems, Inc. for a new graphical user interface and data security system for the Records Management System of the Rochester Police Department. Of said amount, \$20,800 shall be funded from the 2002-03 Cash Capital Allocation and \$14,200 is hereby appropriated from Local law Enforcement Block Grant Interest Earnings.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-293
Re: Appropriation of Forfeiture Funds -
Leadership Development

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation authorizing the appropriation of \$22,000 from forfeited property revenues and establishing said amount as maximum compensation for agreements with Monad Associates and St. John Fisher College. The proposed legislation also amends the 2002-03 Police Department budget by said amount. The balance available in the fund before this transaction was \$124,405.20.

The consultant services will provide a Leadership Development Certificate Program for RPD employees. This program will supplement the training provided in the 2003-04 Operating Budget.

According to guidelines established by the Attorney General, forfeiture funds may not be used to supplant existing budget appropriations. The expenditures recommended herein will augment existing services. The only previous appropriation of forfeiture funds during the current fiscal year was \$100,000 appropriated to the Police Budget to provide an enhanced level of covert evidence purchases and overtime for drug enforcement by the Special Investigation Section.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-293
(Int. No. 323)

Establishing Maximum Compensation For A Professional Services Agreement And Amending The 2003-04 Budget By Appropriating Forfeiture Funds

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 between the City and St. John Fisher College for a leadership development program for the Rochester Police Department. Said amount shall be funded from the 2003-04 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2003-220, the 2003-04 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 realized from seized and forfeited assets to fund the agreement authorized herein and additional police leadership development program services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-294
Re: Amendment to Drug Markets Pilot Project

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending Ordinance No. 2003-18, as previously amended by Ordinance No. 2003-113, to increase the amount for an agreement for consultant services relative to establishing a pilot project to control drug markets in a targeted area in Rochester.

The previous amount allocated for this project, \$60,000, omitted travel and per diem expenses for the consultant, which are estimated at \$18,000. Funding for this increase is available from the City's share of the 2001 Local Law Enforcement Block Grant, from the federal government, and from City budget funds earmarked for Drug Summit follow up.

In addition, the vendor name should be corrected to read: The President and Fellows of Harvard College, Office of Sponsored Research, rather than simply Harvard University.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-294
(Int. No. 324)

Amending Ordinance No. 2003-18 Relating To A Pilot Drug Control Project

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

Section 1. Ordinance No. 2003-18, relating to a Pilot Drug Control Project, as amended by ordinance No. 2003-113, is hereby further amended by authorizing the agreement for said Project to be with The President and Fellows of Harvard College, Office of Sponsored Research, at a maximum amount of \$78,000. Of the additional \$18,000 for said agreement, \$12,800 shall be funded from the 2002-03 Budget for Undistributed Expense and \$5,200 is hereby appropriated from 2001 Local Law Enforcement Block Grant Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-295
Re: 2002-03 Budget Amendment

R2010: Campaign 4 - Environmental Stewardship
Campaign 6 - Economic Vitality
Campaign 8 - Tourism
Campaign 10 - Center City

Transmitted herewith for your approval is legislation amending the 2002-03 budget by transferring appropriations totaling \$1,425,000 from the Contingency Appropriation to the Cash Capital Appropriation. Such appropriation transfers are permissible pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 37 other amendments to the 2002-03 budget. These amendments reflected four appropriation transfers, 31 appropriation increases based upon the receipt of additional revenues, and two technical corrections.

Actual receipts and expenditures for 2002-03 will be audited by the City's external auditors, Deloitte & Touche. The proposed amendment is required to fund expenditures, permit the completion of the audit and ensure adherence to section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

The increase to the Cash Capital Account is for the following:

Repairs to the High Falls Terrace	\$ 500,000
Land Acquisition	925,000
Total	<u>\$1,425,000</u>

On December 17, 2002, City Council approved an agreement with FRA Engineering to develop specifications for required repairs to the High Falls Terrace. Based upon their work, the City Engineer is recommending the construction of a steel-framed overlook on new concrete caissons approximately 25' east of the existing overlook. This approach is recommended to ensure long-term stability of the terrace. Construction is expected to be completed in Spring 2004.

The transfer for land acquisition is requested to be available for future land acquisition to support development. This transfer will partially offset the \$1,385,000 reduction in the planned 2003-04 acquisition allocation that was necessary to balance the 2003-04 Budget.

These planned transfers from Contingency to Cash Capital are consistent with the presentations made by the Administration to the City Council during City Council's public review of the 2003-04/2007-08 Capital Improvement Plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-295
(Int. No. 325)

Amending The 2002-03 Budget With Respect To Cash Capital

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

Section 1. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,425,000 from the Contingency Account to the Cash Capital Allocation to fund repairs to the High Falls Terrace (\$500,000) and Land Acquisition (\$925,000).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-296
Re: 8th Year Law Enforcement Block Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing the Mayor to enter into a grant funding agreement with the U.S. Department of Justice, Office of Justice Programs, for eighth year funding under the Local Law Enforcement Block Grant (LLEBG) program. The funding, in the amount of \$289,730, covers a two-year period commencing with the receipt of LLEBG funds. Since 1996, the City has received LLEBG funding annually under a formula allocation established by Federal legislation:

Federal Fiscal Year	Amount
1996	\$ 573,657
1997	631,916
1998	662,092
1999	644,345
2000	559,496
2001	546,991
2002	425,702
2003	289,730
Total	\$4,333,929

Recipients are required to electronically submit applications to the United States Department of Justice. The on-line application process is completed in steps, culminating in federal approval to actually draw down funds prior to making expenditures. The deadline period for receipt of on-line applications ends August 28, 2003; formal notification of awards is anticipated by mid-September. LLEBG program requirements mandate a public hearing and advisory board meetings to consider non-binding recommendations for distribution of LLEBG funds. We anticipate holding these meetings in September and October, if approved by Council to submit the LLEBG application.

LLEBG funds must be used to support one or more of the "purpose areas" established by LLEBG program legislation, including: Law Enforcement, Drug Court, Adjudication, and Crime Prevention. Detailed plans for allocation of the award to various City programs are being developed. Your approval of this legislation is recommended. Separate legislation will be requested of Council to authorize actual acceptance of the award, including such other agreements as necessary to implement the program locally.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-296
(Int. No. 326)

Authorizing An Application And Agreement For The Local Law Enforcement Block Grant 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 Justice for funding under the Local Law Enforcement Block Grant Program. Necessary local matching funds shall be provided through the annual budgets of the Rochester Police Department.

Section 2. The 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. 2003-297
Re: American Humane Association
Grant And Budget Amendment

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation authorizing receipt and use of \$4,000 from the Meacham Foundation Memorial Grant, administered by the American Humane Association, headquartered in Englewood, Colorado, to help fund the development of an on-site spay/neuter unit at the animal shelter operated by the Animal Services activity of the Police Department. This legislation would also amend the 2003-04 Budget, Cash Capital allocation to reflect the grant.

As a result of amendments to Agriculture and Markets Law mandating spaying and neutering of shelter animals, we have begun sterilizing nearly all healthy dogs and cats adopted from the shelter. Currently, the animals must be transported from the City's animal shelter at Verona Street to Lollypop Farm, where the surgeries are performed by the Humane Society's veterinary consultant, under the City's agreement with the Humane Society for veterinary services, and then transported back to the shelter. This grant will help the City to renovate the Verona Street animal shelter for an on-site surgical suite, to provide better and more cost-effective services.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-297
(Int. No. 330)

Authorizing An Agreement For A Meacham Foundation Memorial Grant And Amending The 2003-04 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 Meacham Foundation Memorial for a grant, administered by the American Humane Association, to help fund the development of an on-site spay/neuter unit at the animal shelter operated by the Rochester Animal Services, a unit of the Rochester Police Department.

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

Section 3. Ordinance No. 2003-220, the 2003-04 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, 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.

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

CAROLEE A. CONKLIN
City Clerk

* * * * *

*Michael Manioci
DPRHS

*Ann M. Monroe

RFD

*Bruce F. Celento

**Not attending meeting.*

APPROVAL OF THE MINUTES
By Councilmember Mains

RESOLVED, that the minutes of the Regular Meeting of July 22, 2003, the Special Meetings of August 4, 2003 and August 21, 2003, and the Regular Meeting of August 26, 2003, 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. 3737-7

Homesteading Lottery - September 30, 2003. 3738-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3739-7

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

None presented.

PUBLIC HEARINGS

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

Resolution Approving Relocation To The Monroe County Empire Zone Int. No. 349 No speakers.

Changing The Zoning Classification Of 200, 208 And 218-226 Clifford Avenue And 9-11, 55, 117-119 And 123-125 Roth Street From R-1 Low Density Residential To Planned Development District #3-Buena Vista Planned Development District Int. No. 369 Two speakers: Betty Dwyer and Joan Roby-Davison.

Approving The Lease To The Rochester Rhinos Stadium, LLC Of 524 Oak Street, 900 West Broad Street And 480 Smith Street Int. No. 371 Two speakers: Frank DuRoss and Marion Walker.

Authorizing An Amendatory 2002-03 Community Development Program Plan And Agreements For The Quad A For Kids And Metro Council On Teen Potential Programs Int. No. 354 No speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Norwood
September 23, 2003

To the Council:

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

Int. No. 337 - Authorizing The Sale Of Real Estate

REGULAR MEETING
SEPTEMBER 23, 2003

Present - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson, Thompson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

Mayor's Office

Betty Marshall

RPD

Annie K. Craven-Walker

Edward F. Knaak, Jr.

DES

Int. No. 338 - Granting An Easement In The Town Of Hemlock

Int. No. 339 - Granting An Easement Along Lake Avenue

Int. No. 340 - Resolution Approving Reappointments To The City Planning Commission

Int. No. 341 - Resolution Approving Reappointments To The Zoning Board Of Appeals

Int. No. 342 - Authorizing An Agreement With The Urban League Of Rochester Economic Development Corporation For The Fulton Avenue Redevelopment Project

Int. No. 343 - Authorizing An Application And Agreements For The Home Rochester Program

Int. No. 344 - Amending Ordinance No. 2003-26 Relating To Loan Agreements For Rental Projects And Extending ACAP Float Loans, As Amended

Int. No. 345 - Appropriating Funds For The Geographic Information System

Int. No. 346 - Establishing \$15,000 As Maximum Annual Compensation For An Amendatory Lease Agreement For Additional High Falls Maintenance Services

Int. No. 347 - Authorizing An Amendatory Lease Agreement Relating To The Abandonment Of A Portion Of Commercial Street

Int. No. 348 - Resolution Establishing The Time And Place Of A Public Hearing And Time For Objections Relating To The Establishment Of The High Falls Business Improvement District

Int. No. 370 - Authorizing Agreements With Windsor Manufacturing Co., Inc.

Int. No. 372 - Authorizing Applications And Agreements For Lead-Based Paint Hazard Control Programs

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 349 - Resolution Approving Relocation To The Monroe County Empire Zone

Int. No. 369 - Changing The Zoning Classification Of 200, 208 And 218-226 Clifford Avenue And 9-11, 55, 117-119 And 123-125 Roth Street From R-1 Low Density Residential To Planned Development District #3-Buena Vista Planned Development District

Int. No. 371 - Approving The Lease To The Rochester Rhinos Stadium, LLC Of 524 Oak Street, 900 West Broad Street And 480 Smith Street

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
William F. Pritchard
Lois J. Giess (Voted on Int. No. 337 through Int. No. 345.)
Gladys Santiago (Abstained vote on Int. No. 369.)
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE
Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2003-298, 2003-299,
And 2003-300
Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of 52 properties and the granting of two easements.

Sales

The first 31 structures were sold at the June 19, 2003 Public Auction. The purchasers will be required to rehabilitate the structures in accordance with their legal uses within nine months of the closing.

The next three properties are vacant lots that were sold at the June 19, 2003 Public Auction, subject to the acceptance of a development proposal. The properties at 205 Baycliff Drive and 244 Mohawk Street will be fenced and landscaped and combined with the purchasers' adjoining properties. The property at 185 Murray Street will be developed as a parking lot and combined with the purchaser's adjoining property.

The next property was sold at the April 2, 2003 Owner Occupant Auction. The purchaser will be required to rehabilitate the structure within 18 months of closing and to occupy the property for a minimum of five years.

The last 17 properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size and will be combined with the purchasers' adjoining properties.

Easements

The proposed legislation would grant two easements on City-owned land:

1. A permanent easement to the New York State Department of Transportation in conjunction with right-of-way work on Route 15A in the Town of Hemlock. The property is .336 acre and the value of the easement is \$350. The easement is required to repair and maintain a culvert which diverts water runoff under Route 15A. The acquisition value was prepared by NYSDOT. The amount has been reviewed by the Division of Real Estate, which concurs that the value offered by the State represents the fair market value for the easement.
2. A permanent easement to the New York State Department of Transportation in conjunction with the Lake Avenue Improvement Project. The easement will encompass approximately 141 square feet of the City-owned property located at the southwest corner of Lake Avenue and Emerson Street. The easement is required for right-of-way purposes. The State has offered \$1,050 as compensation for this Permanent Easement. The Division of Real Estate has reviewed the offer and concurs with the amount of compensation.

All City taxes and other charges, except water charges against properties being sold by the City, will be can-

celed on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-121

Councilmember Norwood moved to amend Introductory No. 337.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2003-298
(Int. No. 337, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Legal Use Purchaser	Price
65 Almira St. 106.46-2-45.2	2 Family Jeronie Steward	\$ 1,150
54 Bartlett St. 121.61-1-43	1 Family Roberta E. Haynes	4,000
134 Bartlett St. 120.68-1-65	1 Family Robert Pollock	400
205 Bay St. 106.51-1-5	1 Family Zenon Hdycyna & Susan Lubecki	7,500
245 Bay St. 106.51-1-11	3 Family Juan J. Rodriguez	3,400
6 Beechwood St. 107.69-1-56	1 Family Nelson Hioe	5,200
380 Champlain St. 120.59-2-43	1 Family Kyle Robinson	400
604 Child St. 105.66-3-52	2 Family Jim Beaman	3,200
784 Clifford Av. 106.32-2-20	2 Family Maxine King	6,000
140 Clifton St. 120.51-1-22	2 Family Richard Kennedy	1,900
151 Clifton St. 120.51-4-6	1 Family Elen S. Alleyne	2,900
72-74 Council St. 106.42-3-17	2 Family Johnnie Paige	1,700
105-107 Dayton St. 091.81-2-5	2 Family Emmanuel Del Valle	17,000
299 Emerson St. 105.42-1-70	2 Family Joseph Shand	5,800
216 Flint St. 120.76-2-82	1 Family Helen Wiesner	2,500
125 Garfield St. 120.47-1-25	1 Family Judy Conable	8,700
441 Genesee St. 120.66-3-42	1 Family Rome Management & Consulting *	3,100
49 Harvest St. 106.43-4-17	1 Family Frank Cavallucci	400
95 Hollister St 106.34-3-7	1 Family Rome Management	2,100

931-933 Hudson Av. 091.81-1-8	2 Family Myra Pimental	4,100
796 Jay St. 105.81-2-45.1	2 Family Frank Cavallucci	4,000
6 Lang St. 091.62-2-45	1 Family Fred Tanghe	6,500
749 Portland Av. 091.83-3-76.1	2 Family Abu T. Tedla	13,000
140 Ravine Av. 105.35-4-23	2 Family Lawrence Galusha	3,900
509 Seward St. 120.84-1-34	1 Family Kristine Kruse	8,000
93 Thorndale Ter. 120.48-3-20	2 Family Judy Conable	13,100
98 Thorndale Ter. 120.49-1-70	2 Family LaShay Johnson	15,100
410-412 Tremont St. 120.52-1-30	1 Family Osvaldo Claudio	800
27 Treyer St. 106.30-1-18	1 Family Rodney Shepard	4,500
171 Union St. N. 106.74-1-26	2 Family Judy Conable	6,300
24 Walnut St. 120.27-1-21	1 Family Frank Cavallucci	1,800

* Officer: Tracy William

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address Purchaser	S.B.L.#	Price
205 Baycliff Dr. Michael A. & Margaret Mantione	107.29-2-57	\$50
244 Mohawk St. Gregory J. Leppla	091.74-2-53	50
185 Murray St. Gerald & Mercedes Vogt	105.73-1-1.2	50

Section 3. The Council hereby further approves the sale of the following parcel of improved property by owner occupant auction:

Address:	863 Post Av.
S.B.L.#:	135.40-3-6
Price:	\$15,100
Purchaser:	Serieta Huggins-Douglas

Section 4. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft. Purchaser
53 Aebersold St. 106.35-1-88	3210± Roland Gray
EH 284 Alphonse St. Pt of 106.33-2-15	2798± Timothy R. Doherty
WH 284 Alphonse St. Pt of 106.33-2-15	2798± Jessie & Isabell Vernon
446 Avenue D 091.79-1-46	4282± Mercedes Rivera & Valentin
EH 1120 Avenue D Pt of 091.82-2-80	Lora 1953± Angelo & Barbosa Perez
WH 1120 Avenue D Pt of 091.82-2-80	1953± Patricia D. West
767 Frost Av. 120.66-3-2	1958 Charles & Lorrai Connelly
E Portion 234 Fulton Av. Pt of 105.27-2-36	2049± Ilias Gitsis

S Portion 234 Fulton Av. 1600±
 Pt of 105.27-2-36 Doris A. McCoy 1691±
 EH 339 Orange St Wanda Y. Jurado 1691±
 Pt of 105.82-2-72 Brenda L. Acosta 2627±
 WH 339 Orange St. John Herron 2627±
 Pt of 105.82-2-72 Michael Shine 3283±
 NH 28 Rockland Pk. Sheila Hazle Cooper & Aleatha Hazle 2442±
 Pt of 120.51-4-59 Bennie McGhee 1802±
 SH 28 Rockland Pk. Joseph & Bonnie Potocki 1802±
 Pt of 120.51-4-59 Rod McLeod
 37 Rockland Pk.
 120.51-4-66
 127 Silver St.
 120.35-2-66
 EH 295 Weaver St.
 Pt of 91.72-3-7
 WH 295 Weaver St.
 Pt of 91.72-3-7

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2003-299
 (Int. No. 338)

Granting An Easement In The Town Of Hemlock

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a permanent easement to the New York State Department of Transportation over approximately .336 acres of land as shown on Map 41, Parcels 41 and 42, in the Town of Hemlock for the repair and maintenance of a culvert which diverts water runoff under Route 15A.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-300
 (Int. No. 339)

Granting An Easement Along Lake Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a permanent easement to the New York State Department of Transportation over approximately 141 square feet of land at the southwest corner of Lake Avenue and Emerson Street for right-of-way purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2003-23
 Re: Reappointments - City Planning Commission

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the reappointments of the following people to the City Planning Commission:

John Fowler Dana Miller
 247 Maplewood Avenue 265 Melrose Street

Mr. Fowler's initial appointment occurred on December 19, 2000. Since that time, he has attended 24 of 30 meetings.

Mr. Miller's initial appointment occurred on January 14, 1999. Since that time, he has attended 52 of 54 meetings.

The terms of these appointments will extend through January 31, 2006.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Resolution No. 2003-23
 (Int. No. 340)

Resolution Approving Reappointments To The City Planning Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Dana Miller, 265 Melrose Street, to the City Planning Commission for a term which shall expire on September 30, 2005.

Section 2. The Council hereby approves the reappointment of John Fowler, 247 Maplewood Avenue, to the City Planning Commission for a term which shall expire on September 30, 2005.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Resolution No. 2003-24
 Re: Reappointments - Zoning Board of Appeals

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the reappointments of the following people to the Zoning Board of Appeals:

Eric Van Dusen Joanne Reaves
 750 Thurston Road 24 Trafalgar Street

Roseanne Hennessey Sherry Walker
 214 Croydon Road 350 Humboldt Street

Mr. Van Dusen's last appointment occurred on October 12, 1999. Since that time, he has attended 35 of 43 meetings.

Ms. Hennessey's last appointment occurred on April 18, 2000. Since that time, she has attended 36 of 39 meetings.

Ms. Reaves' last appointment occurred on December 19, 2000. Since that time, she has attended 24 of 30 meetings.

Ms. Walker's last appointment occurred on June 29, 1999. Since that time, she has attended 34 of 43 meetings.

The terms of the four appointments will extend through August 31, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-24
(Int. No. 341)

Resolution Approving Reappointments To The Zoning Board Of Appeals

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Joseanne Reaves, 750 Thurston Road, to the Zoning Board of Appeals for a term which shall expire on September 30, 2005.

Section 2. The Council hereby approves the reappointment of Roseanne Hennessey, 214 Croydon Road, to the Zoning Board of Appeals for a term which shall expire on September 30, 2005.

Section 3. The Council hereby approves the reappointment of Eric Van Dusen, 24 Trafalgar Street, to the Zoning Board of Appeals for a term which shall expire on September 30, 2005.

Section 4. The Council hereby approves the reappointment of Sherry Walker, 350 Humboldt Street, to the Zoning Board of Appeals for a term which shall expire on September 30, 2005.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-301
Re: Fulton Avenue Redevelopment Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Fulton Avenue Redevelopment Project. This legislation will:

- 1. Appropriate a total of \$225,000 from the New Construction allocations of the 2001, 2002 and 2003 HOME Program. The specific allocations are as follows:

Year	Amount
2001	\$ 85,500
2002	100,000
2003	39,500

Total \$225,000

- 2. Establish maximum compensation of \$225,000 for an agreement with the Urban League of Rochester Economic Development Corporation (ULREDC) for the use of these funds.

The ULREDC has been awarded \$150,000 (\$15,000/house) from the New York State Division of Housing and Community Renewal (NYSDHCR) to construct 10 new single-family homes in the Fulton Avenue Redevelopment area. The proposed HOME allocation will provide \$22,500 per house as a write-down subsidy. The combined funds will therefore provide a total of \$37,500 subsidy per house. The houses will be offered for sale to households whose income does not exceed 60% of the area median income. The homes will sell for \$64,860. Construction of the homes will begin this construction season and expect to be completed during the fall of 2004.

The total project development cost is \$1,023,600. The project will be funded as follows:

DHCR	\$ 150,000
City of Rochester	225,000
Bank Mortgages	583,600
Buyer Equity	65,000
Total	\$1,023,600

Fulton Avenue is a Challenged Street project that includes the acquisition and demolition of dilapidated structures, construction of new housing and aggressive code enforcement. To date, 52 properties have been acquired and 37 structures have been demolished. Providence Housing Development Corporation has constructed five two-family structures. As part of the project, Flower City Habitat for Humanity will construct 11 homes. Currently, one Habitat home is completed and five others are under construction. The construction of new homes by the ULREDC will add another 10 new homes for a total of 21 new single-family homes for owner occupants.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-122

Ordinance No. 2003-301
(Int. No. 342)

Authorizing An Agreement With The Urban League Of Rochester Economic Development Corporation For The Fulton Avenue Redevelopment 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 subsidies for purchasers of new housing as a part of the Fulton Avenue Redevelopment Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$225,000, and of said amount, or so much thereof as may be necessary, \$85,500 is hereby appropriated from 2001 HOME Program Funds, \$100,000 is hereby appropriated from 2002 HOME Program Funds and \$39,500 is hereby appropriated from 2003 HOME Program Funds.

Section 3. The agreement shall contain such ad-

ditional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-302
Re: Home Rochester Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Home Rochester Program. This legislation will:

1. Authorize the receipt and use of a \$500,000 grant from the New York State Affordable Housing Corporation (AHC); and
2. Establish maximum compensation of \$500,000 for an agreement with the Rochester Housing Development Fund Corporation (RHDFC), 183 East Main Street, and authorize any other agreements necessary for implementation of the program.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. The program is administered by the Greater Rochester Housing Partnership through an agreement with RHDFC.

The proposed appropriation will provide subsidies of up to \$20,000 for the acquisition and rehabilitation of up to twenty-five structures by participating developers.

Participating developers include the Urban League of Rochester Economic Development Corporation (ULREDC), HSBC Development Corporation (HSBC), and twelve Community Housing Development Organizations (CHDOs).

The rehabilitated properties are marketed through the HOME Store 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 education classes and to reside in the properties for a minimum of ten years.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-302
(Int. No. 343)

Authorizing An Application And Agreements For The Home Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Affordable Housing Corporation for funding for the Home Rochester Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester Housing

Development Fund Corporation and such other agreements as may be necessary for the implementation of the Home Rochester Program.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from funds to be received under the Grant Agreement authorized in Section 1.

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. 2003-303
Re: Amendment - HOP Rental Project

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to an approved rental housing project being undertaken by Housing Opportunities, Inc. (HOP). This legislation will amend Ordinance No. 2003-26 to authorize a construction loan for the project in an amount not to exceed \$358,000 to be made to the Rochester Housing Development Fund Corporation (RHDFC).

The original legislation was approved by the City Council on February 11, 2003. It was to be the first project of the RHDFC's Rental Rehab Program, which was authorized by Council on August 20, 2002.

At the time of the City's project approval, the Greater Rochester Housing Partnership was expected to commit HOME funds from the State of New York as permanent financing. However, at that time, the sources of construction financing had not been fully identified. The NYS Division of Housing & Community Renewal ultimately determined that the NYS HOME funds could not be utilized for the project, so a new source of funds had to be identified. HOP was successful in obtaining a grant from the Federal Home Loan Bank of New York to replace NYS HOME.

In order to commit U.S. Treasury/Community Development Financial Institution funds to the project, the Community Preservation Corporation (CPC) is required to participate as a construction lender; however, their participation is more limited than was anticipated. That limit, coupled with the loss of the NYS HOME financing, has resulted in a shortfall in the construction financing.

The proposed legislation would enable the City to make a portion of its project financing available as construction financing. However, since the properties to be redeveloped must be held in ownership by the RHDFC during construction in order to qualify for the permanent financing, the construction loan must be made to the RHDFC and not to HOP. At the completion of construction, this debt would be converted to permanent financing and be assumed by HOP. There will be no additional costs to the City as a result of this change.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2003-303
(Int. No. 344, As Amended)

Amending Ordinance No. 2003-26 Relating To Loan Agreements For Rental Projects And Extending ACAP Float Loans

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-26, relating to Loan Agreements for Rental Projects, is hereby amended by changing the loan in Section 1 to a construction loan with the Rochester Housing Development Fund Corporation for a term not to exceed one year, at no interest.

Section 2. The Council hereby further approves an extension of six months in the term of the float loans for the Asset Control Area Partnership (ACAP) Program approved in Ordinance No. 2001-31.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-304
Re: Appropriation of CDBG Funds for GIS

- R2010: Campaign 1 - Involved Citizens
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation appropriating a total of \$140,000 from the 2000-01, 2001-02, 2002-03 and 2003-04 Community Development Block Grant Programs (CDBG) Neighbors Building Neighborhoods allocation for the City's Geographic Information System (GIS).

The purpose of the allocation is to continue to develop, enhance and promote the use of the City's GIS and to expand GIS access to citizens and staff. A total of \$140,000 has been set aside through our CDBG program for GIS related activities:

<u>Year</u>	<u>Amount</u>
2000-01	\$ 50,000
2001-02	25,000
2002-03	25,000
2003-04	40,000
Total	\$140,000

Over the past year, the City's internal staff group has surveyed City departments and developed a list of GIS priority areas to be undertaken with these funds:

- 1. GIS Hardware/Software Enhancements and Updates - \$76,000
(Purchase of GIS hardware and software upgrades or enhancements to improve GIS accessibility and capabilities.)
- 2. GIS Database/Coverage Maintenance and Development - \$46,000
(Creation/maintenance of GIS coverages and

databases in order to provide useful, accurate and up-to-date information through GIS.)

- 3. GIS Systems Development and Support - \$13,000
(Maintenance/licensing agreements for GIS servers and GIS software.)
- 4. GIS Training and Promotion - \$5,000
(Staff training/conferences for GIS; promotion of GIS activities/ capabilities to the public.)

If approved, these projects within each of the GIS program areas listed above will enhance the accessibility, accuracy and usability of our Geographic Information System both for City staff and the general public and bring several GIS activities more in line with current information technologies.

In addition to the proposed expenditures, \$9,000 was expended from previously appropriated 1999-2000 CDBG funds for a plotter and additional staff training.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-123

Ordinance No. 2003-304
(Int. No. 345)

Appropriating Funds For The Geographic Information System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000 is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2000-01 Community Development Program, the sum of \$25,000 is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2001-02 Community Development Program, the sum of \$25,000 is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2002-03 Community Development Program, and the sum of \$40,000 is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2003-04 Community Development Program, to fund improvements to the City's Geographic Information System.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-305
Re: High Falls Festival Site Maintenance

R2010: Campaign 8 - Tourism Destination
Transmitted herewith for your approval is legislation relating to the maintenance of the High Falls Festival Site. This legislation will establish maximum annual compensation of \$15,000 for a two-year agreement with the High Falls Development Corporation (HFDC) (principal: Ben Kendig), 1 Mt. Hope Avenue, for ongoing maintenance services at the site. The cost of the agreement will be financed from the current and future budgets of the Department of Environmental Services.

As you are aware, HFDC is the owner, developer and operator of the High Falls (formerly Gorsline) Building, which is adjacent to the festival site. HFDC, therefore, has a significant interest in the maintenance of the festival site areas. Because of the proximity of the High Falls Building, it also has a capability to provide maintenance services.

Under an agreement authorized by the Council on September 25, 2001, HFDC will provide the following additional services in certain designated areas:

In areas A, B and C:

- Litter and trash removal
- Routine graffiti removal
- Repair and reset pavers as needed
- Reseal pavers every two years
- Annual fertilizing and mulching of landscape beds and watering and weeding as needed

In addition, in Area A:

- Cleaning and removal of grease, oil stains and tire marks on pavers and concrete surfaces
- Painting of all metal surfaces
- Snowplowing, snow removal, and de-icing

In addition, in area C:

- Repoint stone walls as needed
- Repair and paint plastered walls on terrace as needed
- Paint fences and railings as needed
- Replace light bulbs as needed
- Provide weekly cleanup of the "shelf" area contiguous to the terrace

Under the proposed agreement, HFDC will continue to provide these services. The annual cost of the proposed agreement is the same as the cost of the current agreement.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Attachment No. AC-124

Ordinance No. 2003-305
(Int. No. 346)

Establishing \$15,000 As Maximum Annual Compensation For An Amendatory Lease Agreement For Additional High Falls Maintenance Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an amendatory lease agreement between the City and High Falls Development Corporation for additional High Falls maintenance services for a term not to exceed two years. Said amount shall be funded from the 2003-04 and future budgets of the Department of Environmental Services, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-306
Re: Commercial Street Abandonment
and High Falls Parking

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the abandoned portion of Commercial Street. The legislation will authorize:

1. Acceptance of a donation of a fence and gate from the High Falls Development Corp., to be installed at the abandoned portion of Commercial Street (40 Commercial Street); and
2. An amendatory agreement with the High Falls Development Corporation for operation and use of the lot for parking spaces at 40 Commercial Street.

The abandonment of this portion of Commercial Street, adjacent to the City Festival Site, was approved by City Council on May 13, 2003. Upon abandonment, a majority of the land will revert to City ownership as part of 40 Commercial Street.

The purpose of the abandonment was to enable greater security to be provided in the area. In order to properly secure the area from 11:00 p.m. to 6:00 a.m., when it is not being used for festival/event purposes, a gate and fence must be installed. The High Falls Development Corporation (HFDC), currently owns the adjacent 4-18 Commercial Street, and leases 40 Commercial Street for parking during weekday hours. HFDC has proposed to purchase and install the fence/gate on the City-owned land at 40 Commercial Street. The total cost to purchase and install the fence/gate is estimated to be \$19,000. Once installed, the fence/gate will be donated to City by HFDC. The fence and gate will require a Certificate of Appropriateness from the Rochester Preservation Board.

City Council authorized the agreement with the HFDC on October 14, 1997 for weekday parking for tenants of the High Falls Building. An amendatory agreement was approved May 11, 1999 to allow the HFDC to operate the lot commercially, after 6:00 p.m., for a term of 3 years, with monthly payments to the City of \$1,000. Under the proposed amendatory agreement, the High Falls Development Corp. will be allowed to operate the lot commercially after 6:00 p.m., for a period of one year. In lieu of the fence donation, the High Falls Development Corp. will not be charged a monthly fee during this period. All terms and conditions of the previous agreement amendment will remain the same.

After the one-year term has expired, the City will issue a request for proposals for operation of the lot after 6:00 p.m.
Respectfully submitted,
William A. Johnson Jr.
Mayor

Attachment No. AC-125

Ordinance No. 2003-306
(Int. No. 347)

Authorizing An Amendatory Lease Agreement Relating To The Abandonment Of A Portion Of Commercial Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council approves the acceptance of a fence and gate from the High Falls Development Corporation to be installed at the abandoned portion of Commercial Street, and further authorizes the amendatory lease agreement for the lease of parking spaces at 40 Commercial Street, as approved in Ordinance No. 2003-146, relating to the abandonment of a portion of Commercial Street, to be at no charge for a term of one year.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-25
Re: High Falls Business Improvement District (BID)

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation establishing the time and place of a public hearing and time for objections relating to the establishment of the High Falls Business Improvement District (BID). Previously, City Council authorized the preparation of the District Plan (Resolution No. 2003-6).

This legislation will allow for notification to be given to the owners of affected properties. After the hearing, the District Plan will be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-126

Resolution No. 2003-25
(Int. No. 348)

Resolution Establishing The Time And Place Of A Public Hearing And Time For Objections Relating To The Establishment Of The High Falls Business Improvement District

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. A copy of the proposed district plan for the High Falls Business Improvement District is attached hereto and incorporated herein, and is on file in the office of the City Clerk.

Section 2. The Council hereby establishes the council meeting to be held on October 21, 2003, at 8:00 p.m., in the Council Chambers, Third Floor, City Hall, as the time when and place where a hearing will be held to hear all persons interested in the establishment of the High Falls Business Improvement District. Any owner of real property, deemed benefited and therefore within the district, objecting to the plan must file an objection at the office of the City Clerk within 30 days after the conclusion of the hearing on forms made available by the City Clerk. If the owners of at least 51% of the assessed valuation of all the benefited real property situated within the boundaries of the district proposed for establishment,

as shown on the latest completed assessment roll of the City, or at least 51% of the owners of benefited real property within the area included in the district proposed for establishment, so file their objections, the district will not be established.

Section 3. A copy of this resolution or a summary thereof shall be published and mailed in accordance with the requirements of Section 980-e of the General Municipal Law.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-307
Re: Windsor Manufacturing Co., Inc.

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to a proposed amendment to a purchase money mortgage loan and an agreement for Payment In-Lieu-Of Tax (PILOT). The legislation will authorize:

1. PILOT Agreement: Acceptance of \$92,400.82 in cash, with \$46,200.41 to be paid upon closing of the new recapitalization plan and \$46,200.41 to be paid six months from the date of this closing. A total of \$215,601.92 in remaining delinquent payments will be deferred until August 1, 2014, at which time the full amount of deferred payment will be due. The deferred delinquent payment amount will accrue interest at 4% per annum (non-compounded); the interest charges will be deferred until August 1, 2014 at which time the full amount of the deferred interest charges will be due; and
2. Purchase money mortgage loan: Deferral of \$82,567.91 in delinquent payments until January 1, 2010 at which time the full amount of the deferred payment will be due.

Windsor Manufacturing Co., Inc. is a manufacturer of electronic circuit boards and assemblies formed in 1975. The company currently employs 76 persons, of which 41 are City residents. In 1990, the company purchased a 6.327 acre site in the Rochester Science Park from the City and constructed a 41,836 square foot manufacturing facility. The land purchase was financed through a \$316,400 City mortgage. Currently, the principal balance owed on that mortgage is \$251,707.56 and a total of \$82,567.91 in principal and interest payments is delinquent.

The real property is owned by the County of Monroe Industrial Development Agency and an agreement provides for Windsor to make PILOT payments. Currently, a total of \$308,002.74 is delinquent under the PILOT agreement, representing payments and interest due for 2000-01, 2001-02, and 2002-03. The 2003-04 payment has been made.

Windsor has been experiencing financial difficulties and, with the help of its financial advisors, has developed a recapitalization plan under which all of its liabilities are being restructured. Under the terms of the proposed agreement, the company will restructure delinquent PILOT agreement payments and delinquent land mortgage payments. Following

the completion of the recapitalization plan, expected to occur in September, 2003, Windsor will commence paying the regularly scheduled monthly payments on the purchase money mortgage and will pay the regularly scheduled annual PILOT agreement payments.

Approval by the City of the terms of the settlement is necessary for Windsor's recapitalization plan to proceed. The benefits of a successful recapitalization plan include the preservation of jobs, the maintenance of the City's interest in the mortgage, and the ultimate collection of the PILOTS.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-307
(Int. No. 370)

Authorizing Agreements With Windsor Manufacturing Co., Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Windsor Manufacturing Co., Inc. whereby the City shall grant a deferral of payment of delinquent payments in lieu of taxes on the parcel located at 300 Science Parkway, with interest at 4% annually (non-compounding), for amounts remaining after payments of \$46,200.41 upon closing and \$46,200.41 within six months from the date of closing, until August 1, 2014. Windsor Manufacturing Co., Inc. shall be required to remain current on the payment of subsequent payments in lieu of taxes.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Windsor Manufacturing Co., Inc. whereby the City shall grant a deferral of payment of delinquent amounts owed on the purchase money mortgage for the parcel located at 300 Science Parkway pursuant to Ordinance No. 89-260, without further interest, until January 1, 2010. Windsor Manufacturing Co., Inc. shall be required to remain current on the payment of subsequent mortgage payments.

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. 2003-308
Re: Lead-Based Paint Hazard Control Programs

R2010: Campaign 4 - Environmental Stewardship
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to two grant applications that have been filed with the United States Department of Housing & Urban Development (HUD) under the Lead-Based Paint Hazard Control Program and the Lead Hazard Reduction Demonstration Program. This legislation will:

1. Authorize the receipt and use of a HUD grant for the Lead-Based Paint Hazard Control Program in an amount not expected to exceed \$2,918,423; and
2. Authorize the receipt and use of a HUD grant for the Lead Hazard Reduction Demonstration Program in an amount not expected to exceed \$3,951,150.

The Lead-Based Paint Hazard Control Program represents a collaborative effort by the City of Rochester and other community stakeholders to undertake a targeted and focused lead hazard reduction program, which has primary prevention as its core operating principle. The program is designed to target "high risk" properties in "at-risk" neighborhoods and reduce the most significant lead hazards in a minimum of 150 housing units. Of the total, it is estimated that 90 units will be rental and 60 units will be owner-occupied.

In addition to treating 150 housing units, the overall program design is intended to accomplish the following:

Increase community awareness and knowledge of childhood lead poisoning by undertaking outreach and education activities in high risk neighborhoods. Those to be involved include: the Coalition to Prevent Lead Poisoning; University of Rochester Environmental Health Sciences Center; Finger Lakes Regional Lead Poisoning Resource Center; Monroe County Department of Health Childhood Lead Poisoning Prevention Program; and the Orchard Street Community Health Center.

Provide free training opportunities to ensure that there is adequate capacity and capability among remodeling contractors to conduct work in a lead-safe manner; and that assisted property owners will have the knowledge to maintain their properties as lead-safe. Goals: train 190 lead workers and 150 property owners.

Establish an outreach and referral system to ensure that owners of high risk properties are aware of the availability of assistance through the lead hazard reduction program. Participating parties: Rochester Housing Authority, Monroe County Department of Human and Health Services; Monroe County Department of Health; Housing Council; Orchard Street Community Health Center; and community- and faith-based organizations.

The Lead Hazard Reduction Demonstration Program is designed to prevent children from becoming lead-poisoned by addressing sources of lead in and around their homes that pose threats to their health. The grant will allow the creation of an active program of primary prevention focused on rental housing in some of our most distressed neighborhoods. A total of 436 units would be treated through the program. Of the total, it is estimated that 327 units will be rental and 109 units will be owner-occupied. City funds will supplement the lead hazard reduction funds and be used for property rehabilitation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-127

Ordinance No. 2003-308
(Int. No. 372)

Authorizing Applications And Agreements For Lead-Based Paint Hazard Control Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the United States Department of Housing and Urban Development for funding for the Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Programs.

Section 2. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-26
Re: Curbell, Inc.

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation approving the shift of operations of Curbell, Inc. from the city to the town of Chili.

Curbell, Inc. was forced to find a new location when they outgrew their current facility at 1144 Lexington Avenue. Curbell, Inc. looked at several locations within the city of Rochester, but were unable to find one that fit their business needs. Their new location at the Paul Road Business Center is located within the Monroe County Empire Zone.

In order to take advantage of Empire Zone benefits in their new location, Curbell, Inc., by New York State law (Section 959 (a) (iii)), is required to obtain approval from the originating municipality for its shift of operations to the new municipality.

In the past, we have had companies who have relocated into the city Empire Zone from other municipalities. It was necessary for these companies to go through the same relocation procedures stated above so that they would qualify for EZ benefits in the city.

A public hearing is required before the shift of operations to the town of Chili can be granted.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2003-26
(Int. No. 349)

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Curbell, Inc., (the "Company"), an industrial plastics company with offices located at 1144 Lexington Avenue will be relocating to the Paul Road Business Center in the Town of Chili, and

WHEREAS, the Company employed 10 people in 2003, including 3 residents of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when they outgrew their current facility at 1144 Lexington Avenue. Curbell looked at several locations in the City but were unable to find a suitable location that fit their business needs, and

WHEREAS, the Rochester City Council has heard public comments that extraordinary circumstances exist to warrant the relocation of the company to the Monroe County Empire Zone at a public hearing held on September 23, 2003 at the City Council Chambers,

NOW, THEREFORE, BE IT RESOLVED, that the Rochester City Council consents to the relocation of Curbell, Inc. from the City of Rochester to the Monroe County Empire Zone in the Town of Chili.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-309
Re: Zoning Map Amendment, 200, 208
and 218-226 Clifford Avenue, 9-11,
55, 117-119 and 123-125 Roth Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning seven properties at 200, 208, 218-226 Clifford Avenue and 9-11, 55, 117-119 and 123-125 Roth Street from R-1 Low Density Residential to PD #3 Planned Development District #3 and by adopting the Land Use Plan for the proposed district. The proposed district will be known as Buena Vista Planned Development District.

The affected properties are bordered to the north, south, east, and west by R-1 Residential. The current uses are as follows:

- 200 Clifford Avenue: Food distribution warehouse
- 208 and 216-226 Clifford Avenue: Offices
- 9-11 and 55 Roth Street: Vacant land
- 117-119 and 123-125 Roth Street: Vacant two-family dwellings

The applicant, Ibero-American Development Corporation, plans to construct a thirty-two unit apartment building for senior citizens and developmentally disabled individuals along with a senior day care services center. To accomplish this, they will demolish some of the existing buildings and develop additional accessory parking spaces. They may reuse some of the remaining buildings for offices, warehouse and storage purposes. The proposed rezoning will enable the applicant to utilize the affected properties for these and a variety of other uses, as listed in the attached Land Use Plan. Many of the proposed uses are not permitted in the existing R-1 Residential district.

On July 21, 2003, the Planning Commission held an informational hearing; two persons spoke in support of the application and two persons spoke in opposition. By a vote of 4-0, the Commission recommended, with a condition, approval of the requested rezoning. The Commission recommended that the proposed curb openings on Roth Street be reduced to two driveways.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-128

Councilmember Norwood moved to amend Introductory No. 369.

The motion was seconded by Councilmember Mains.

The motion was passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because her employer is involved in the related development project.

Ordinance No. 2003-309
(Int. No. 369, As Amended)

Changing The Zoning Classification Of 200, 208 And 218-226 Clifford Avenue And 9-11, 55, 117-119 And 123-125 Roth Street From R-1 Low Density Residential To Planned Development District #3-Buena Vista Planned Development 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 changing the zoning classification of the following-described property, constituting 200, 208 and 218-226 Clifford Avenue, 225-227 Avenue A and 9-11, 55, 117-119 and 123-125 Roth Street, from R-1 Low Density Residential to Planned Development District #3-Buena Vista Planned Development District:

[All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and described as follows:

Beginning at the point of intersection of the centerline of Clifford Avenue and the centerline of Roth Street;

- Thence 1) Westerly along the centerline of Clifford Avenue a distance of 295.5 feet more or less to the easterly line of lands owned by the New York State Central Lines, LLC as per a deed recorded in the Monroe County Clerk's Office on September 16, 1999 and filed in Liber 9214 of deeds at page 520;
- Thence 2) Northerly along the easterly line of lands owned by the New York Central Lines, LLC a distance of 953.96 feet more or less to the southerly line of Lot 293 as shown

on a map of the Rochester Co-operative Building Lot Association Tract as filed in the Monroe County Clerk's Office in Liber 3 of maps at page 88 and 89;

- Thence 3) Easterly along the southerly lines of Lots 293 thru 298 and their easterly extension a distance of 298 feet more or less to the centerline of Roth Street;
- Thence 4) Southerly along the centerline of Roth Street a distance of 74.69 feet more or less to the easterly extension of the southerly line of Lot 2 as shown on a map of a resubdivision of Lots 2 and 3 of the J. Crombie Subdivision as filed in the Monroe County Clerk's Office in Liber 78 of maps at page 32;
- Thence 5) Westerly along said extension and the southerly line of said Lot 2 and it's westerly extension a distance of 115.4 feet more or less to the westerly line of Lot B of the same resubdivision;
- Thence 6) Southerly along the westerly line of said Lot B and the westerly lines of Lots 44 thru 32 as distinguished on a map of a subdivision of Lot 3 and Lot 4 of the Huntington's addition to the Blumenthal Tract filed in the Monroe County Clerk's Office in Liber 8 of maps at page 62 a distance of 280.72 feet to the northwest corner of Lot 30 of said subdivision;
- Thence 7) Easterly along the northerly line of said Lot 30 and it's easterly extension a distance of 115.5 feet to the centerline of Roth Street;
- Thence 8) Southerly along the centerline of Roth Street a distance of 243.31 feet to the easterly extension of the southerly line of Lot 18;
- Thence 9) Westerly along said extension and the southerly line of said Lot 18 a distance of 115.50 feet to the southwest corner of said Lot 18;
- Thence 10) Southerly along the westerly lines of Lots 16 thru Lot 10 a distance of 139.08 feet to the southwest corner of said Lot 10;
- Thence 11) Westerly along the southerly line of said Lot 10 and it's easterly extension a distance of 115.5 feet to the centerline of Roth Street;
- Thence 12) Southerly along the centerline of Roth Street a distance of 215.7 feet more or less to the centerline of Clifford Avenue and 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 and described as follows:

- Beginning at the point of intersection of the centerline of Clifford Avenue and the centerline of Roth Street;
- Thence 1) Westerly along the centerline of Clifford Avenue a distance of 295.5 feet more or less to the easterly line of lands owned by the New York State Central Lines, LLC as per a deed recorded in the Monroe County Clerk's Office on September 16, 1999 and filed in Liber 9214 of deeds at page 520;
- Thence 2) Northerly along the easterly line of lands owned by the New York Central Lines, LLC a distance of 953.96 feet more or less to the southerly line of Lot 293 as shown on a map of the Rochester Co-operative Building Lot Association Tract as filed in the Monroe County Clerk's Office in Liber 3 of maps at page 88 and 89;
- Thence 3) Easterly along the southerly lines of Lots 293 thru 296 a distance of 145.81 feet to the southwesterly corner of Lot 297;
- Thence 4) Northerly along the westerly line of Lot 297 and it's northerly extension a distance of 149 feet to the centerline of Avenue A;
- Thence 5) Easterly along the centerline of Avenue A distance of 43 feet to the northerly extension of the easterly line of Lot 297;
- Thence 6) Southerly along said extension and the easterly line of Lot 297 a distance of 149 feet to a point;
- Thence 7) Easterly along the southerly line of Lot 298 and its easterly extension a distance of 109 feet more or less to the centerline of Roth Street;
- Thence 8) Southerly along the centerline of Roth Street a distance of 74.69 feet more or less to the easterly extension of the southerly line of Lot 2 as shown on a map of a re-subdivision of Lots 2 and 3 of the J. Crombie Subdivision as filed in the Monroe County Clerk's Office in Liber 78 of maps at page 32;
- Thence 9) Westerly along said extension and the southerly line of said Lot 2 and it's westerly extension a distance of 115.4 feet more or less to the westerly line of Lot B of the same re-subdivision;
- Thence 10) Southerly along the westerly line of said Lot B and the westerly lines of Lots 44 thru 32 as distinguished on a map of a subdivision of Lot 3 and Lot 4 of the Huntington's addition to the Blumenthal Tract filed in the Monroe County Clerk's Office in Liber 8 of maps at page 62 a distance of 280.72 feet to the northwest corner of Lot 30 of said

subdivision;

- Thence 11) Easterly along the northerly line of said Lot 30 and it's easterly extension a distance of 115.5 feet to the centerline of Roth Street;
- Thence 12) Southerly along the centerline of Roth Street a distance of 243.31 feet to the easterly extension of the southerly line of Lot 18;
- Thence 13) Westerly along said extension and the southerly line of said Lot 18 a distance of 115.50 feet to the southwest corner of said Lot 18;
- Thence 14) Southerly along the westerly lines of Lot 16 thru Lot 10 a distance of 139.08 feet to the southwest corner of said Lot 10;
- Thence 15) Westerly along the southerly line of said Lot 10 and it's easterly extension a distance of 115.5 feet to the centerline of Roth Street;
- Thence 16) Southerly along the centerline of Roth Street a distance of 215.7 feet more or less to the centerline of Clifford Avenue and the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because her employer is involved in the related development project.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-310
Re: PaeTec Park Soccer Stadium Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing a lease with the Rochester Rhinos Stadium, LLC, for the City-owned properties at 524 Oak Street, 900 West Broad Street and 480 Smith Street, and the abandoned portion of Oak Street, which will be combined with the other parcels, as well as authorizing necessary easements through the subject parcels, including utility and telecommunication easements.

The term of the lease will be forty-five (45) years for an annual rental payment of \$1.00. The Rochester Rhinos Stadium, LLC, will pay real property taxes, or an equivalent to taxes, on both the land and improvements. The subject parcels are located in a

New York State Empire Zone and it is anticipated that the developer will exercise rights to applicable zone benefits.

As you are aware, on August 26, 2003 City Council and Rochester Urban Renewal Agency approved zoning text and map amendments, a state grant pass-through, as well as an extension of the option for sale of the subject parcels. Subsequently, New York State, as a condition of the state grant for the construction of the stadium, has required that the land on which the stadium is to be constructed must remain in City ownership.

Additional terms of the lease will obligate the Rhinos to accept responsibility for all costs associated with completing the environmental remediation of the parcels, construction and ongoing operational costs of the stadium, and to indemnify the City for any liabilities incurred during either construction or operation of the facility.

It is anticipated that construction of the stadium will commence in the Fall of 2003 and be completed in 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-310
(Int. No. 371)

Approving The Lease To The Rochester Rhinos Stadium, LLC Of 524 Oak Street, 900 West Broad Street And 480 Smith Street

WHEREAS, the City of Rochester has received a proposal from the Rochester Rhinos Stadium, LLC (hereinafter called "Redeveloper"), for the lease of 524 Oak Street, 900 West Broad Street and 480 Smith Street, together with a portion of Oak Street which has been approved for abandonment and which will be combined with said parcels (hereinafter called "Disposition Parcel"), in the Erie Canal Urban Renewal Project for the development of a soccer stadium; and

WHEREAS, the City desires to lease the Disposition Parcel to Rochester Rhinos Stadium, LLC for the development of the soccer stadium; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on September 23, 2003 to consider the proposed lease of the Disposition Parcel; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said Disposition Parcel by the Redeveloper and the terms of the lease of said Disposition Parcel are satisfactory;
3. That lease of said Disposition Parcel by negotiation is the appropriate method making the land available for redevelopment;
4. That the Redeveloper possesses the qualifications and financial resources necessary to lease and develop the Disposition Parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the

Redeveloper's Statement for Public Disclosure is satisfactory;

5. That the proposed rental price is a satisfactory price for use in accordance with the Urban Renewal Plan;
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and
7. That the lease of said Disposition Parcel and conditions established for redevelopment are satisfactory.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Disposition Parcel and approves said Redeveloper as a qualified and eligible sponsor to lease and redevelop the parcel. The Council further finds that the notice provisions of Section 507(c)(1) of the General Municipal Law have been met.

Section 2. The Council hereby approves a ground lease between the City and Rochester Rhinos Stadium, LLC for the Disposition Parcel for the rental of One Dollar (\$1.00) annually. The term of the lease shall be for forty-five (45) years. Rochester Rhinos Stadium, LLC shall be responsible for the payment of all real property taxes and assessments, or their equivalent, on the land and improvements.

Section 3. The Council hereby authorizes the lease of said Disposition Parcel for the proposed price in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. The Mayor is authorized to enter into such agreements and documents as may be necessary to effectuate the project. Such documents shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Council further approves the grant of all necessary easements, including easements for utilities and telecommunications purposes, over said Disposition Parcel.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Thompson
September 23, 2003

To the Council:

The Public Services & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 350 - Authorizing Agreements For Human Services Projects

Int. No. 351 - Amending Ordinance No. 2002-359 Relating To Human Services Projects

Int. No. 352 - Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 353 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

The Public Services & the Arts Committee recommends for consideration the following entitled legislation:

Int. No. 354 - Authorizing An Amendatory 2002-03 Community Development Program Plan And Agreements For The Quad A For Kids And Metro Council On Teen Potential Programs

Respectfully submitted, Tony M. Thompson, Tim O. Mains, William F. Pritchard, Gladys Santiago, PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2003-311 Re: Agreements - Human Services Projects

R2010: Campaign 2 - Educational Excellence Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements for the following human services projects:

Table with 2 columns: Organization Project, Amount. Rows include Rochester Area Community Foundation Rochester's Child (\$ 2,500), Lifespan Safety and Security for Seniors (10,000), Jewish Family Service of Rochester, Inc. Volunteens (19,989).

Two of these projects, Rochester's Child and Safety and Security for Seniors, are projects with matching funds and are eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The proposed agreements represent the fourth year of CDBG funding for both.

Volunteens is a project without matching funds and is eligible for up to three years of funding. The proposed agreement represents the second year of CDBG funding.

The cost of the Rochester's Child and Safety and Security for Seniors projects will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant. The cost of the Volunteens project will be financed from the Job Creation/Youth Development allocation of the 2000-01 Community Development Block Grant.

The Project Information forms are attached.

Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. AC-129

Ordinance No. 2003-311 (Int. No. 350)

Authorizing Agreements For Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for Human Services Projects in amounts not to exceed the following:

Table with 2 columns: Organization Project, Amount. Rows include Rochester Area Community Foundation Rochester's Child (\$ 2,500), Lifespan Safety and Security for Seniors (10,000), Jewish Family Service of Rochester, Inc. Volunteens (19,989).

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$32,489, and of said amount, or so much thereof as may be necessary, \$19,989 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2000-01 Community Development Program and \$12,500 is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen: Ordinance No. 2003-312 Re: Amendments to Ordinance

R2010: Campaign 2 - Educational Excellence Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing amendments to Ordinance No. 2002-359 to change the provider of the services for the Play It Smart project.

This amendment is necessary because the originally approved sponsoring agency for the project, the National Football Foundation & College Hall of Fame, unexpectedly declined to contract for services for year two. Subsequently, the Youth Lifeline Foundation sent a proposal to the Bureau of Human Services to be the sponsoring agency and continue the Play It Smart program, renaming it the Academic Coach Program. The proposal was reviewed by City staff and accepted. The only changes will be in project title and sponsoring organization. There will be no changes to the project services involved.

The proposed amendment will substitute the Youth Lifeline Foundation Academic Coach Program for the previously approved National Football Foundation & College Hall of Fame Play It Smart project. The cost of the project, \$10,000, will be unchanged.

Project Information and Budget forms are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-130

Ordinance No. 2003-312
(Int. No. 351)

Amending Ordinance No. 2002-359 Relating To Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2002-359, relating to Human Services Projects, is hereby amended by changing the organization and project name from the National Football Foundation & College Hall of Fame for the Play It Smart Project to the Youth Lifeline Foundation for the Academic Coach Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-313
Re: Agreement - RPO Musical Services

R2010: Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation establishing maximum compensation of \$100,000 for an agreement with the Rochester Philharmonic Orchestra, 108 East Avenue, for various musical services. The cost of the agreement will be financed from the 2003-04 budget of the Department of Parks, Recreation and Human Services.

The musical services will include four orchestra concerts and four ensemble concerts. They also will include classical music education within city public elementary schools.

The four orchestra concerts will be similar to those provided annually since 1987-88 under comparable agreements. The concert schedule is as follows:

<u>Date</u>	<u>Event</u>
<u>Location</u>	
October 31, 2003	High Falls Film Festival Eastman Theatre Concert
December 14, 2003	Holidays on Ice* Blue Cross Arena at the War Memorial

*with the Genesee Figure Skating Club and two soloists.

The two remaining concerts will be scheduled in the future.

The four ensemble concerts have not yet been sched-

uled. The education curriculum will be developed by ensemble members and music and classroom teachers; 30 performances will be provided to approximately 5,000 students enrolled in grade three.

The cost of the proposed agreement is the same cost as the current agreement, which was authorized by the City Council on September 17, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-313
(Int. No. 352)

Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Philharmonic Orchestra for four (4) full orchestra public concerts, music education and four (4) smaller ensemble public concerts. Said amount shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-314
Re: Agreement - Picture Fest,
International

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation establishing maximum compensation of \$25,000 for agreement with Picture Fest, International, 45 East Avenue, Rochester, NY, for a five-day film festival, November 5- 9, 2003, showcasing and celebrating the exceptional work of women in all areas of film and video throughout the world. The cost of the agreement will be financed from the 2003-04 Undistributed Expense Budget.

The festival will include over 70 films including full-length, shorts, and documentaries. Last year over 6,500 film enthusiasts attended the festival from throughout the country. In addition to showcasing established independent film makers' works, a critical aspect of the festival is to encourage emerging works. Other specialty areas are Children's Programming, Foreign Language Films and Digital Technology. Catherine Wyler, daughter of the famous director William Wyler, is the Artistic Director; William Coppard is the Executive Director. The Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Taye Diggs, Robert Forster, Philip Seymour Hoffman, Rachel Portman, Leslie Stahl, and the Honorable Louise M. Slaughter, among others.

The cost of the proposed agreement is the same as the 2002 agreement, which was authorized by the City

Council on September 17, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-131

Ordinance No. 2003-314
(Int. No. 353)

**Establishing Maximum Compensation For
A Professional Services Agreement For A Film
Festival**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for a professional services agree-
ment between the City and Picture Fest, International,
for a film festival. Said amount shall be funded from
the 2003-04 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-315
Re: CDBG Reallocation of Funds and
Human Services Projects

R2010: Campaign 2 - Educational
Excellence
Campaign 3 - Health Safety,
and Responsibility

Transmitted herewith for your approval is legislation
authorizing the reallocation of \$60,000 of 2002-03
Community Development Block Grant funds. Of this
amount, \$50,000 is from the Youth Training Academy
program, which will not be using these funds, and
\$10,000 is from the African Urban Cultural Organiza-
tion program that also will not be using the funds.

The proposed legislation will increase the funding for
the second year of the Quad A program by \$25,000, to
a total program allocation of \$37,500 and will allocate
the remaining \$35,000 to fund the Metro Council On
Teen Potential program. It will also authorize agree-
ments necessary for the projects as follows:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Area Community Foundation Quad A/Kids Neighborhood	\$37,500
Baden Street Settlement Metro Council on Teen Potential	35,000

The cost of the Quad A/Kids Neighborhood agreement
will be financed by the reallocated \$25,000 of the
General Community Needs allocation of the 2002-03
Community Development Block Grant, and \$12,500
of the General Community Needs allocation of the
2003-04 Community Development Block Grant.

The cost of the Monroe Council on Teen Pregnancy
agreement will be financed by the reallocated \$35,000

from the General Community Needs allocation of the
2002-03 Community Development Block Grant.

Both projects are in the second year of CDBG funding.
Both projects are classified as Projects with Match-
ing Funds, and are therefore eligible for five years
of such funding. Project descriptions and budgets
are attached.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-132

Ordinance No. 2003-315
(Int. No. 354)

**Authorizing An Amendatory 2002-03 Commu-
nity Development Program Plan And Agreements
For The Quad A For Kids And Metro Council On
Teen Potential Programs**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Council hereby approves an
amendment to the 2002-03 Community Development
Program Plan within the General Community Needs
Allocation to transfer the sum of \$50,000 from the
Youth Training Academy Account and \$10,000 from
the African Urban Culture Organization Account,
with \$25,000 going to the Quad A for Kids Account
and \$35,000 to the Metro Council on Teen Potential
Account.

Section 2. The Mayor is hereby authorized to enter
into agreements for the following Human Services
Projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Area Community Foundation Quad A/Kids Neighborhood	\$37,500
Baden Street Settlement Metro Council on Teen Potential	35,000

Section 3. The agreements shall obligate the City
of Rochester to pay an amount not to exceed \$72,500,
and of said amount, or so much thereof as may be
necessary, \$60,000 is hereby appropriated from the
General Community Needs Allocation of the 2002-
03 Community Development Program and \$12,500
is hereby appropriated from the General Community
Needs Allocation of the 2003-04 Community Devel-
opment Program.

Section 4. The agreements shall contain such ad-
ditional terms and conditions as the Mayor deems to
be appropriate.

Section 5. This ordinance shall take effect im-
mediately.

Passed unanimously.

By Councilmember Stevenson
September 23, 2003

To the Council:

The Parks, Public Works & the Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 355 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal And Amending Ordinances No. 2003-195 And 2003-253, As Amended

Int. No. 356 - Appropriating Funds For The Flower Planting Project

Int. No. 357 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 358 - Establishing Maximum Compensation For A Professional Services Agreement For Improvements To The Midtown Parking Garage

Int. No. 359 - Authorizing An Agreement For Operation Of The High Falls Parking Garage

Int. No. 360 - Establishing Maximum Compensation For A Professional Services Agreement For Improvements To City Hall

The following entitled legislation is being held in committee:

Int. No. 361 - Amending Chapter 43 Of The Municipal Code, Cemeteries, With Respect To The New Chapel Mausoleum At Riverside Cemetery

Respectfully submitted,
Robert J. Stevenson (Did not vote on Int. No. 355.)
Brian F. Curran
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-316
Re: Agreement - NYS Department of Transportation, Snow Removal

R2010: Campaign Seven - Quality Service

Transmitted herewith for your approval is legislation authorizing the extension of a three-year agreement with the NYS Department of Transportation for the provision by the City of snow and ice removal services on the following state highways:

1. Lake Avenue, from Lyell Avenue to W. Ridge Road; and
2. Plymouth Avenue, from Commercial to Troup Streets.

The total length of these two streets is 2.7 miles.

The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council on September 17, 2002.

The proposed agreement extends the existing agreement from June 30, 2005 to June 30, 2006; an exten-

sion that is required by the NYSDOT. However, the requirement for an agreement for snow removal services on Plymouth Avenue will actually be eliminated in the future when jurisdiction of the street is formally transferred from the State to the City.

Under the terms of the proposed agreement, the State will reimburse the City \$33,659 for snow and ice removal performed during the 2003-04 winter, which is \$800 less than the prior amount.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-316
(Int. No. 355, As Amended)

Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal And Amending Ordinances No. 2003-195 And 2003-253

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for the provision by the City of snow and ice removal services on Lake Avenue, from Lyell Avenue to West Ridge Road, and on Plymouth Avenue, from Commercial Street to Troup Street, through June 30, 2006. The agreement shall obligate the State to reimburse the City for such services.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2003-195, relating to the West Ridge Road Improvement Project, is hereby amended by appropriating the funds in Sections 4 and 5 to fund additional HUD acquisition costs as well as the other purposes listed, and by adding the following new sentence to the end of Section 2:

The Council further authorizes the payment of additional acquisition costs to HUD in the amount of \$20,000 for the parcel at 40 West Ridge Road.

Section 4. Ordinance No. 2003-253, relating to the St. Paul Street Improvement Project, is hereby amended by changing the source of funding for \$10,700 in Section 1 from a local improvement ordinance for streetscape improvements to anticipated reimbursements from Monroe County.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-317
Re: Neighborhood Beautification - Flower Planting

R2010: Campaign 4 - Environmental Stewardship
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$10,000 from the Improve the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Block Grant to finance the costs of the Neighborhood Beautification - Flower Planting Project.

The proposed appropriation will provide buying and distributing materials for neighborhood groups to use for planting in tree lawn areas and common spaces. Costs and materials are as follows:

\$ 4,500	17,000 Flower Plants
2,500	3,500 Bulbs
1,500	100 Tons of Topsoil
<u>1,500</u>	100 Assorted Shrubs
\$10,000	

Attached is a list of groups participating in last year's program. We expect similar participation this year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-133

Ordinance No. 2003-317
(Int. No. 356)

Appropriating Funds For The Flower Planting Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program the sum of \$10,000, or so much thereof as may be necessary, to fund the Neighborhood Beautification-Flower Planting Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-318
Re: Agreement - Rochester Ice Hockey Officials, Inc.

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing maximum compensation of \$14,420 for an agreement with the Rochester Ice Hockey Officials, Inc. for the provision of referees for adult men's and women's hockey leagues at Genesee Valley Park Ice Arena. The cost of the agreement will be financed from the 2003-04 budget of the Department of Parks, Recreation and Human Services.

Rochester Ice Hockey Officials, Inc. has provided referees for the City since 1993. The program is offered to adults regardless of skill level. RIHO provides all equipment, materials and supplies required to perform their services.

During the past year, 18 teams participated in these activities (14 men's teams and four women's teams), representing a total of 270 participants. The fees paid by these teams fully offset the costs of running the

program, including the referee expenses.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-318
(Int. No. 357)

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 \$14,420, or so 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 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-319
Re: Midtown Parking Garage - Electrical Distribution Equipment

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing maximum compensation of \$15,000 for an agreement with Q-Tech Engineering, P.C., 217 West Commercial Street, East Rochester, for design of the electrical distribution equipment replacement at the Midtown Parking Garage. The cost of the agreement will be financed from the 2001-02 Cash Capital allocation (Parking Fund).

The electrical distribution replacement project includes two motor control centers and approximately twenty-four electrical panels. Five of the panels are located in the adjacent Cortland Street Tunnel. The City is responsible for renovations to the tunnel. The deficiencies were identified in a December 2000 report prepared by M/E Engineering, P.C. The electrical replacements will extend the useful life of both the Midtown Parking Garage and the Cortland Street Tunnel, and will reduce the risk of power failures in these underground facilities.

Proposals were solicited and received from four engineering firms. Q-Tech Engineering, P.C. is recommended based on qualifications, previous experience, and ability to perform the project within the City's project schedule.

Design is scheduled to begin in the fall of 2003. Construction is scheduled to begin in February, 2004 and be completed in the spring of 2004. The estimated cost for construction is \$320,000 and will be financed from the 2001-02 Cash Capital allocation (Parking Fund).

Respectfully submitted,
William A. Johnson, Jr.

Mayor

Ordinance No. 2003-319
(Int. No. 358)

Establishing Maximum Compensation For A Professional Services Agreement For Improvements To The Midtown Parking Garage

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 Q-Tech Engineering, P.C. for design of the electrical distribution equipment replacement at the Midtown Parking Garage. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2001-02 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-320
Re: High Falls Garage Operating Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Donatelli, Inc., d/b/a/ Ralph Parking Company for operation of the High Falls Parking Garage in Center City Rochester.

In July 2003, the Municipal Parking Division solicited proposals for operation of the High Falls Garage. No proposals were received during the first round of solicitation, so an amended request for proposal was issued in August 2003 that provided additional financial incentives to the prospective operators.

The following proposal responses were received:

Donatelli, Inc., d/b/a/ Ralph Parking Company
Pro Park, LLC

Economic Development staff reviewed the proposals received. The review considered nine criteria with a numerical value assigned to each of the criteria; a copy of the reviews and criteria are attached. The percentage of the gross revenue return to the City received the highest consideration in the proposal review.

Donatelli, Inc., was the only operator to submit a qualified proposal for the operation of the High Falls Garage. The Donatelli proposal was reviewed and met all of the City's criteria. The Pro Park proposal was eliminated from further consideration because of proposed additional financial considerations that were not part of the City's request for proposal. Therefore, Donatelli is recommended as operator of the High Falls Garage.

Under terms of the agreement Donatelli will:

Operate the garage for one year beginning October 1, 2003, with an option for an additional year upon mutual agreement between the City and

Donatelli;

Pay the City 1.2% of gross revenues, after sales tax, above \$400,000 annually; and

Provide a full-time manager and all other personnel required for operation of the garage, including cashiers, security guards, and maintenance staff. It will also be responsible for the cost of supplies and materials, contractual services and insurance.

Under the terms of the agreement, the City will reimburse the operator for the following:

All utility costs (i.e., electric, gas, water consumption);

Pure Waters Capital charges/assessments and Downtown Guides charges; and

\$20,000 toward the cost of security services

A comparison of annual revenue return to the City is as follows:

Current Annual Revenue Return: \$6,000 (\$500 per month payment to City)

Proposed Annual Revenue Return: \$600 (1.2% of a projected \$50,000 above the \$400,000 threshold)

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-134

Ordinance No. 2003-320
(Int. No. 359)

Authorizing An Agreement For Operation Of The High Falls Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Donatelli, Inc., d/b/a Ralph Parking Company for the operation of the High Falls Parking Garage. Donatelli, Inc. shall provide a full-time manager and all other personnel required for operation of the garage, including cashiers, security guards and maintenance staff. It shall also be responsible for the costs of materials and supplies, contractual services and insurance. The City shall be responsible for all utility costs, Pure Waters capital charges/assessments and Downtown Guides charges, and \$20,000 towards the cost of security services. The agreement shall be for a term of one year, with an option to renew for one year.

Section 2. The agreement shall obligate Donatelli, Inc. to pay to the City 1.2% of the annual gross revenue after sales taxes above \$400,000 of the High Falls Parking Garage.

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. 2003-321
Re: City Hall Window Repair

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing maximum compensation of \$30,000 for an agreement with Bergmann Associates, 200 First Federal Plaza, 28 East Main Street, Rochester, for design and contract administration services for the window repair project at City Hall (Building A). The cost of the agreement will be financed from the 2002-03 Cash Capital allocation.

The City Hall Window Repair Project includes repair and repainting of 240 windows in the older portion (Building A) of City Hall. Repair, rather than replacement, of the windows will be undertaken for historic and budgetary reasons, and to minimize disruptions for City Hall occupants.

Among the more than 240 exterior wood windows are about forty different window types. The windows are original to the building and, as such, have historical value. While nearly all of the windows are double-hung or fixed in terms of operation, each operating sash has been fixed in place for climate control and security reasons.

On October 13, 1998, City Council authorized Handler, Grosso, Durfee and Associates (HGD&A) to perform a conditions analysis, and on May 11, 1999 authorized that firm to perform improvements to City Hall. A 1999 Condition Report, a 1999-2000 demonstration project, and a 2000 Addendum to the Condition Report were also performed by HGD&A. The resulting recommendation, based on conditions found in the demonstration project, was to perform repairs to all of the windows in City Hall "A" building.

HGD&A merged with Bergmann Associates in 2001. Therefore, Bergmann Associates is recommended based on their familiarity and experience on the demonstration project.

Design is scheduled to begin in the fall of 2003. Construction is scheduled to begin in the spring of 2004 and be completed in the summer of 2004. The estimated cost of construction is \$300,000 which is provided for in the Debt allocation of the 2003-04 Capital Improvement Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-321
(Int. No. 360)

Establishing Maximum Compensation For A Professional Services Agreement For Improvements To City Hall

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$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 Bergmann Associates for design and contract administration services for the window repair project at City Hall. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project .

Said amount shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-322
Re: Agreement - Mausoleum Building,
Riverside Cemetery

R2010: Campaign 7 - Fiscal Responsibility

Transmitted herewith for your approval is legislation amending the Code of the City of Rochester to establish pricing for the new Chapel Mausoleum at Riverside Cemetery.

The new Chapel design provides over 2,400 crypt spaces and 1,500 niche spaces and a chapel area for funeral services to seat 60 visitors. Thirty-seven percent of the total inventory will be pre-sold to fund the \$3.7 million construction costs. Net revenue for the entire inventory is estimated to be \$9.9 million. Construction will begin in the spring of 2006.

This legislation will amend the Code of the City of Rochester Chapter 43-12(A)(1)(d) to add the following:

Pre-construction prices for the new Chapel Mausoleum at Riverside: Minimum price for crypt space, three thousand five hundred dollars (\$3,500.) and a maximum price of sixteen thousand dollars (\$16,000.). Minimum price for niche space, fourteen hundred dollars (\$1,400.) and a maximum price of three thousand dollars (\$3,000.). Included in these prices is a perpetual care fee of two hundred dollars (\$200.) for single crypt spaces and four hundred dollars (\$400.) for double crypt spaces. Perpetual care for niches ranges from one hundred fifty dollars (\$150.) to four hundred dollars (\$400.). Pre-construction purchases will be allowed a five percent (5%) discount from the price of the selected crypt or niche.

This pricing structure will keep Riverside Cemetery competitive with other cemeteries in the immediate area.

The Chapel Mausoleum will expand inventory at Riverside Cemetery to provide for the future. Service fees, memorializations and endowments will continue to generate revenue for the life of the cemetery.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-135

Councilmember Stevenson moved to discharge Introductory No. 361.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Ordinance No. 2003-322
(Int. No. 361)

Amending Chapter 43 Of The Municipal Code, Cemeteries, With Respect To The New Chapel Mausoleum At Riverside Cemetery

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 43-12 of the Municipal Code, relating to cemetery fees, as amended, is hereby further amended by adding thereto a new subsection A(1)(d)[3] to read in its entirety as follows:

- [3] Pre-construction prices for the new Chapel Mausoleum at Riverside: Minimum price for crypt space, three thousand five hundred dollars (\$3,500.) and a maximum price of sixteen thousand dollars (\$16,000.). Minimum price for niche space, fourteen hundred dollars (\$1,400.) and a maximum price of three thousand dollars (\$3,000.). Included in these prices is a perpetual care fee of two hundred dollars (\$200.) for single crypt spaces and four hundred dollars (\$400.) for double crypt spaces. Perpetual care for niches ranges from one hundred fifty dollars (\$150.) to four hundred dollars (\$400.). Pre-construction purchases will be allowed a five percent (5%) discount from the price of the selected crypt or niche.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
September 23, 2003

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 362 - Authorizing An Application And Agreement And Amending The 2003-04 Budget For The CERT Program

Int. No. 363 - Authorizing An Application And Agreement And Amending The 2003-04 Budget For The Metropolitan Medical Response System

Int. No. 364 - Authorizing An Agreement With Respect To Underage Tobacco Enforcement

Int. No. 365 - Amending The 2003-04 Budget Of The Rochester Police Department For Grant Funds And Authorizing An Amendatory Agreement, As Amended

Int. No. 366 - Establishing Maximum Compensation For An Agreement For The Provision Of Prescription Medication For Injured City Firefighters

Int. No. 367 - Establishing Maximum Compensation For Professional Services Agreements For Medical Services

Int. No. 368 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-323
Re: NYS Emergency Management Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing receipt of a grant of \$87,000 from the New York State Emergency Management Office to continue activities related to the training of citizens in the Community Emergency Response Team (CERT) program, and amending the Fire Department's 2003-04 budget to reflect the receipt and use of those funds.

The funds will be used by the Fire Department to continue training adults in a number of fundamental practices and procedures that allow them to take care of themselves and others during natural and man-made disasters that overwhelm normally available resources and cause delays by professionals.

Graduates of past CERT programs have taken on the task of evacuation preplanning at their area senior citizen high rise buildings; identifying at-risk individuals who would need special services if there was a disruption in public utility services; and developing a data base of neighbors who rely on Meals on Wheels and who would be the first to suffer if the local infrastructure broke down. They have also participated in door-to-door arson awareness presentations and smoke detector installation programs.

The program will train and organize four to five teams per year. Such training will constitute a major stride toward disaster preparedness and will address initiatives of State and Federal homeland security agencies.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-136

Ordinance No. 2003-323
(Int. No. 362)

Authorizing An Application And Agreement And Amending The 2003-04 Budget For The CERT 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 Emergency Management Office for funding for the Community Emergency Response Team (CERT) Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2003-220, the 2003-04 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 \$87,000, which amount is hereby appropriated from funds to be received from

the agreement authorized in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-324
Re: U.S. Department of Health and
Human Services Grant

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing receipt of a grant of \$280,000 from the U.S. Department of Health and Human Services to continue the efforts begun in 2000 that were previously funded by the Metropolitan Medical Response System (MMRS) grant. The legislation will also amend the Fire Department's 2003-04 Budget to reflect receipt and use of \$258,900 of these funds.

The funds will be used by the Fire Department to continue its comprehensive collaborative efforts with the Monroe County Health Department, other area fire departments, police agencies, EMS providers and hospitals to provide the best possible response in the event of a terrorist attack using biological or other types of weapons of mass destruction.

These efforts will allow the City to improve and augment existing emergency preparedness plans and capabilities without having to create new entities. Professional relationships already exist among the many agencies and personnel that would be involved in the event of a terrorist incident. These funds will allow us to improve the response to any incident that generates large numbers of casualties and places a stress on Rochester's emergency management system.

These funds will enhance the hospital, health care system and EMS response component. Proactive efforts toward community preparedness are an essential first step in effectively responding to and minimizing the effects of any incident, whether intentional or accidental, on responders and the community.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-324
(Int. No. 363)

**Authorizing An Application And Agreement
And Amending The 2003-04 Budget For The
Metropolitan Medical Response System**

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 Health and Human Services for funding for 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. Ordinance No. 2003-220, the 2003-

04 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 \$258,900, which amount is hereby appropriated from funds to be received from the agreement authorized in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-325
Re: Underage Tobacco Enforcement Grant

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation authorizing the Mayor to enter into an agreement with the County of Monroe, Department of Health, for renewal funding under the Tobacco Enforcement Program of the New York State Department of Health. The funding, up to the amount of \$32,000, will allow the Police Department to conduct inspections of licensed tobacco outlets, including cigarette vending machines, in the City of Rochester. These inspections will measure compliance with the age restrictions on tobacco sales. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for proper documents and certificates.

The grant funds will be used to compensate underage purchasers and to pay overtime and fringe benefits to sworn RPD officers who conduct the details. The agreement will cover approximately 400 compliance checks during the period of July 1, 2003 through June 30, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-325
(Int. No. 364)

**Authorizing An Agreement With Respect To
Underage Tobacco Enforcement**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe, Department of Health, for funding for an Underage Tobacco Enforcement Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-326
Re: Police Juvenile Justice Grant
Carryovers Through New York

State, Division of Criminal
Justice Services

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation which will authorize a \$15,600 amendment to the 2003-04 Budget of the Police Department to fund enhancements in the Juvenile Accountability Conferencing (JAC) program and to purchase software. Funds are available as carry over amounts from previously approved grants from the New York State Division of Criminal Justice Services.

\$12,800 will come from the unused \$45,585 Juvenile Justice Delinquency Prevention Formula Grant awarded for March 1, 2002 through February 28, 2003 (and now extended through September 30, 2003). \$2,800 will come from the Juvenile Justice Delinquency Prevention Administrative Grant, which expires on September 30, 2003.

The former amount will be spent to enhance JAC programs, which are used to evaluate a juvenile offender's eligibility for diversion and enable the juvenile to make amends to victims and the community. The latter amount will be used to purchase software licenses and supplies for a department grants management tracking database.
Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-137

Ordinance No. 2003-326
(Int. No. 365, As Amended)

Amending The 2003-04 Budget Of The Rochester Police Department For Grant Funds And Authorizing An Amendatory Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$12,800, which amount is hereby appropriated from funds to be received from the New York State Division of Criminal Justice Services for the Juvenile Justice Delinquency Prevention Formula Grant Program, and by the sum of \$2,800, which amount is hereby appropriated from funds to be received from the New York State Division of Criminal Justice Services for the Juvenile Justice Delinquency Prevention Administrative Grant Program.

Section 2. The sum of \$2,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Kathleen Washington for the provision of juvenile justice services for the Rochester Police Department. Said amount shall be funded from the 2003-04 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. 2003-327
Re: Fire Department Prescriptions

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Wegmans Food and Pharmacy for the provision of prescription medication, as required, to injured firefighters. The agreement will have an initial term of two years with provision for renewal for two one-year periods. The maximum cost of the agreement, including the renewal periods, is \$334,800, which will be funded from the 2003-04 and future budgets of the Fire Department.

Wegmans has provided this service since 1983. On September 15, 1999, City Council authorized the most recent agreement for these services, a two-year agreement, with provision for two additional one-year renewals. The total funds allocated for the agreement were \$160,000. On February 11, 2003, City Council authorized an amendment that increased the total cost of the agreement to \$235,000 in order to cover escalating costs for the fourth year. The prior agreement provided for prices equal to 85% of the average wholesale price of prescription medication, plus a dispensing fee of \$2.75 branded medications and \$3.00 for generic medications. However, while on-duty injuries covered by the agreement have actually declined over the term of the agreement, the cost of prescription drugs has continued to rise. In the 12 months prior to the first year of the agreement, the cost of prescription drugs was \$33,000. In 1999, the costs had increased to \$43,000 and in 2001 to \$51,000. Costs for 2002 were \$56,677, and 2003 costs are estimated at \$68,000.

On May 29, the Department sent a request for Proposals (RFP) for provision of these services to four providers; two responded. Wegmans has been selected because of better pricing and more flexible procedures. The proposed agreement provides for prices equal to 85% of the AWP (average wholesale price) plus \$2.00. Wegmans continues to have a 24-hour pharmacy available to dispense medications.

It is estimated that the cost for 2004 will be \$74,800. With provisions made for inflationary increases, the estimated cost for 2005 is \$80,100, for 2006 is \$85,700 and for 2007 is \$94,200.

The current agreement will expire in November of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-327
(Int. No. 366)

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 \$334,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Wegmans Food and Pharmacy for the

provision of prescription medication for injured City Firefighters for a term of two years, with two one-year renewal options. Said amount shall be funded from the 2003-04 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. 2003-328
Re: Agreements - Medical Examinations

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing agreements with Riverfront Medical Services, 259 Alexander Street, for medical services in connection with pending litigation. The maximum cost of the agreements will be \$15,000, which will be financed from the 2003-04 Budget of the Law Department.

The City requires medical examinations, consultation and testimony in order to evaluate two pending cases and prepare for possible trials. Riverfront Medical Services was chosen because of their expertise, fee schedule and City location.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-328
(Int. No. 367)

Establishing Maximum Compensation For Professional Services Agreements For Medical Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, 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 Riverfront Medical Services for medical services in connection with pending litigation. Said amount shall be funded from the 2003-04 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-329
Re: RHA Salary Schedule

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the salary and wage schedules for both bargaining unit (those employees who are represented by the American Federation of State, County, and Municipal Employees, Local 1635F [AFSCME]) and non-bargaining unit employees of the Rochester Housing Authority. This approval is required by Section 32 of the NYS Housing Law.

The adjusted schedules provide for a 2.75% increase, retroactive to July 1, 2003. This increase was approved by the Rochester Housing Authority Board of Commissioners at its regular meeting of August 27, 2003. A certified copy of the Board's approving resolution is on file with the City Clerk. This increase is equal to the increase granted to the City's bargaining unit and APT employees.

Last year, City Council approved increases for both RHA employee groups for 2002-03 that also matched those received by City employees.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-138

Ordinance No. 2003-329
(Int. No. 368)

Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 32 of the New York State Public Housing Law, the Council hereby approves wage and salary increases of 2.75% for bargaining and non-bargaining unit employees of the Rochester Housing Authority, retroactive to July 1, 2003, as approved by the Board of Commissioners of the Rochester Housing Authority on August 27, 2003.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:05 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
OCTOBER 21, 2003

Present - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson, Thompson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

ECD

Stephen Collins

RPD

Ronnie E. Fontaine, Sr.

DES

*Alan Accorso

*Richard P. Hendrix

RFD

*David Boundy

*George M. Mazza

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Pritchard

RESOLVED, that the minutes of the Regular Meeting of September 23, 2003, 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. 3740-7

The Director of Zoning submits Notices of Environmental Determination.

Brooks Landing. 3741-7

70 Hartford Street. 3742-7

THE COUNCIL PRESIDENT - PRESENTATION

AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

The Establishment Of A Business Improvement District For The High Falls Area In Accordance With Resolution No. 2003-25 One speaker: Paul Buchanan.

The Lease By The Rochester Urban Renewal Agency to Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175 Int. No. 380 No speakers.

Approval Of The Sale To Rochester Riverfront Properties, L.P. Of Sub-Area I In The Brooks Landing Urban Renewal Project Int. No. 406 One speaker: John Borek.

Amending The Official Map By Dedication Of Additional Parkland For Turning Point Park And Discontinuance Of Certain Parkland In Genesee Valley Park Int. No. 407 No speakers.

Abandonment Of Portions Of Hartford Street And Finney Street Int. No. 411 One speaker: John Schlitzer.

Approving Change In Traffic Flow On Morton Place Between Springfield Avenue And Clifford Avenue From Two-Way To One-Way Southbound Int. No. 398 No speakers.

Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption Int. No. 405 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
October 21, 2003

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 373 - Amending Ordinance No. 2003-177 Relating To The North Clinton Avenue Revitalization Project

Int. No. 374 - Designating Parcels For Urban Renewal To Be Known As The North Clinton Avenue Urban Renewal District

Int. No. 375 - Authorizing The Sale Of Real Estate

Int. No. 376 - Approving The Acquisition Of Parcels For The Fulton Avenue Challenged Street Project

Int. No. 377 - Acquisition Of Properties For Development Purposes

Int. No. 378 - Authorizing A Lease Agreement For A Library Coffee Shop

Int. No. 379 - Authorizing A Lease Agreement For Space Adjacent To The Sister Cities Parking Garage, As Amended

Int. No. 381 - Amending Ordinance No. 95-234 Relating To Mt. Olivet Baptist Church

Int. No. 382 - Appropriation Of Funds And Authorizing Agreements For The Employer Assisted Housing Initiative Program

Int. No. 383 - Authorizing An Agreement For Lighting Projects Within The Targeted Commercial Exterior Improvement Program

Int. No. 384 - Amending Chapter 40 Of The Municipal Code, Building Construction: Plumbing

Int. No. 385 - Amending Chapter 39 Of The Municipal Code, Building Code

Int. No. 386 - Amending The Municipal Code With Respect To References To The Uniform Fire Prevention And Building Code

Int. No. 387 - Amending Chapter 90 Of The Municipal Code, The Property Conservation Code

Int. No. 388 - Authorizing Agreements For Lead Hazard Control Activities

Int. No. 389 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Unity Health System Rental Housing Project

Int. No. 408 - Establishing An Incentive Program For Public Works Contracts

Int. No. 409 - Authorizing The Use Of Apprenticeship Programs As A Condition Of Award Of Certain Public Works Contracts

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 380 - Approving The Lease By The Rochester Urban Renewal Agency to Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

Int. No. 406 - Approval Of The Sale To Rochester Riverfront Properties, L.P. Of Sub-Area I In The Brooks Landing Urban Renewal Project

Int. No. 407 - Amending The Official Map By Dedication Of Additional Parkland For Turning Point Park And Discontinuance Of Certain Parkland In Genesee Valley Park

Int. No. 411 - Abandonment Of Portions Of Hartford Street And Finney Street

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
William F. Pritchard
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-330

Re: Amendment to Ordinance No. 2003-177, North Clinton Avenue Revitalization - Property Acquisitions

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendment to Ordinance No. 2003-177, relating to property acquisitions on North Clinton Avenue.

On June 17, 2003, the Council of the City of Rochester approved the acquisition of the parcels listed below as a part of the North Clinton Avenue Revitalization Project. After the purchase options were sent to the property owners, the owners provided additional information for the appraiser's consideration. After review, the appraiser has agreed on the following revised prices. The owners have agreed to accept the revised appraisals.

Address	Original Appraised Amount	Revised Appraised Amount	Difference
9 Sullivan St	\$22,000	\$30,000	\$ 8,000
11 Sullivan St	22,000	25,000	<u>3,000</u>
		Total	\$11,000

Funds for these acquisitions were previously authorized through a bond.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-330
(Int. No. 373)

Amending Ordinance No. 2003-177 Relating To The North Clinton Avenue Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-177, relating to the North Clinton Avenue Revitalization Project, is hereby amended by increasing the amount authorized for the acquisition of 9 Sullivan Street from \$22,000 to \$30,000, and the amount authorized for the acquisition of 11 Sullivan Street from \$22,000 to \$25,000, which increased amounts shall be funded from Bond Ordinance No. 2003-178.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-331
Re: Urban Renewal District Designation - North Clinton Avenue Revitalization Area

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation

approving the North Clinton Avenue Revitalization Area as eligible for designation as an urban renewal district.

This area is generally bounded on the North Clinton Avenue on the west, Sullivan Street on the north, the eastern border of SBL parcel 106.39-01-6 (15 Sullivan Street), then along the northern, eastern and southern boundaries of parcel 106.39-01-72 (12 Hoeltzer Street) and Hoeltzer Street on the south. Attached is a boundary map.

The proposed designation is intended to facilitate the redevelopment of the North Clinton Avenue commercial area as detailed in a conditions analysis report prepared by Erdman Anthony in June, 2002. A copy of the report is available for review in the Office of the City Clerk.

The district would comprise 17 parcels including the following existing uses: 3 commercial mixed-use properties; 1 converted residence; 6 residential properties; 3 City owned vacant lots; 1 City owned mixed-use property; 2 City owned residential properties; 1 City owned multi-use building. The district would be subdivided into various development parcels.

Many of the structures within the proposed district are vacant and/or in poor condition. There are numerous vacant lots that have resulted from the demolition of structures.

These conditions constitute sufficient evidence to define the area as "blighted", satisfying requirements for its designation as an urban renewal district.

If Council approves eligibility, a formal plan for the district will be developed. Approval of this plan by the Planning Commission and the Council will be required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-139

Ordinance No. 2003-331
(Int. No. 374)

Designating Parcels For Urban Renewal To Be Known As The North Clinton Avenue Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby finds and declares that the area in the City of Rochester hereinafter described, generally bounded by North Clinton Avenue on the west, Sullivan Street on the north, the eastern border of 15 Sullivan Street, then along the northern, eastern and southern boundaries of 12 Hoeltzer Street, and Hoeltzer Street on the south, is substandard and unsanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the North Clinton Avenue Urban Renewal District. Said area is described as follows:

All that tract or parcel of land situate in the City of Rochester, being parts of the Pfaudler and Raab Subdivisions and bounded by the following courses:

Beginning at the centerline intersection of North Clinton Avenue and Sullivan Street; thence

1. Easterly along the center line of Sullivan Street a distance of 349.7± feet to the extension of the east property line of TA Parcel #106.39-1-6; thence,
2. Southerly 20 feet to the south line of Sullivan Street and continuing southerly along the east property line of TA Parcel #106.39-1-6, a distance of 131.7± feet for a total distance of 151.7± feet to the northerly line of TA Parcel #106.39-1-72; thence,
3. Easterly along the northerly line of TA Parcel #106.39-1-72 an approximate distance of 437± feet to a point in the west line of TA Parcel #106.39-1-20; thence,
4. Southerly along the easterly line of TA Parcel #106.39-1-72 a distance of 97± feet to a point; thence,
5. Westerly along the southerly line of TA Parcel #106.39-1-72 a distance of 413.5± feet to the northwest corner of TA Parcel #106.39-1-71; thence,
6. Southerly along the westerly line of TA Parcel #106.39-1-71, a distance of 98.5± feet to the north street line of Hoeltzer Street and continuing 16 feet for a total distance of 114.5± feet to the center line of said street; thence,
7. Westerly along the center line Hoeltzer Street a distance of 310.9± feet to its intersection with the center line of North Clinton Avenue; thence,
8. Northwesterly along the center line of North Clinton Avenue a distance of 362.2± feet to the centerline intersection of North Clinton Avenue and Sullivan Street and point of beginning;

Containing 159,500± Sq. Ft. or 3.6± Acres, more or less, including the area within the public right of way.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of this area as a urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-332
Re: Sale of Real Estate
R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation

approving the sale of twenty-five properties.

The first twelve properties are structures that were sold at the June 19, 2003 Public Auction. The purchasers will be required to rehabilitate the structures in accordance with their legal uses within nine months of the closing.

The next property is a vacant lot that was sold at the June 19, 2003 Public Auction. The parcel will be developed as a fenced playground area for a nearby preschool.

The next property is a structure that was sold at the April 2, 2003 Owner Occupant Auction. The purchaser will be required to rehabilitate the structure within eighteen months of closing, and to occupy the property for a minimum of five years.

The next five properties are vacant lots that are being sold to accommodate the construction of single family homes as part of the Fulton Avenue Redevelopment Project. The homes will be sold to owner occupants with household incomes not to exceed 80% of the median income for the Rochester Metropolitan Statistical Area.

The last six properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable because of their size, and will be combined with the purchasers' adjoining properties

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-140

Ordinance No. 2003-332
(Int. No. 375)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Legal Use Purchaser	Price
226 Alphonse St. 106.33-2-4.1	1 Family Veronica Goines	\$ 2,600
388 Alphonse St. 106.26-3-38	1 Family Joseph J. Macko	11,600
476 Avenue A 106.23-1-54	1 Family William Turner	400
27 Boston St. 106.31-2-15	1 Family Jesilyn Properties, Inc.*	400
258 Cottage St. 135.28-1-2	1 Family Veronica Goines	2,900
337 Garson Ave. 107.61-3-1	1 Family Keith W. Miles	6,500
177 Herald St.	1 Family	4,000

106.26-1-6	Joseph J. Macko	
998 North St.	1 Family	1,300
106.26-3-47	Julia Rodriguez	
125 Orchard St.	1 Family	3,500
120.26-1-48	William M. Quinn	
31 Peck St.	1 Family	2,800
106.68-1-30	Keith W. Miles	
71-73 York St.	2 Family	5,800
120.42-1-37	Werner Wandersleben	
116-118 York St.	2 Family	9,000
120.34-2-80	Wilma J. Milhouse	

*Officer: Magdalena Ridings

Section 2. The Council hereby further approves the sale of the following parcel of vacant land with proposal by regular auction:

Address:	627 Thurston Road
S.B.L.#:	135.32-1-8
Price:	\$1,900
Purchaser:	Loretta White

Section 3. The Council hereby further approves the sale of the following parcel of improved property by owner occupant auction:

Address:	375 Ravenwood Ave.
S.B.L.#:	120.79-1-8
Price:	\$18,700
Purchaser:	Lester Quinn

Section 4. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

Address	S.B.L.#	Price
126 Fulton Av.	105.43-2-38	\$475
Urban League of Rochester/EDC*		
129 Fulton Av.	105.43-2-47	450
Urban League of Rochester/EDC*		
131-133 Fulton Av.	105.43-2-46	450
Urban League of Rochester/EDC*		
132 Fulton Av.	105.43-2-40	475
Flower City Habitat for Humanity**		
135 Fulton Av.	105.43-2-45	475
Urban League of Rochester/EDC*		

* Officers: William G. Clark, Carolyn Vitale, Oscar Holloway, Jr.

** Officers: Kevin Prinzing, Dick Sprenkle, Elizabeth Stewart, Peter Prince, Arthur Woodward

Section 5. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft. Purchaser
EH 435 Emerson St.	1650
Pt of 105.41-2-29	James Harper
WH 435 Emerson St.	1650
Pt of 105.41-2-29	Torsha Y. Steele
345 Genesee St.	3393.9
120.66-1-28	Otto Kuhn, Brian & Elaine Kaminski
22 Orchard St.	4657±
120.27-2-63	Brian Thomas Martin
360 Scio St.	4572±
106.65-2-38	Dywane Watts
7 Woodrow St.	3630
105.58-2-34	Ann Wimes

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-333
Re: Acquisition - Fulton Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of three properties as part of the Fulton Avenue Challenged Street Project. Pertinent information regarding the properties is as follows:

Address	Type	Amount
112-114 Fulton Ave. Michael P. Flannery	Parking Lot & Garage	\$ 10,300
116 Fulton Avenue Michael P. Flannery	3 Family	14,100
20-28 Phelps Avenue Michael P. Flannery	20-Unit Apartment Building	<u>125,000</u>
Total		\$149,400

The acquisition amounts were established through an independent appraisal prepared by Christopher S. Tillett, MAI, SRA. All of the properties are vacant; therefore, no relocation costs are required. A total cost of \$250,000 is requested to cover the acquisition, demolition and closing costs for these parcels.

The source of funds is the 2002-2003 Cash Capital allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-141

Ordinance No. 2003-333
(Int. No. 376)

**Approving The Acquisition Of Parcels For The
Fulton Avenue Challenged Street Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels from the current owner for maximum amounts not to exceed the following as a part of the Fulton Avenue Challenged Street Project:

Maximum
Acquisition

Property Address	S.B.L. #	Amount
112-114 Fulton Av.	105.43-2-78	\$ 10,300
Michael P. Flannery	Pkg. Lot & Garage	
116 Fulton Av.	106.43-2-34	14,100
Michael P. Flannery	3 Family	
20-28 Phelps Av.	105.43-2-33	<u>125,000</u>
Michael P. Flannery	20 Unit Apt. Bldg.	
Total		\$149,400

Section 2. The acquisition, demolition and closing costs shall obligate the City to pay an amount not to exceed \$250,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-334
Re: Acquisition of Real Estate - 26 and
28 Heinrich Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of two vacant lots. Pertinent information regarding the properties is as follows:

Address:	28 and 36 Heinrich Street
Owner:	Erna J. Emmighausen
Amount:	\$1,500

The acquisition amount was established through an independent appraisal prepared by Robert G. Pogel, SRPA. The acquisition is to be funded from the 2003-04 Cash Capital allocation. City taxes for the year 2004 will be canceled upon the City's acquisition of this property. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

The vacant lots, which have a combined land area of 5,176 square feet, will be reserved for development of single family housing in conjunction with Cityscape or Home Expo.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AC-142

Ordinance No. 2003-334
(Int. No. 377)

Acquisition Of Properties For 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 parcels for development purposes:

Property Address: 28 & 36 Heinrich St.
Reputed Owner: Erna J. Emmighausen
S.B.L.#: 107.81-01-033 & 032
Maximum Acquisition Amount: \$1,500

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$1,500, and said amount, and necessary closing costs, shall be funded from the 2003-04 Cash Capital Allocation.

Section 3. City taxes and other current-year charges against said parcels are hereby canceled. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-335
Re: Java's Café Inc. Lease at Central Library

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a five-year agreement with Java's Café Inc., 16 Gibbs Street, Rochester, NY 14604, to operate a coffee shop within the Bausch and Lomb Public Library Building. The coffee shop will occupy approximately 640 square feet in the area where the library bookshop currently operates. The bookshop will be relocated next to the coffee shop. The Library will provide utilities and plumbing to the location, and Java's will be responsible for the interior renovations. The Library will also share space outside of the shop for tables and chairs and rest room facilities. Storage space of approximately 120 square feet will also be provided.

The Rochester Public Library is a chartered institution governed by the Board of Trustees. However, the City owns the Central Library (and the branch library) buildings. The Rochester Board of Trustees authorized an agreement with Java's at their September 23, 2003 Board Meeting.

Under the agreement, the contractor will pay the Library:

1. A base fee of \$500 per month;
2. A percentage of the gross yearly sales over an amount to be determined; and
3. Monthly costs for maintenance and security coverage incurred by the Library when the Café is open and the Library closed.

Since 1997, the Library has had a series of café operators in a space located on the riverside of the

Rundel Memorial Building. During the last full year of operation, the Library café operators generated approximately \$60,000 in gross receipts. The businesses have not been successful because of a lack of street presence and a reduction of library staff. It is believed that the new location will provide the street presence necessary for a successful and dynamic operation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-143

Ordinance No. 2003-335
(Int. No. 378)

Authorizing A Lease Agreement For A Library Coffee Shop

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Java's Café Inc. for the operation of a coffee shop in the Bausch & Lomb Public Library Building for five years. The Library shall provide utilities and plumbing, while Java's shall be responsible for interior renovations.

Section 2. The lease agreement shall obligate Java's to pay the Library \$500 per month, a percentage of gross yearly sales approved by the Library, and monthly costs for maintenance and security when the Library is not open.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-336
Re: Lease Agreement - Cronin Cruises and Travel, Sister Cities Parking Garage

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing a lease agreement with Cronin Cruises and Travel (Patricia Cronin, proprietor) for commercial space located at 56 Fitzhugh Street in the Sister Cities Parking Garage.

Cronin Cruises will provide all vacation/leisure-related services with a specialty in cruise vacations. The staff will consist of a manager and one part-time travel counselor and will be open from 10:00 a.m. until 6:00 p.m. Services that will be available are: purchase of all vacation packages which include: hotel accommodations; purchase of travel insurance; electronic air ticketing; and car rental. Cronin Cruises also provides Notary Public service.

Under this agreement, Cronin Cruises will lease 367.5 square feet of space at a rate of \$200.00 per month. The lease amount is based on an independent appraisal. The term of the lease will be for two years, beginning January 1, 2004, and ending on December

31, 2005, with an option to extend the lease for an additional two years, upon mutual agreement between the City and Cronin Cruises.

In addition, Cronin Cruises will be responsible for all renovation costs, all utility costs, maintenance and minor repairs, trash removal, and appropriate liability insurance.

Ms. Cronin is a part-time employee of the Rochester Cultural Center Commission. The lease proposed here is at market rate and all terms and conditions are in accordance with similar leases.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-336
(Int. No. 379, As Amended)

Authorizing A Lease Agreement For Space Adjacent To The Sister Cities Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Cronin Cruises and Travel for approximately 367.5 square feet of commercial space at 56 North Fitzhugh Street, adjacent to the Sister Cities Parking Garage, for two years, with a two-year renewal option.

Section 2. The agreement shall obligate Cronin Cruises to pay rent in the amount of \$[200] 215 per month. The tenant shall be responsible for all renovation costs, utilities, maintenance and minor repairs, trash removal and liability insurance.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-337
Re: Real Estate Transactions - Mt. Olivet Baptist Church

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending a land disposition agreement between the Rochester Urban Renewal Agency and Mt. Olivet Baptist Church.

City Council and the Rochester Urban Renewal Agency approved the sale of parcel 34C to Mt. Olivet Baptist Church for \$61,000 in May 1995. An agreement was entered into on February 25, 1996. Mt. Olivet is located on the adjacent property at 141 Adams Street. The conditions for sale of parcel 34C were as follows:

- 1. Demonstration that the church could finance Phase I of the project which included the con-

struction of a new sanctuary with seating for 700 persons and a parking lot for 280 vehicles. This phase was completed in November, 1999.

- 2. Phases II and III include the construction of a new auditorium and a new educational building and were to have financing commitments within four years of the completion of Phase I (i.e., November, 2003). Without this financing, a reverter clause in the agreement allowed the Urban Renewal Agency to reacquire the portion of the parcel south of the parking area (see attached map).

Mt. Olivet Church has requested an extension of the date to begin Phases II and III to 2006. The church's financial success as well as the rising cost of construction has caused them to amend their original plans by:

- a. Planning to pay off Phase I in 2005; and
- b. Combining Phases II and III

There have been preliminary discussions between the church and M&T Bank about future financing needs. Attached is a resolution from the Board of Trustees of Mt. Olivet Baptist Church dated June 22, 2003 requesting an extension of the date for beginning Phases II and III until December 31, 2006.

Respectfully submitted
William A. Johnson, Jr.
Mayor

Attachment No. AC-144

Ordinance No. 2003-337
(Int. No. 381)

Amending Ordinance No. 95-234 Relating To Mt. Olivet Baptist Church

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 95-234, relating to the sale of Parcel 34C in the Third Ward Urban Renewal Project by the Rochester Urban Renewal Agency to Mt. Olivet Baptist Church, as amended, is hereby further amended by extending the time for obtaining necessary financing commitments for Phase II and Phase III until December 31, 2006.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-338
Re: Employer Assisted Housing Initiative

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Employer Assisted Housing Initiative (EAHI). This legislation will:

- 1. Appropriate \$400,000 from the Home Purchase Assistance allocation of the 2003 HOME Program and \$203,000 from the 2003-2004 City Development Fund for a total of \$603,000 for

use in the program; and

- 2. Authorize any agreements necessary to implement the program.

The EAH is a collaboration between Fannie Mae, local employers, lenders and the City of Rochester. It is designed to help stabilize the workforce and increase the number of homeowners within the city. As part of the program, the City will match dollar-for-dollar the employer's benefit up to \$3,000. The City funds will take the form of a deferred or forgivable loan and may be used for down payment and closing cost assistance. Participating employers would need to invest a minimum of \$1,000. Participating lenders working with the program will offer additional incentives to participating employees. To participate, employees must meet the following minimum requirements:

- 1. Employed and approved by a participating employer;
- 2. Cannot currently own a home in the City; and
- 3. Mortgage qualified

Employees receiving the benefit will be required to purchase a home within the City limits; invest a minimum of \$1,500 in personal funds, and occupy the home as their residence for five years. First-time buyers will also need to complete homebuyer training.

As an employer, the City will provide up to \$3,000 to City employees.

The proposed appropriation will be used to finance the participating employer program component and the City's own program for its employees. It is anticipated that the proposed appropriation will assist 201 applicants.

To date, Eastman Kodak Company, High Falls Brewing Company, Unity Health System, Visiting Nurse Service and Xerox Corporation have agreed to participate. The following lenders are included as participants: Citibank, HSBC, M&T Bank, and Summit Federal Credit Union. Other employers and lenders may still join in this effort. The program is expected to begin in December of this year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-338
(Int. No. 382)

Appropriation Of Funds And Authorizing Agreements For The Employer Assisted Housing Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from 2003 HOME Program funds the sum of \$400,000, and \$203,000 shall be funded from the 2003-04 City Development Fund, or so much thereof as may be necessary, to fund the Employer Assisted Housing Initiative Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Employer Assisted Housing Initiative Program.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-339
Re: Agreement Amendment and
Appropriation - RG&E Lighting
Improvements

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to a grant from Rochester Gas & Electric (RG&E) for lighting improvements. This legislation will authorize an amendatory agreement with RG&E for receipt and use of an additional \$20,000 grant in 2003-04, and such additional amounts as may be available in subsequent years to be used to match City funds in the Targeted Commercial Exterior Improvement Program and to appropriate the funds for that program.

Projects including exterior lighting improvements to enhance public safety and appearance will be eligible to receive a grant of up to \$2,700. Criteria for eligibility for 2003-04 are listed below; except for Charlotte, all areas are matching grants 90/10 up to \$25,000:

Street	Grants Available
Boundary	
Genesee Street	6
Cottage to Brooks Avenue	
Lyell Avenue	4
Broad to Oak (243-301)	
West Main Street	4
Canal to Madison	
Charlotte:	10 (50/50 up to \$10,000)
Lake Avenue	
Stutson Street to the beach	
River Street	
Stutson Street to the beach	

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-339
(Int. No. 383)

Authorizing An Agreement For Lighting Projects Within The Targeted Commercial Exterior Improvement 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 Gas and Electric Corporation (RG&E) for the receipt of annual grants to be used for lighting projects with the Targeted Commercial Exterior Improvement Program.

Section 2. The amounts received under the agreement authorized herein are hereby appropriated for lighting projects within the Targeted Commercial Exterior Improvement Program. Said amounts shall be administered as a part of the Targeted Commercial Exterior Improvement 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 Nos. 2003-340, 2003-341,
2003-342, and 2003-343

Re: Amendments to City of Rochester
Codes, Chapters 23 - Waterworks,
39 - Building Code, 40 - Building
Construction, Plumbing & 50 -
Elevators, Escalators and other
Conveyances

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending sections of the Code of the City of Rochester.

In July of 2002, the State of New York adopted a new Uniform Fire Prevention and Building Code (NYSUFP&BC). Additionally, on October 15, 2002 the Rochester City Council adopted a new Zoning Code. In response to the changes in legislation effected by the new codes, revisions to various sections of chapters 23, 39, 40 and 50 of the Code of the City of Rochester are necessary to eliminate redundancies, update code references, and align enforcement standards of these documents, as well as update terminology.

The following amendments are proposed:

Chapter - Section
Proposed Amendment

23-9 Meters

Amended to reference the NYSUFP&BC

39-102 Additional Regulations

Deleted in its entirety because high rise requirements and fire escapes are provided for in the NYSUFP&BC

39-103 Pending Applications

Amended to maintain applicability to all future amendments of the NYSUFP&BC

39-201 Definitions

Amended to align the definition of "Repair" with the NYSUFP&BC

39-202 Repair Exempt

Amended to align definition with the NYSUFP&BC

39-207 When a building permit is required

Revised to use the same terminology as the NYSUFP&BC. This section is also revised to reflect design requirements as directed by the

Rochester Zoning Code.

39-209, 213, 216, 217, and 218

Amended to update the reference to the new Zoning Code

39-224 Appeals

Amended to reflect the updated sections of New York State Rules and Regulation for administration of the Building Code

39-224 (D) Variance Application Fee

Deleted to eliminate a redundancy. The state application form sets forth fees for variances and appeals.

39-227 Zoning Code

Amended to be more comprehensive regarding differences between the Zoning Code and the NYSUFP&BC.

39-301 Amusement Devices

Deleted to be consistent with the NYSUFP&BC which does not regulate Amusement Devices.

39-304 (C) 1 Electrical Work

Amended to correct a typographical error

39-306 (B) Facilities selling flammable liquids

Deleted because it conflicts with requirements in NYSUFP&BC, which adequately addresses proper handling of flammable liquids.

39-307 Fences

Amended to update the reference to the new Zoning Code.

39-308 Fire Escapes

Deleted because permitted use of fire escapes is covered by the NYSUFP&BC

39-310 Marquees and awnings

Amended to refer to requirement of the NYSUFP&BC.

39-311 (A) and (C) Signs

Amended to update the code references

39-312 (C) Swimming Pools

Amended to update the reference to the new Zoning Code

39-313 Carpeting

Deleted to eliminate redundancy.

39-314 (C) Building Security

Is added to align requirements of the NYSUFP&BC

39-403, 39-404, 39-406 and 39- 406 (C - G),
39-407 (A) and (C- 6)

Revised to reflect existing staff titles.

Sections 40-3, 40-15, 40-17 (G) 2 and 40-24 Amended to correct the code references

40-29 Approved Materials

Amended to provide an approval process for new plumbing materials or methods.

40-42 and 40-43 (D) Sewers

Amended to correct the code references.

40-54 (D) Site Work Drainage

Amended to correct the code reference and eliminate redundant language.

40-56 Gas supply piping
Amended to be more comprehensive and in alignment with the NYSUFP&BC.

40-57, 40-58, 40-59, 40-60, and 40-63
Eliminated because they are adequately addressed in the NYSUFP&BC.

50-2, 50-3, 50-6 (B) 2
Amended to correct the code reference to the NYSUFP&BC.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-340
(Int. No. 384)

Amending Chapter 40 Of The Municipal Code, Building Construction: Plumbing

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 40 of the Municipal Code, Building Construction: Plumbing, as amended, is hereby further amended as follows:

- (a) Section 40-3, Definitions, is hereby amended by deleting the reference "Article 9" where it is contained in the body thereof and the reference "Article 9, Plumbing Requirements" where it is contained in the Abbreviations in said section.
- (b) Section 40-15, Permits required, is hereby amended by deleting the reference "of Article 9, Plumbing Requirements," where it is contained therein.
- (c) Section 40-17, Permit application, is hereby amended by amending subsections G(1) and (2) thereof to read as follows:
 - (1) Applications for plumbing permits which are subject to the provisions of this code and which are denied by the Commissioner may be appealed to the Examining Board of Plumbers for relief as stipulated in §40-4B of this code.
 - (2) Applications for plumbing permits which are subject to the provisions of the NYSUFP & BC, and which are denied by the Commissioner may be appealed for relief to the New York Department of State Regional Board of Review.
- (d) Section 40-24, Violations: notices, is hereby amended to read in its entirety as follows:

§ 40-24. Violations: notices.

Upon inspection of plumbing work, any violation of this code or of the applicable provisions of the NYSUFP & BC shall result in the issuance of a notice and order pursuant to procedures set forth in Chapter 52 of the City Code. All notices and orders shall be served on the property owner, except that, when possible, the notice and order shall be served upon the master plumber doing the work.
- (e) Section 40-29, Approved materials, is hereby

amended to read in its entirety as follows:

§ 40-29. Approved materials.

New materials, joints, fittings or connections other than those specified in the applicable City or State code sections may be permitted through the issuance of a variance by the State or by the Plumbing Board as applicable to those code sections.

- (f) Section 40-42, Size of storm water sewers or laterals, drains and branches thereof, is hereby amended by amending subsection A thereof to read in its entirety as follows:
 - A. For determining the required size of a sloping storm water sewer or lateral, storm drain or branches thereof and other storm water piping necessary to drain a given total horizontally projected area, employ table 1106.3 of the Plumbing Code of New York State.
 - (g) Section 40-43, Building sewers or building laterals, is hereby amended by amending subsection D thereof to read in its entirety as follows:
 - D. Building sewers or laterals for the combined system shall have sufficient capacity to drain the roof and other storm water areas in addition to the plumbing fixtures. The required sizes of building sewers or laterals, building drains and/or branches thereof for the combined or the separate systems shall be determined by employing Sections 710 and 1106 of the Plumbing Code of New York State. No building sewer or building drain shall be a smaller diameter than the largest line of pipe connected thereto.
 - (h) Section 40-54, Site work drainage, is hereby amended by amending subsection D thereof to read in its entirety as follows:
 - D. In accordance with the NYSUFP & BC, tie-ins to sewers must be made when a sewer is available.
 - (i) Section 40-56, Gas supply piping, is hereby amended to read in its entirety as follows:

§40-56. Gas supply piping, equipment, and appliances.

All gas supply piping, equipment and appliances shall be installed to comply with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
 - (j) Section 40-57, Gas-range outlets and stop-cocks; Section 40-58, Gas water-heater relief valves; Section 40-59, Individual valves or shut offs; Section 40-60, Scrapping, pre-wash and disposal machines; and Section 40-63, Soda water chargers, are hereby repealed.
- Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

Ordinance No. 2003-341
(Int. No. 385)

Amending Chapter 39 Of The Municipal Code, Building Code

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 39 of the Municipal Code, Building Code, as amended, is hereby further amended as follows:

- (a) Section 39-103, Pending applications, is hereby amended to read in its entirety as follows:

§ 39-103. Pending applications.

Applicants who have filed completed applications for permits prior to the effective date of Building Code amendments may conform to the Building Code previously in force. If the applicants choose to be adjudged under the previously applicable Building Code, they must commence construction within three (3) months after the effective date of the amendments and diligently pursue construction to completion.

- (b) Section 39-201, Definitions, is hereby amended by deleting the definition of Ordinary Repair and by inserting therein in alphabetical order the following new definition:

REPAIR - The patching or restoration of materials, elements, equipment and/or fixtures for the purpose of maintaining such materials, elements, equipment and/or fixtures in good or sound condition.

- (c) Section 39-202, Ordinary repair exempt, is hereby amended to read in its entirety as follows:

§ 39-202. Repair exempt.

Repair to existing structures shall not require a building permit nor be subject to provisions of the Building Code except as specifically provided. Repair shall not include work resulting from fire or natural disaster.

- (d) Section 39-207, When a building permit is required, is hereby amended to read in its entirety as follows:

§ 39-207. When a building permit is required.

A. No property owner shall construct, renovate, alter, reconstruct, demolish, relocate or change the occupancy of all or part of a building or structure, or cause the same to be done, without first obtaining a building permit from the Commissioner for each such building or structure, except that a permit shall not be required for one accessory shed per parcel no greater than one hundred (100) square feet.

B. A building permit shall also be required to install the following:

- (1) Amusement device.
- (2) Antenna structure 16 feet or more in height above the base, satellite dishes with a diameter greater than

24 inches, or personal wireless telecommunication facilities.

- (3) Cellar stair enclosure.
- (4) Electrical work (see § 39-304).
- (5) Elevator, escalator, moving walk or dumbwaiter.
- (6) Wall; retaining wall over two feet in height above average grade.
- (7) Fire alarm system, fire and smoke detection system or fire suppression system.
- (8) Fire escape.
- (9) Heating, ventilating or air-conditioning system or appliance.
- (10) Marquee and awning.
- (11) New or replacement cladding materials, whether installed over existing cladding or if existing cladding is replaced; except that no permit is required to replace original cladding with like materials which have identical profiles.
- (12) Paved area or addition to a paved area having an aggregate size in either case of two thousand (2,000) square feet or more, or a parking lot as defined by the Zoning Ordinance, Chapter 115.
- (13) Sign.
- (14) Sprinkler system.
- (15) Standpipe system.
- (16) Swimming pool, above ground or in-ground, hot tubs and spas, including the required enclosure.

C. A permit is also required to install, alter, remove or repair permanently affixed storage tanks and piping for flammable and combustible liquids.

D. A permit shall be required for any exterior alterations to architectural features of a Designated Building of Historic Value as defined in the Zoning Code, Chapter 120, including but not limited to: slate or tile roofing, cladding, porches, cornices, windows, etc.; except that a permit shall not be required to replace original materials or elements with like materials or elements which have identical profiles.

E. A permit shall not be required to construct or install an accessory structure not exceeding one hundred square feet in area nor fifteen feet in height. Such accessory structures shall comply with the applicable setback requirements of the New York State Uniform Fire Prevention and Building Code.

- (e) Section 39-209, Issuance of permit or disapproval of application, is hereby amended by

amending subsection B thereof to read in its entirety as follows:

- B. No building permit shall be issued unless the Commissioner has received evidence of a certificate of zoning compliance issued by the Director of Zoning pursuant to the Zoning Code, Chapter 120 or a statement by the Director of Zoning certifying that no certificate of zoning compliance is required.
- (f) Section 39-213, When a certificate of occupancy is required; Section 39-216, Contents of certificate of occupancy; Section 39-217, Conditional certificate of occupancy; and Section 39-218, Partial certificate of occupancy, are hereby amended by deleting the words "Zoning Ordinance" where they are contained therein and by inserting in their place the words "Zoning Code, Chapter 120,".
- (g) Section 39-224, Appeals, is hereby amended by deleting subsection D and by amending subsection B thereof to read in its entirety as follows:
 - B. Procedure. An owner or owner's agent may appeal from any local provision or any interpretation of a local provision of the Building Code by filing a written appeal with the Commissioner. The Commissioner will conduct a hearing and render a written decision within ten (10) days of receipt of the appeal. If no decision is rendered within that time, the appeal will be deemed denied. If the Commissioner shall take no action or decide against the appellant, the appellant may appeal to the Board of Review, established by Chapter 4 of the City Code. The Board of Review will conduct a hearing and render a written decision. If the Board decides against the appellant, the appellant may appeal to the Supreme Court, State of New York, pursuant to Article 78 of the Civil Practice Law and Rules. Variances, appeals or interpretations of the New York State Uniform Fire Prevention and Building Code must be sought in accordance with the provisions of Title 19 NYCRR, Part 444, titled "Variance Procedures", administered by the Secretary of State.
- (h) Section 39-227, Yards and courts, is hereby amended to read in its entirety as follows:

§ 39-227. Zoning Code.

Where there are inconsistencies between the provisions of the New York State Uniform Fire Prevention and Building Code and the Zoning Code, Chapter 120, the provisions of the more restrictive code shall govern.
- (i) Section 39-304, Electrical work, is hereby amended by amending subsection C(1) thereof to read in its entirety as follows:
 - (1) Any work done by persons employed by manufacturers or purveyors of electrical equipment in servicing their own products.
- (j) Section 39-306, Facilities selling flammable liquids, is hereby amended by deleting subsection B thereof.

tion B thereof.

- (k) Section 39-307, Fences, is hereby amended by amending subsection A thereof to read in its entirety as follows:
 - A. General requirements. All types of fences, walls and retaining walls, permanent or temporary, shall be subject to the location and height limitations as regulated by the Zoning Code, Chapter 120. All such structures shall be constructed and maintained to be safely self-supporting.
- (l) Section 39-310, Marquees and awnings, is hereby amended by amending subsection A thereof to read in its entirety as follows:
 - A. Marquees and awnings shall be constructed in accordance with applicable provisions of the New York State Uniform Fire Prevention and Building Code and Chapter 104 of the Municipal Code, Streets and Street Encroachments.
- (m) Section 39-311, Signs, is hereby amended by amending subsections A and C thereof to read in their entirety as follows:
 - A. Definitions and general provisions. See Zoning Code, Chapter 120 for definitions and general provisions regarding signs.
 - C. Projection beyond the street line. Signs shall be constructed in accordance with Chapter 104 of the Municipal Code, Streets and Street Encroachments.
- (n) Section 39-312, Swimming pools, is hereby amended by amending subsection C thereof to read in its entirety as follows:
 - C. Note. All swimming pools, whether above ground or in-ground, shall conform to the requirements of the Zoning Code, Chapter 120, of the City Code.
- (o) Section 39-314, Building security, is hereby amended by adding thereto the following new subsection C:
 - C. Locks shall not interfere with egress requirements as applicable in the New York State Uniform Fire Prevention and Building Code.
- (p) Section 39-403, Authority, is hereby amended to read in its entirety as follows:

§ 39-403. Authority.

The Manager of Plan Review and Building Inspections shall serve as the agent of the Commissioner for the purpose of administering these regulations.
- (q) Section 39-404, Definitions, is hereby amended by deleting the definition of Director and by inserting therein in alphabetical order the following new definition:

MANAGER - The Manager of Plan Review and Building Inspections of the city or an authorized representative.
- (r) Section 39-406, Permit application, review, issuance and compliance procedures; and

Section 39-407, Permit application materials, are hereby amended by deleting the word "Director" in each place that it is contained therein and by inserting in its place the word "Manager".

(Int. No. 387)

- (s) Section 39-102, Additional regulations; Section 39-301, Amusement devices; § 39-308, Fire escapes; and Section 39-313, Carpeting, are hereby repealed.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

Ordinance No. 2003-342
(Int. No. 386)

Amending The Municipal Code With Respect To References To The Uniform Fire Prevention And Building Code

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-9 of the Municipal Code, Meters, as amended, is hereby further amended by amending subsection D thereof to read in its entirety as follows:

- D. Electrical grounding of meters. The property owner shall provide and maintain a permanently bonded, electrical grounding strap for each meter setting as required by the applicable provisions of the New York State Uniform Fire Prevention and Building Code.

Section 2. Section 50-2 of the Municipal Code, Acceptance and scope, is amended by deleting the reference "(9 NYCRR)" where it is contained therein.

Section 3. Section 50-3 of the Municipal Code, Definitions, is hereby amended by amending the definition of ANSI A17.1 to read in its entirety as follows:.

ANSIA17.1 - The edition of the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, as supplemented by published amendments and additions as referenced by the New York State Uniform Fire Prevention and Building Code.

Section 4. Section 50-6 of the Municipal Code, Appeals, is hereby amended by amending subsection B(2) thereof to read in its entirety as follows:

- (2) If the Board decides against the appellant, the appellant may appeal to the Supreme Court, State of New York, pursuant to Article 78 of the Civil Practice Law and Rules, unless the appeal requests a variance or further interpretation of the New York State Uniform Fire Prevention and Building Code. In the latter event, the appellant must appeal to the New York State Board of Review, established by Title 19NYCRR, prior to appealing to the Supreme Court, State of New York.

Section 5. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

Ordinance No. 2003-343

Amending Chapter 90 Of The Municipal Code, The Property Conservation Code

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. § 90-15 of the Municipal Code, Junked, abandoned or unlicensed vehicles, as amended by Ordinance No. 2003-233, is hereby further amended by amending subsection B(7)(a) thereof to read in its entirety as follows:

- (a) Not more than one (1) vehicle per property shall be permitted, and a permitted vehicle must be a passenger vehicle.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-344
Re: Agreement - Neighborhood Housing Services of Rochester

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to lead hazard control activities. This legislation will:

1. Authorize the receipt of a grant of \$15,000 from Rochester Gas & Electric; and
2. Establish maximum compensation of \$15,000 for a professional services agreement with Neighborhood Housing Services of Rochester (NHS), 570 South Avenue, for lead hazard awareness seminars and lead paint inspections.

In consultation with Councilmember Wade S. Norwood, Rochester Gas & Electric agreed to provide a \$15,000 grant to the City for this important purpose. The City endorses NHS efforts to educate the public on this critical issue, and has previously worked with NHS on their assessment program for lead hazards. NHS will conduct five seminars to educate community groups about the hazards of lead and general techniques to minimize lead paint exposure. NHS will also perform 15 lead paint risk assessments for City residents who have received home repair and improvement loans through the organization. The risk assessments consist of inspections performed before and after rehabilitation work is completed. The cost to NHS for providing this service is \$825.

NHS provides an average of 30 rehabilitation loans annually. Because of the availability of this grant, risk assessments will be offered to residents who would otherwise be unable to afford them.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-344
(Int. No. 388)

Authorizing Agreements For Lead Hazard Control Activities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Gas and Electric Corporation (RG&E) for the receipt of a grant to be used for lead hazard control activities.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Neighborhood Housing Services of Rochester for lead hazard awareness seminars and lead paint inspections.

Section 3. 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, is hereby appropriated from funds to be received under the grant 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. 2003-345
Re: St. Mary's Senior Housing Project - PILOT Agreement

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation related to Unity Health System's senior housing project at the former St. Mary's Hospital campus. This legislation will:

1. Approve a property tax exemption for 11 Chili Avenue; and
2. Authorize an agreement for payments in lieu of taxes (PILOT).

Unity Health System, acting through Unity Housing Development Fund Corporation (UHDFC), is developing 33 units of affordable rental housing with supportive services in the former Professional Office Building at the St. Mary's campus. This \$3.2 million project was approved by the City Council on February 11, 2003 along with a \$500,000 loan for the project.

At the time of the project's approval, Unity had not yet accomplished the subdivision of the Professional Office Building from the balance of the St. Mary's campus to create a separate parcel of land. Consequently, the requested property tax exemption and PILOT could not be approved and authorized for the project at that time.

The subdivision is now complete and Unity requires said approvals in order to complete the necessary project financing arrangements, including the preservation of Low Income Housing Tax Credits (LIHTC) which were awarded to the project by the State of New York in 2002. Unity is required to transfer title to UHDFC and close on construction financing prior to November 1, 2003 or the tax credits will be placed in jeopardy.

The PILOT agreement shall be for a term of 30 years with payments to be set at 10% of shelter rates.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-345
(Int. No. 389)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Unity Health System Rental Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the parcel at 11 Chili Avenue, SBL #120.50-02-01.4, to be owned by the Unity Housing Development Fund Corporation, and to be used for low income rental housing.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 30 years with the owner of the affordable rental housing project, whereby the owner shall be obligated to make annual 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. 2003-346 And
Ordinance No. 2003-347
Re: Apprenticeship and Incentive Programs for City Contracts
R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the use of apprenticeship programs and establishing an incentive program for certain City public works contracts. The purpose of these programs is to increase meaningful employment opportunities for City residents.

The unemployment rate in the City of Rochester is substantially higher than that of Monroe County. This is partly attributable to the larger proportion of City residents who lack job skills and experience. Improving the employment opportunities for disadvantaged City residents will result in the public benefit of an employed citizenry, including increased spending power, reduced crime and welfare costs, and stabilized City neighborhoods.

By Chapter 571 of the Laws of 2001, the New York State Labor Law was amended to authorize municipalities to require contractors to participate in an apprenticeship training program as a condition of the award of a public works contract. The apprenticeship programs will be required on City construction contracts that exceed \$250,000.

The incentive program provides a bonus to contractors when, at the end of the contract, they are able to demonstrate that more than 25% of the total gross payroll of the project was paid to disadvantaged City residents. 7% of the amount paid to those City residents will be awarded to the contractor, not to exceed \$50,000.

A disadvantaged City resident shall be defined as a person maintaining a bonafide residence in the 14604, 14605, 14608, 14611, 14614 or 14621 zip codes within the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-346
(Int. No. 408)

Establishing An Incentive Program For Public Works Contracts

WHEREAS, the unemployment rate in the City of Rochester is substantially higher than that of Monroe County, which as of April 2000 was 10.2% for the city while only 6.0% for the county, and

WHEREAS, this higher percentage of city unemployment is in part the result of substantial numbers of disadvantaged city residents who are unemployed due to a lack of job skills and experience, and

WHEREAS, improving the employment opportunities for disadvantaged city residents will result in the public benefit of an employed citizenry, including increased spending power, reduced crime and welfare costs and city stabilized neighborhoods, and

WHEREAS, the city desires to encourage contractors on city construction projects to hire and provide meaningful work experiences for disadvantaged city residents by offering a bonus to the successful low bidder on city construction projects, if certain targets are met during that project for the employment of disadvantaged city residents,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. An incentive based upon the formula set forth below shall be granted, at the completion of a public works contract, provided the contractor meets the targets for employment of disadvantaged city residents set forth in this ordinance.

Section 2. A disadvantaged city resident shall be defined as one maintaining a bonafide residence within the portions of the 14604, 14605, 14608, 14611, 14614 and 14621 zip codes which are within the City boundaries.

Section 3. The employment of disadvantaged city residents by the contractor shall not be a condition to the award of the contract, which shall be awarded to the lowest responsible bidder, but instead shall be an incentive which may be applied for at the option of the contractor at the completion of the project.

Section 4. The Council of the City of Rochester hereby finds the establishment of this incentive program to be for a public purpose, due to the opportunities for job creation and training for disadvantaged workers, with resulting increased spending power, reduced crime and welfare costs and stabilized city

neighborhoods.

Section 5. The incentives available under this program shall apply to all city public works contracts for an amount in excess of \$250,000.

Section 6. In order to qualify for the incentive, the contractor must show that more than 25% of the total gross payroll for the project was paid to disadvantaged city residents.

Section 7. After determining eligibility as set forth in Section 6 above, an incentive equal to 7% of the payroll paid to those disadvantaged city residents shall be awarded to the contractor. The maximum incentive under any contract shall be \$50,000.

Section 8. The Director of Finance is authorized to adopt reasonable rules and regulations for the documentation of incentive claims and the administration of payment of such claims.

Section 9. This ordinance shall take effect for any contracts awarded after January 1, 2004.

Passed unanimously.

Ordinance No. 2003-347
(Int. No. 409)

Authorizing The Use Of Apprenticeship Programs As A Condition Of Award Of Certain Public Works Contracts

WHEREAS, until recently, state law did not allow a governmental entity which is a party to a construction contract to require that contractors participate in an apprenticeship training program; and

WHEREAS, by Chapter 571 of the Laws of 2001, the legislature adopted and the Governor signed into law an amendment to the Labor Law authorizing municipalities to require such apprenticeship training programs; and

WHEREAS, the promotion of apprenticeship training programs will expand the pool of skilled workers in the City of Rochester by providing many residents with the means to increase their employment opportunities and income, thereby fostering the local and regional economies,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester hereby establishes a policy to promote apprenticeship training programs as authorized by Section 816-b of the New York State Labor Law.

Section 2. For the purposes of this ordinance, a "construction contract" shall mean any City public works contract for an amount in excess of \$250,000 for construction, reconstruction or improvement of any building, facility or physical structure of any kind.

Section 3. The term "contractor" shall mean a contractor which directly employs labor under a construction contract, but shall not mean a subcontractor.

Section 4. The City of Rochester hereby requires any contractor, prior to entering into a construction contract with the City of Rochester, to have apprenticeship agreements, appropriate for the type and scope of work to be performed, which have been

registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law.

Section 5. The Commissioner of Environmental Services of the City of Rochester is hereby authorized to promulgate such rules and regulations necessary and appropriate for the implementation and enforcement of this ordinance.

Section 6. This ordinance shall take effect on January 1, 2004 and shall apply to all construction contracts advertised for bid after that date.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-348
Re: Parking Agreement - Municipal Lot
No. 2 - 52 Broadway

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Benderson Development Company, Inc., of Buffalo, for the continued lease of Municipal Lot No. 2, located at 52 Broadway. The lot has 62 spaces. City Council authorized the initial three-year lease agreement with Benderson Development on September 15, 1998 and authorized a two-year continuation of the lease agreement on October 23, 2001.

Under the proposed lease agreement, Benderson Development would continue to lease the lot for another three-year term, with two one-year extension options upon mutual agreement between the Rochester Urban Renewal Agency and Benderson Development. The annual lease payment to the RURA will be \$22,320. This lease amount was established by an independent appraisal conducted by Kevin L. Bruckner, MAI. The spaces are currently used by the tenants in the HSBC Building.

In the event that the lot is needed for economic development purposes, the RURA would notify Benderson Development, in writing, 90 days in advance before terminating the lease agreement.

Benderson Development will be responsible for all expenses associated with operating the lot, which includes utilities, snow plowing, and all maintenance and repairs of the lot.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-348
(Int. No. 380)

Approving The Lease By The Rochester Urban Renewal Agency To Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Benderson Development Company, Inc. (hereinafter called "Redeveloper"), for the lease of 52 Broadway in the Southeast Loop Urban Renewal Project, NYR-175, for parking lot use for three years, with two one-year options; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on October 21, 2003, to consider the proposed lease of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its Rules, criteria and procedures as a qualified and eligible sponsor.
2. That the use of said parcel by the Redeveloper and the terms of the lease of said parcel are satisfactory.
3. That lease of said land by negotiation is the appropriate method of making the land available for redevelopment.
4. That the Redeveloper possesses the qualifications and financial resources necessary to lease and redevelop the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory.
5. That the proposed annual rent of \$22,320.00 is a satisfactory rent for the lease of the parcel for use in accordance with the Urban Renewal Plan. The redeveloper shall be responsible for the all costs associated with the operation and maintenance of the parking lot, including utilities, snowplowing and repairs. If the lot is needed for economic development purposes, the Agency may terminate the lease upon 90 days written notice.
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.
7. That the lease of said parcel and conditions established for redevelopment are satisfactory.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcel and approves said Redeveloper as a qualified and eligible sponsor to lease and redevelop the Parcel.

Section 2. The Council hereby approves the method and lease of said Parcel by the Agency to said Redeveloper.

Section 3. The Council hereby authorizes the lease of said Parcel by the Agency for the proposed price in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-349 And
Ordinance No. 2003-350
Re: Brooks Landing Revitalization Project

R2010: Campaign 6 - Economic Vitality

Campaign 7 - Quality Service
 Campaign 8 - Tourism Destination
 Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation relating to the development of a hotel and restaurant as part of the Brooks Landing Revitalization Project. This legislation will:

1. Authorize an amendment to the Official Map discontinuing the use of 1.38 acres of land in the Genesee Valley Park as parkland;
2. Authorize an amendment to the Official Map dedicating 19.5 acres of City-owned land as parkland;
3. Authorize the sale of approximately 3.5 acres of land to Rochester Riverfront Properties, LP (principal: Ronald Christenson); and
4. Grant and accept utility and permanent access easements.

The Brooks Landing Revitalization Project is located along the west bank of the Genesee River across from the University of Rochester campus and extends to the intersection of Brooks Avenue and Genesee Street including various properties on the west and east sides of Genesee Street. The project involves the development of an 80 room extended-stay hotel, a 4,900 s.f. restaurant, a new public waterfront promenade/boat landing, a 25,000 s.f. office-retail building, new commercial infill development and renovation of a 2-story commercial building. The project will be developed in several phases with the hotel, promenade and restaurant as the first phase. The project map is attached.

In order to accommodate this project, an Official Map Amendment is required to discontinue, as parkland, 1.38 acres of land within the Genesee Valley Park. An Official Map Amendment dedicating 19.5 acres of new parkland, adjacent to Turning Point Park, is also being proposed. The map amendments will be considered by the Planning Commission on October 20, 2003. The Commission vote and minutes will be provided to Council on October 21, 2003. The discontinuance of the parkland is contingent upon Federal conversion approval. The alienation of the parkland has been approved by the State of New York and signed by the Governor.

The City will convey approximately 3.5 acres of contiguous land within the Brooks Landing Urban Renewal District to Rochester Riverfront Properties. Under the land disposition agreement, the City will convey the development parcel to Rochester Riverfront Properties in "as is" condition for \$1.00 because of the substandard soil and slope conditions of the site.

The City will reimburse Rochester Riverfront Properties for the removal of hazardous materials from the site, implementation of the soil management plan and the installation of engineering controls for the hotel and restaurant as required by the New York State Department of Environmental Conservation's approved Corrective Action Plan. The costs are estimated to be \$553,600 and will be funded by 2002-03 Cash Capital Plan. The City will indemnify Rochester Riverfront Properties for all environmental liabilities that are attributed to the environmental condition existing prior to the transfer of the land.

Conveyance of the land will be contingent upon both Rochester Riverfront Properties obtaining the necessary financing and the Federal approval of parkland conversion.

The Rochester Economic Development Corp. (REDCO) presently owns .68 acres of the 3.5 acres of land to be conveyed to Rochester Riverfront Properties. The REDCO properties are:

Address	Type
15 Brooks Avenue	Vacant Lot
972 Genesee Street	Vacant Lot
998 Genesee Street	Commercial
1004 Genesee Street	Commercial
1008 Genesee Street	Commercial

REDCO will transfer the property to the City prior to the City's conveyance of the entire 3.5 acres. City Council authorized the City's acquisition of these five parcels on April 8, 2003. Rochester Riverfront Properties will grant permanent public access easements to the City for pedestrian and vehicular access on and through the hotel/restaurant site. The City will grant utility easements to RG&E for the relocation of their utilities through the site.

The Brooks Avenue/Genesee Street location has been identified by the project partners as a major opportunity site within the City. The Brooks Landing Revitalization Project partners include:

- City of Rochester
- Sector 4 Common Council, 19th Ward Community Association, Plymouth Exchange Neighborhood Association
- University of Rochester
- Rochester Riverfront Properties, LP (Sub-Area I Developer)
- Flaum Management (Sub-Area II Developer)
- Sector 4 CDC (Sub-Area IIIa Developer)

The context in which this site is located presents a dynamic range of unique and important relationships to adjacent existing land uses such as neighborhood commercial, residential, parks/open space, institutional, and waterfront/recreation. When enhanced through the implementation of the Brooks Landing Revitalization Project, these relationships will collectively yield a major success in City "place-making". The key objectives for the revitalization of this area include:

- An enhanced economically viable neighborhood commercial center with increased local amenities and services;
- A new riverside hotel and restaurant development for local as well as out-of-town visitors, that evokes the history of this once thriving Genesee River/Erie Canal landing;
- Enhanced and increased access to the public waterfront, open space and existing river trail system;
- Enhanced public amenities/facilities at the waterfront including:
 - a new public promenade linking into the

existing river trail system

- a new boat docking facility to accommodate Erie Canal tourists; and,
- Enhanced dedicated park land for increased public recreational use.

The total estimated cost of the Brooks Landing Revitalization Project is \$17,160,000. The project's major components with their associated estimated costs are as follows:

Public Improvements:	
Street modifications	\$ 1,375,000
Waterfront promenade with pedestrian & boat landing amenities	1,800,000
Private Development:	
Sub-Area I: (approx. 3.5 acres):	
80 room extended stay hotel w/parking (See attached Use of Proceeds/Source of Funds)	8,900,000
4900 s.f. restaurant w/parking	1,250,000
Sub-Area II: (approx. 2 acres):	
20,000 to 25,000k s.f. New office/retail building with parking (includes 12 existing parcels)	2,685,000
Sub-Area III(a):	
6,000 s.f. renovated mixed-use retail building w/parking (includes 2 existing parcels)	600,000
Sub-Area III(b):	
New mixed-use infill development (includes 2 existing parcels)	550,000
Total	<u>\$17,160,000</u>

Economic Benefits:

- Total project investment = \$17,160,000
- Total projected job creation based on full build-out = 150 permanent jobs
- Total construction jobs = 205

The costs for the public improvements and private development will be funded as follows:

City Bonds for Public Improvements	\$ 3,175,000
Sub-Area I:	
Bank Loan	4,800,000
Equity	
Investors as Class A Limited Partnership	1,650,000
REDCO as Class B Limited Partnership	1,500,000
Restaurant Operator/Investor	1,250,000
Land Cost Write Down	450,000
ECZ Grant	500,000
Sub-Area II & III Developers	<u>3,835,000</u>
Total	<u>\$17,160,000</u>

Construction of the project will occur in phases:

Improvements	Completion Date
Street Modifications	July, 2004
Public Waterfront Promenade/ Boat Landing	October, 2004
Hotel	April, 2005
Sub-Area II & III	Summer, 2005

Utilities will need to be relocated prior to the com-

mencement of required street improvements and hotel and restaurant construction.

It is anticipated that the City's NET office located on Genesee Street within the project site, will not have to be relocated until April, 2004.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the City's Director of Zoning has determined that the proposed actions will not result in any significant environmental effects. A negative declaration has been issued.

Public hearings are required.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Attachment No. AC-145

Ordinance No. 2003-349
(Int. No. 406)

Approval Of The Sale To Rochester Riverfront Properties, L.P. Of Sub-Area I In The Brooks Landing Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of approximately 3.5 acres of land constituting Sub-Area I in the Brooks Landing Urban Renewal Project to Rochester Riverfront Properties, L.P. for the sum of \$1.00 for hotel and restaurant development. Rochester Riverfront Properties, L.P. shall also maintain the public waterfront promenade adjacent to the parcel. The Council hereby further approves the reservation, granting and acceptance of necessary easements for utilities, telecommunications and public access to and through the parcel.

Section 2. The Council hereby further authorizes environmental indemnification of Rochester Riverfront Properties, L.P., lenders and future owners regarding hazardous substances and non-hazardous industrial waste. The City will agree to reimburse Rochester Riverfront Properties, L.P. for environmental remediation of the parcel in amounts not to exceed funds appropriated for said purpose.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to effectuate this project. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect upon approval by the Federal Government of discontinuance of the use as parklands of the portion of the parcel which is currently dedicated to park purposes as a part of Genesee Valley Park.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Ordinance No. 2003-350
(Int. No. 407)

**Amending The Official Map By Dedication Of
Additional Parkland For Turning Point Park And
Discontinuance Of Certain Parkland In Genesee
Valley Park**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. Chapter 76 of the Municipal Code,
Official Map or Plan, as amended, is hereby further
amended by dedicating the following parcel to park
purposes and adding said parcel to Turning Point
Park:

All that tract or parcel of land situate in the City
of Rochester, County of Monroe, State of New York
and being lands of the City of Rochester known as
Section 061.53 Block 01 and Lot 23 and being more
particularly bounded and described as follows:

All that tract or parcel of land situate in the City
of Rochester, County of Monroe, State of New
York, in what was formerly Lot 31 in Township
2, Short Range, Town of Greece, west of the
Genesee River, more particularly described in
a Lis Pendens recorded March 10, 1890 in Liber
160 Lis Pendens at page 293, and conveyed to
William Hall Robinson by deeds recorded in
Liber 730 of deeds at page 216 and Liber 785 of
deeds at page 424 in the Monroe County Clerk's
Office, and conveyed to Charles W. Oster and
Ella Oster by deed recorded in the Monroe
County Clerk's Office in Liber 1016 at page 1,
said property being bounded on the south by
the south line of said Lot 31, on the east by the
Genesee River, on the north by the southerly line
of land conveyed to Christopher McGee by deed
recorded in Liber 960 of deeds at page 567, and
on the west by the lands now or formerly owned
by the Rochester and Lake Ontario Railroad
Company or the New York Central Railroad
Company; all as more particularly described in
said Lis Pendens:

Excepting and reserving therefrom all that
tract or parcel of land conveyed by Eugene
Van Voorhis to Rochester Monroe County
Port Authority by deed dated and recorded
March 5, 1962 in the Monroe County Clerk's
Office in Liber 3393 of deeds at page 574.
Said exception being therein described as
follows:

Beginning at the intersection of the
existing west shoreline of the Genesee
River and the dividing line of properties
between the B & O Railroad on the south
and property now or formerly owned by
E. Van Voorhis on the north, said point
being distant 346.5 feet, more or less,
measured in a straight line from a U.S.
Corps of Engineer's concrete monument
known as # 614 and whose coordinates
are north 8959.73, east 6201.53; thence
northwesterly 83° 34' 52" and along the
aforesaid line of division a distance of
85 feet to a point; thence northwesterly
30° 27' 57" a distance of 59.17 feet to a
point; thence northwesterly 47° 26' 39" a
distance of 283.89 feet to a point; thence
northwesterly 79° 39' 30" a distance of
417.79 feet to a point; thence northwest-

erly 49° 56' 56" a distance of 327.91 feet
to a point; thence northeasterly 11° 09' 51"
a distance of 387.35 feet to a point; thence
northeasterly 51° 12' 31" a distance of
679.98 feet to a point; thence northeasterly
22° 04' 30" a distance of 194.24 feet to a
point; thence northeasterly 31° 29' 13" a
distance of 281.44 feet to a point of inter-
section with the westerly shoreline of the
Genesee River; thence southerly along the
existing westerly shoreline of the Genesee
River a distance of 1800 feet, more or less,
to the place of beginning.

Intending to describe lands owned by the City of
Rochester as shown on the Tax Map of the City of
Rochester as Section 061.53 Block 1 and Parcel
23.

Section 2. Chapter 76 of the Municipal Code,
Official Map or Plan, as amended, is hereby further
amended by discontinuing the following parcel for
park purposes and deleting said parcel from Genesee
Valley Park:

All that tract or parcel of land situate in the City
of Rochester, County of Monroe, State of New York
and being more particularly bounded and described
as follows:

Beginning at a point on the southerly line of
Brooks Avenue at a point 131.33 feet easterly
from the westerly line of Genesee Street as
measured along the southerly line of Brooks
Avenue. Said point being on the easterly line
of premises acquired by the City of Rochester
from the Consolidated Rail Corporation as per a
deed dated January 8, 1985 and recorded in the
Monroe County Clerk's Office in Liber 6656 of
deeds at page 212;

Thence along the easterly line of said corpora-
tion's land the following twelve courses;

- Thence 1) S 11° 02' 23" W a distance of 11.44
feet to a point;
- Thence 2) S 10° 09' 28" W a distance of 65.19
feet to a point;
- Thence 3) S 3° 02' 04" W a distance of 65.22
feet to a point;
- Thence 4) S 5° 13' 43" W a distance of 66.92
feet to a point;
- Thence 5) S 0° 51' 47" W a distance of 63.32
feet to a point;
- Thence 6) S 0° 02' 07" E a distance of 137.94
feet to a point;
- Thence 7) S 0° 11' 45" E a distance of 61.99
feet to a point;
- Thence 8) S 0° 23' 56" W a distance of 65.97
feet to a point;
- Thence 9) S 4° 01' 26" E a distance of 66.13
feet to a point;
- Thence 10) S 0° 02' 07" E a distance of 67.97
feet to a point;
- Thence 11) S 0° 39' 44" E a distance of 63.98
feet to a point;

- Thence 12) S 0° 57' 09" E a distance of 38.78 feet to a point;
- Thence 13) N 89° 57' 53" E a distance of 65 feet more or less to a point being 30 feet westerly at right angles to the southerly extension of the east face of a concrete retaining wall on the westerly bank of the Genesee River;
- Thence 14) Northerly parallel to the easterly face of said retaining wall and 30 feet westerly therefrom and it's extension a distance of 795 feet more or less to the easterly extension of the southerly line of Brooks Avenue;
- Thence 15) Westerly along said extension and the southerly line of Brooks Avenue a distance of 142 feet more or less to the point or place of beginning.

Section 3. This ordinance shall take effect upon approval by the Federal Government of discontinuance of the use as parklands of the parcel which is described in Section 2.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No., 2003-351
Re: Official Map Amendment

R2010: Campaign 9 - Healthy
Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of Hartford Street extending from the east end westerly for a distance of 240 feet and a portion of Finney Street extending between Hartford Street and Davis Street.

The abandonment is requested by B&L Wholesale, the owner of all properties adjoining the affected Hartford and Finney Street rights-of-way. Currently, B&L Wholesale has limited land on which to expand. The abandonment of portions of Hartford Street and Finney Street will enable the applicant to acquire additional land and to provide needed off-street parking for their distribution business. The proposed abandonment will also enable the applicant to combine all the lots into one (1) lot. A site plan review application is currently being reviewed by the Division of Zoning for the proposed expansion.

The proposed abandonment was referred to the necessary agencies for comment; there were no objections to the abandonment. The abandonment will be subject to conditions as indicated in the attached memorandum from the City Engineer dated July 23, 2003.

On October 6, 2003 the Planning Commission heard testimony regarding both the abandonment and a request for rezoning of 37 Finney Street from R-2 Medium Residential to M-1 Industrial. Three (3) persons spoke in support of the requests; one (1) person spoke in opposition. By a vote of 5-0, the Commission recommended approval of the street abandonment with conditions and recommended disapproval of the rezoning request. The Commission recommended that the primary access for truck traffic to the site be at the Scio Street entrance. The Davis Street entrance should be used only as a secondary entrance primarily for passenger vehicles. The rezoning request was withdrawn by the applicant.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-146

Ordinance No. 2003-351
(Int. No. 411)

**Abandonment Of Portions Of Hartford Street
And Finney 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 parcel, heretofore dedicated to street purposes and constituting a portion of Hartford Street extending from the east end westerly for a distance of 240 feet, and a portion of Finney Street extending between Hartford Street and Davis Street:

All that tract or parcel of land containing 0.508 acres of land, more or less, located in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at the point of intersection of the westerly street line of Finney Street (46 feet wide) and the southerly street line of Hartford Street (50 feet wide); thence

1. Westerly, along the aforesaid southerly street line of Hartford Street (50 feet wide), a distance of 189.24 feet to a point on said street line; thence
2. Northerly, forming an interior angle of 90° with the previous course, a distance of 50.00 feet to a point, said point being on the northerly street line of Hartford Street (50 feet wide); thence
3. Easterly, along the northerly street line of Hartford Street (50 feet wide) and forming an interior angle of 90° with the previous course, a distance of 240.03 feet to a point; thence

- 4. Southerly, forming an interior angle of 90° with the previous course, a distance of 50.00 feet to a point, said point being the intersection of the southerly street line of Hartford Street (50 feet wide) and the easterly street line of Finney Street (46 feet wide); thence
- 5. Southwesterly, along the aforesaid easterly street line of Finney Street (46 feet wide) and forming an interior angle of 154°- 55'- 30" with the previous course, a distance of 220.52 feet to a point; thence
- 6. Westerly, forming an interior angle of 115°- 02'-30" with the previous course, a distance of 50.77 feet to a point, said point being on the westerly street line of Finney Street (46 feet wide); thence
- 7. Northeasterly, along the aforesaid westerly street line of Finney Street (46 feet wide) and forming an interior angle of 64°- 57'-30" with the previous course, a distance of 220.49 feet to the point of beginning and forming an interior angle of 295°- 04'-30" with Course Number 1.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendation of October 6, 2003.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Thompson
October 21, 2003

To the Council:

The Public Services & The Arts Committee recommends for adoption the following entitled legislation:

Int. No. 390 - Authorizing An Agreement For The Culture Builds Communities Program

Int. No. 410 - Establishing Maximum Compensation For A Professional Services Agreement For The Biracial Partnership Program And Amending The 2003-04 Budget, As Amended

Respectfully submitted,
Tony M. Thompson
Tim O. Mains
William F. Pritchard
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-352
Re: Agreement - Arts and Cultural Council,
Culture Builds Communities

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation

establishing maximum compensation of \$40,000 for an agreement with the Arts and Cultural Council for Greater Rochester, 277 N. Goodman Street, for administration of the 2003 Culture Builds Communities Program and appropriating necessary funds. The cost of this agreement will be financed from Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Block Grant.

The City has participated in the program since 1997. The most recent agreement for such participation was authorized by the City Council on September 17, 2002.

Culture Builds Communities is a joint venture with Citibank. It is designed to enhance neighborhood pride and promote participation in artistic activities. Proposals for the 2003 program will be solicited by the Arts Council through public advertisement. These proposals will be reviewed by a panel of representatives from diverse segments of the community.

Grants will range from \$1,000 to \$20,000 to neighborhoods, business organizations or school organizations. These organizations will be able to use the grants to finance artists' fees, the cost of supplies and materials and reasonable administrative expenses.

Attached is a summary report highlighting last year's accomplishments through the program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-147

Ordinance No. 2003-352
(Int. No. 390)

Authorizing An Agreement For The Culture Builds Communities Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Arts and Cultural Council for Greater Rochester for the Culture Builds Communities Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-353
Re: Biracial Partnership Program

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation:

1. Appropriating \$20,000 from funds held in trust by the City for the Biracial Partnership Program.
2. Increasing the Undistributed allocation of the 2003-04 Budget by \$20,000.
3. Establishing maximum compensation of \$50,000 for an agreement with Idea Connection Systems, Inc. of 693 East Avenue, Rochester, NY, for the implementation of the Biracial Partnership Program. Funding will be provided from the 2003-04 Undistributed allocation.

Contributions from Eastman Kodak Company (\$5,000), Bausch & Lomb (\$5,000), and the Rochester Area Diversity Council (\$10,000) have been received by the City and are being held in trust for this program.

The Biracial Partnership Program began in 2001 as part of the Mayor's Commission on Race and Ethnicity. The goal of the program is to confront and reduce racial prejudice in Rochester. Individuals are assigned a partner from a different cultural, ethnic and/or racial background. The partners use guided exercises and experiences to explore what they might have in common.

Idea Connection Systems, Inc. will facilitate the program by recruiting and pairing participants, conducting a variety of large and small group sessions for participants, developing and distributing materials, and training volunteer facilitators. Approximately 50 individuals will participate in this phase of the Biracial Partnership Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-353
(Int. No. 410, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Biracial Partnership Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Idea Connection Systems, Inc. for implementation of the Biracial Partnership Program. Said amount shall be funded from the 2003-04 Budget for Undistributed Expense.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Undistributed Expense by the sum of \$[20,000] 25,000, which amount is hereby appropriated from the Biracial Partnership Program Trust Fund.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Stevenson
October 21, 2003

To the Council:

The Parks, Public Works & Environment Committee recommends for adoption the following entitled legislation:

Int. No. 391 - Establishing Maximum Compensation For An Amendatory Agreement For The River Street/Latta Road/Lighthouse Street Public Improvement Project

Int. No. 392 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Inspection Services Relating To The CSXT Train Derailment Cleanup

Int. No. 393 - Authorizing An Amendatory Lease With The City School District For Parking Lots

Int. No. 394 - Acquisition Of Properties For The Rochester City School District

Int. No. 395 - Authorizing Agreements For Hazardous Materials Services

Int. No. 396 - Authorizing An Amendatory Agreement For Environmental Site Services

Int. No. 397 - Authorizing An Agreement For The Energy Services Program

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 398 - Approving Change In Traffic Flow On Morton Place Between Springfield Avenue And Clifford Avenue From Two-Way To One-Way Southbound

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Absent)
Tony M. Thompson
Lois J. Giess
Gladys Santiago (Did not vote on Int. No. 391 and Int. No. 392.)

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-354
Re: Port of Rochester Harbor, River Street/Latta Road/Lighthouse Street Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to construction of public improvements on River Street, Latta Road & Lighthouse Street. The legislation will authorize an amendatory agreement with LaBella Associates, 300 State Street, for additional resident project representation (RPR) services for a maximum amount of \$50,000.

On May 15, 2001, City Council authorized a profes-

sional services agreement with LaBella Associates for RPR services in an amount not to exceed \$220,000.

The amendment to LaBella's agreement is necessary as a result of the need for additional RPR services at the project. These were necessary because of delays to the project construction that resulted from the CSX railroad derailment that occurred in December, 2001. The derailment occurred at the project site and resulted in contamination of the area with hazardous chemicals that spilled from the train. The subsequent track repair and hazardous waste clean up activities delayed City work at the project significantly. Work at the project is now expected to be complete in the Fall of 2003.

The cost of this amendatory agreement is a direct result of the CSX derailment and will be passed on to CSX for reimbursement. The cost of the agreement will be pre-financed from the City's Insurance Reserve Fund.

Respectfully submitted,
William A. Johnson, Jr.,
Mayor

Ordinance No. 2003-354
(Int. No. 391)

Establishing Maximum Compensation For An Amendatory Agreement For The River Street/Latta Road/Lighthouse Street Public Improvement 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 LaBella Associates for additional resident project representation services related to the River Street/Latta Road/Lighthouse Street Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from the Insurance Reserve Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-355
Re: Amendatory Professional Services
Agreement: LaBella Associates, P.C. -
Environmental Oversight of CSXT
River Street Spill Cleanup

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with LaBella Associates, P.C. (LaBella) of 300 State Street for additional oversight and environmental inspection services related to the environmental cleanup of the December 2001 CSX Transportation (CSXT) train derailment and hazardous materials spill site located on River Street. The maximum cost of this amendatory agreement will be \$ 67,800 which will be financed from the FY 2002-03

Cash Capital allocation.

As a result of the CSXT train derailment, soil and groundwater in the area were contaminated with acetone and methylene chloride, with the highest levels of contamination on portions of the River Street Right-of-Way and City-owned property located at 490 River Street. On April 15, 2002, CSXT initiated an Interim Remedial Measure (IRM) to clean up the primary areas of the contamination. An agreement with LaBella for \$116,000 was authorized by City Council on April 16, 2002 and an amendatory agreement for \$52,500 was authorized by City Council on October 15, 2002 to perform oversight of CSXT's environmental cleanup and restoration of portions of the River Street Right-of-Way (ROW) and 490 River Street. Since that time the funding for the LaBella agreement has been expended.

During the IRM, CSXT has removed approximately 19,000 tons of contaminated soil, and more than 1,250,000 gallons of contaminated water, the majority from the River Street (ROW) and the City-owned 490 River Street. Soil and groundwater sampling performed by LaBella documented high levels of CSXT contamination on the City-owned riverbank, which resulted in CSXT removing approximately 4,500 tons of contaminated soil from the riverbank. Independent confirmatory soil and groundwater sampling performed by LaBella on behalf of the City monitored the effectiveness of the CSXT cleanup, and the City has provided regular technical input to the New York State Department of Environmental Conservation (NYSDEC) regarding the ongoing scope of the CSXT IRM cleanup activities. This has led to a more comprehensive cleanup of the River Street ROW and 490 River Street.

LaBella was also retained to perform a detailed evaluation of multiple rounds of CSXT sediment sampling results. LaBella assisted the City in refuting CSXT's contention that active sediment remediation is not warranted, and in February 2002 the NYSDEC issued a letter requiring CSXT to actively remediate (i.e., dredge) the contaminated river bottom sediments present on the City-owned 490 River Street parcel and in the Navigation Channel of the Genesee River.

During the course of the CSXT IRM cleanup, additional out-of-scope work was performed by LaBella. Approximately \$15,500 of additional services have been incurred. The additional services were associated with the following:

- The CSXT IRM cleanup was projected by CSXT to take approximately 10 to 15 weeks to complete, and did not include the remediation of the riverbank. The IRM cleanup, including the riverbank cleanup actually took approximately 28 weeks to complete, resulting in additional LaBella time for subsequent processing of greater volumes of data and field observations.
- Although the CSXT IRM cleanup was completed, data collected by LaBella on behalf of the City indicated that CSXT-contaminated soil and groundwater were still present on City land and in the River Street Right-of-Way. The City requested that LaBella develop a Soil Management Plan for the City DES River Street water main replacement project to ensure that any contaminated soil or groundwater encountered during the City water main project was properly characterized for subsequent disposal by CSXT. LaBella also provided an environmental technician to perform environmental monitor-

ing and sampling during the replacement of the water main. CSXT- contaminated soil and groundwater were encountered, and CSXT took responsibility for proper disposal.

- LaBella retained a subcontractor to assist the City with evaluating sediment sampling results and CSXT's proposal for natural attenuation of sediment contamination.

In addition to the above services, in response to the City's request, LaBella submitted proposals for additional services related to the CSXT cleanup. If this legislation is approved, LaBella will provide the following environmental and construction oversight services:

- Review the proposed CSXT post-IRM investigation work plans, and provide technical comments to the City regarding the scope and adequacy of the proposed work. Review of technical investigation reports and documenting of the adequacy of the post-IRM investigation including conditions that may affect future re-development or construction activities planned for this portion of the Port of Rochester Project Site (\$16,000).
- Review the proposed CSXT sediment remediation work plans, and provide technical comments to the City regarding the scope and adequacy of the proposed work. Provide environmental oversight during the sediment remediation, and collect or split a limited number of confirmatory sediment samples to determine the levels of CSXT contaminants remaining in sediments present on City land. Review sediment cleanup reports and document the adequacy of the sediment cleanup, including conditions that might affect future redevelopment, construction activities, or use of the river (\$36,300).

After completion of CSXT's post-IRM investigation, the City may need to complete additional investigations. CSXT may be required to perform long-term remedial measures to address deep soil, groundwater, and bedrock contamination. As a result, additional funding and amendatory agreements may be requested. Additional consulting services may also be required should the City initiate legal action against CSXT for environmental response costs and damages.

If the proposed amendatory agreement is approved, the total cost of the agreement with LaBella will increase to \$236,300.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Ordinance No. 2003-355
(Int. No. 392)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Inspection Services Relating To The CSXT Train Derailment Cleanup

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$67,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella

Associates, P.C. for additional oversight and environmental inspection services relating to the CSXT train derailment cleanup in Charlotte. Said amount shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-356
Re: Amending Ordinance #2001-260 -
Lease of Parking Lots to the City
School District

R2010: Campaign 7 - Quality Services
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the lease of parking lots to the City School District. This legislation will amend Ordinance No. 2001-260 to increase the lease term from a minimum of four years to a minimum of eight years.

The extension of the term will allow the District to address the need to re-pave and redevelop the parking lot in accordance with new Center City Design Standards.

Under the current lease agreement, the District is responsible for making all improvements to the parking lot premises. In order for the District to make a capital investment of this type, they have requested an extension of the term of the lease so they can amortize the cost of the improvement over a longer period.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-148

Ordinance No. 2003-356
(Int. No. 393)

Authorizing An Amendatory Lease With The City School District For Parking Lots

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory lease for the parking lots near the former Michaels-Stern Building with the City School District, as authorized by Ordinance No. 2001-260, to change the minimum term of the lease from four years to eight years.

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. 2003-357
Re: Purchase of Properties for Rochester
City School District

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition through negotiation of properties for the Rochester City School District. Pertinent information regarding the acquisitions is as follows:

<u>Address</u> <u>Owner</u>	<u>Lot Size</u> <u>Type</u>	<u>Amount</u>
511 Driving Park Ave. William & Shirley Karcher	40'x100 1 Family	\$ 43,000
517 Driving Park Ave. Keith A. Lewis	40'x100 1 Family	45,000
50 Lark Street Vicky Sutton	45'x130' 1 Family	50,000
54-56 Lark Street Darcy F. Lindsay	40'x120' 2 Family	<u>52,500</u>
Total		\$190,500

Upon acquisition, the structures will be demolished and the premises will be used to make site improvements at Dr. Louis A. Cerrulli School #34, including expansion of the on-site parking and recreational enhancements. All improvements will be undertaken in conformance with the City's zoning ordinance.

In addition, the improvement project will include the City owned two family dwelling at 519 Driving Park Avenue. The City acquired this property from HUD in June of 2002 for \$13,500. The School District will reimburse the City for all of the costs associated with the acquisition of this property.

The purchase amounts were established through independent appraisals prepared by Kevin L. Bruckner, MAI. The total cost of these acquisitions and associated closing costs will not exceed \$225,000 and will be financed by the District.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-149

Ordinance No. 2003-357
(Int. No. 394)

Acquisition Of Properties For The Rochester City School District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels, for an amount not to exceed \$225,000, for use by the Rochester City School District for site improvements at School #34, including expansion of the on-site parking and recreational enhancements:

<u>Property Address</u> <u>Reputed Owner</u>	<u>Maximum Acquisition Amount</u> <u>S.B.L.#</u>
511 Driving Park Avenue William & Shirley Karcher	\$ 43,000 090.810-0003-010

517 Driving Park Avenue Keith A. Lewis	45,000 090.810-0003-009
50 Lark Street Vicky Sutton	50,000 090.810-0003-048
54-56 Lark Street Darcy F. Lindsay	<u>52,500</u> 090.810-0003-049
Total	\$190,500

Section 2. The acquisition and closing costs shall obligate the City to pay an amount not to exceed \$225,000, and said amount shall be funded by the City School District.

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:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-358
Re: Professional Services Agreements - Hazardous Materials Services

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with the following companies for the provision of various services related to hazardous materials management:

Company
Address

MARCOR Remediation, Inc.
460 Buffalo Rd., Ste 5, Rochester, NY 14611

NY Environmental Technologies, Inc.
230 McKee Rd., Rochester, NY 14611

SLC Environmental Services, Inc.
552 Avis St., Rochester, NY 14615

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 environmental projects.

The City routinely has a need for various services relating to the identification and disposal of hazardous materials. These services include:

1. Testing and characterization of wastes;

- 2. Preparation, transportation and disposal of hazardous wastes and hazardous materials;
- 3. Removal of wastes routinely generated at City facilities, discovered on properties and right-of-ways owned by the City, or when identified by the Haz Mat Team of the Rochester Fire Department;
- 4. Removal of underground storage tanks from development parcels;
- 5. Investigation and remediation of sites contaminated with hazardous substance; and
- 6. Emergency clean-up of spills.

Agreements for these services have been in place with area environmental contractors since 1992. In 1995, MARCOR became the primary contractor for these services based on their cost for services, qualifications and past experience.

In September 2003, the Department of Environmental Services solicited proposals from five companies that provide environmental/hazardous materials services. Five proposals were received. MARCOR, NY Environmental Technologies and SLC Environmental Services are recommended for these services based on their cost for services, qualifications and past experience.

These proposed agreements will provide for continued hazardous materials management services which may include spill response, waste sampling, transportation and disposal, underground storage tank removal, subsurface investigation services, and environmental monitoring.

The services will be provided at specified unit prices. The selection of the specific organization to provide the services will be based upon the type of environmental services required and the ability of the organization to perform the services within the time specified by the City.

The agreements will be for one year renewable to three years upon written mutual consent. Adjustments to the specific unit prices during the second year will be permitted subject to the City's approval. New requests for proposals will be issued at the end of the term of these agreements.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-358
(Int. No. 395)

Authorizing Agreements For Hazardous Materials Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for hazardous materials services as required by the City:

Company
Address

MARCOR Remediation, Inc.

460 Buffalo Road, Suite 5
NY Environmental Technologies, Inc.
230 McKee Road
SLC Environmental Services, Inc.
552 Avis Street

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional two years. Each agreement shall provide for services to be performed on an as needed basis, and shall establish a unit price to be paid for a particular service. The unit price may be adjusted during the renewal years with the approval of the Manager of Environmental Quality. The cost of said services shall be funded from the annual budgets or from project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-359
Re: Brownfield Assistance Program

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with Day Environmental, Inc., 40 Commercial Street, Rochester, New York for brownfield environmental assessments, investigations, and analyses under the City's Brownfield Assistance Program (BAP).

The cost of this agreement will be financed from a trust fund established in 1996 for receipt and disbursement of funds provided under the City's cooperative agreement grant from the United States Environmental Protection Agency Brownfield Redevelopment Initiative (now BAP). The original grant was for \$200,000, of which approximately \$20,000 remains. On March 21, 2000, City Council authorized an agreement with Day Environmental for these services; that agreement expired in September, 2002. The proposed new agreement will allow the use of the remaining funds.

Industrial and commercial sites are eligible if they have not had an environmental investigation performed within the past two years and the interested party has a proposed industrial or commercial project that meets the City's economic development goals. Priority is given to projects located in areas of the City where significant public investment has taken place and in areas which the City has targeted for revitalization.

Under the proposed agreement the following Phase I site assessment services will continue to be provided:

- 1. A review of title and deed history records;
- 2. An examination of other public records, including aerial photographs, that may contain relevant environmental information;
- 3. An inspection of the property and observation of adjacent properties; and

- 4. The preparation of a report with recommendations based on the findings.

If requested by the applicant, additional Phase II level testing services will be provided which may include the following:

- 1. The performance of subsurface soil and groundwater testing;
- 2. The collection and analysis of wastes, soil, and groundwater samples;
- 3. Identification of remedial options; and
- 4. The preparation of a report documenting findings and recommendations.

This agreement will have an initial term of one year with provisions for renewal for an additional one year period.

The BAP has helped make successful redevelopment projects possible, such as the new the Klein Steel facility on the former Emerson Street Landfill. Recently the USEPA awarded the City another Brownfield assessment grant which includes an additional \$110,000 in grant funds for continuation of the BAP.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-359
(Int. No. 396)

Authorizing An Amendatory Agreement For Environmental Site Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Day Environmental, Inc. for environmental site assessments, investigations and analyses as a part of the Brownfields Demonstration Pilot Project, for a term of one year, with a one-year renewal option during which unit prices may be changed with approval of the City.

Section 2. The funds remaining from those reappropriated in Ordinance No. 2000-71 shall be obligated under this amendatory agreement.

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. 2003-360
Re: Customer Installation Commitment Agreement - New York Power Authority, Energy Services Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a Customer Installation Commitment Agreement with the New York Power Authority

(NYPA) for the replacement of existing equipment with new high efficiency lighting, heating and air conditioning systems at six City-owned facilities.

City Council authorized a Cost Recovery Agreement with NYPA on November 20, 2001, for the design of energy savings equipment for lighting, heating and air conditioning at the facilities listed below:

- City Hall
- Central Vehicle Maintenance Facility
- Refuse Collection Garage
- North Street Recreation Center
- North Chestnut Street Fire House
- Monroe Avenue Fire House

These improvements are projected to reduce the City's annual energy costs by about \$244,000 and annual maintenance costs by \$18,000.

Bids for lighting, heating and air conditioning, asbestos removal, and lighting materials were received by NYPA on July 29, 2003. The total estimated cost based on bids for installation, fees, and contingency of 7.5% is \$2,993,000. NYPA will pre-finance the cost of installation of the equipment. Repayment by the City will occur over a ten year period at a variable interest rate of historically less than 4%.

Installation is scheduled to begin in the fall of 2003, and be completed in the summer of 2004. The repayment is anticipated to begin in the summer of 2004. Funding for the repayment is identified in the 2004-2008 Capital Improvement Program with payments beginning in the 2004-2005 year from the annual Cash Capital allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-360
(Int. No. 397)

Authorizing An Agreement For The Energy Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a Customer Installation Commitment Agreement with the New York State Power Authority for the replacement of existing equipment with new high efficiency lighting, heating and air conditioning systems at six municipal facilities.

Section 2. The agreement shall obligate the City to repay the costs plus interest over ten years, with funding to be provided in the 2004-05 and subsequent Cash Capital Allocations.

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. 2003-361
Re: Morton Place - Change in Direction

of Traffic Flow

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Morton Place (Springfield Avenue to Clifford Avenue) from two-way to one-way southbound (see attached map).

The street direction change is being requested by the Rochester Police Department Goodman Section, the NET E (Webster Avenue) Office, and local residents in order to help control crime activity in the area. 100% of residents abutting Morton Place support the one-way direction change.

The Traffic Control Board voted to approve the one-way proposal on September 2, 2003.

A public hearing on the change is required.

Respectfully submitted,

William A. Johnson
Mayor

Attachment No. AC-150

Ordinance No. 2003-361
(Int. No. 398)

Approving Change In Traffic Flow On Morton Place Between Springfield Avenue And Clifford Avenue From Two-Way To One-Way Southbound

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in direction of the traffic flow on Morton Place between Springfield Avenue and Clifford Avenue from two-way to one-way southbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
October 21, 2003

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 399 - Cancellation Of Taxes And Charges

Int. No. 400 - Local Law Extending The Time For Consideration Of The 2004-05 Budget

Int. No. 401 - Authorizing An Agreement With The County Of Monroe For Funding Under The 2004 STOP DWI Program

Int. No. 402 - Authorizing An Application And Agreements For The Community Prosecution And Project Safe Neighborhoods Grant Program And Amending The 2003-04 Budget

Int. No. 403 - Amending The 2003-04 Budget By Appropriating Weed And Seed Grant Program Funds

Int. No. 404 - Amending The 2003-04 Budget By Appropriating Local Law Enforcement Block Grant Program Funds

The Finance & Public Safety Committee recommends for consideration the following entitled legislation:

Int. No. 405 - Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption

Int. No. 412 - Establishing Maximum Compensation For A Professional Services Agreement For A COPS Grant Program

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran (Absent)
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-362
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$3,377.58.

An amount of \$1,577.58 or 46.70% of the total, relates to one property that should have received a Not for Profit Housing exemption on the 2003 Final Assessment Roll.

The sum of \$1,800.00 or 53.30% of the total, is the result of a code violation that was attributed to a former owner and erroneously recorded on the 2003 Tax Roll.

If this cancellation is approved, total cancellations thus far for 2003-04 will be \$16,649.02.

	<u>Accounts</u>	<u>Amounts</u>
City Council	6	\$16,649.02
Administrative	52	16,318.83
Total	58	\$32,967.85

These cancellations represent .015% of the tax receivables as of July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-362
(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) A Not for Profit housing exemption was omitted from the 2003 Final Assessment Roll for the below referenced property.

Local Law No. 9
(Int. No. 400)

S.B.L.#	Address	Amount Canceled
Class	Tax Year	
105.290-0003-015	17 Planet St.	\$1,577.58
H	2004	

- (b) A Code Violation charge attributed to a former owner was included on the 2003 Tax Roll for the below referenced property. The property is now in code compliance.

S.B.L.#	Address	Amount Canceled
Class	Tax Year	
090.670-0003-054	68 Augustine St.	\$1,800.00
H	2003	
Total		\$3,377.58

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:

Local Law No. 9
Re: Local Law - Budget Deadline

Transmitted herewith for your approval is legislation changing the required deadline for City Council action on the Proposed Budget from June 20 to June 22 for the year 2004 only.

As you know, Sec. 3-9 of the City Charter requires that "After the public hearing and on or before the 20th day of June each year, the Council shall adopt the estimates as submitted, or as amended, and pass an appropriation ordinance."

Normally, the City Council would hold the vote on the Proposed Budget on Tuesday, June 15, which is the last Tuesday prior to June 20th. However, if that schedule is followed, one inevitable byproduct would be the requirement that City Council Meetings would need to be held during both the February and April school recess weeks.

In the past, Council has tried to avoid these recess breaks, recognizing that both our citizens and many City staff plan vacations during these periods. In order to avoid the need for these conflicts, moving the required date back two days will enable the regular Council Meetings to avoid both of those weeks.

The proposed schedule has been reviewed with the Administration for potential conflicts; no concerns have been raised about the proposed change.

Respectfully submitted,
Lois J. Giess
President

Local Law Extending The Time For Consideration Of The 2004-05 Budget

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the provisions of Section 3-9 of the Charter of the City of Rochester, the Council shall adopt the 2004-05 Budgets of the City and the City School District on or before June 22, 2004.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-363
Re: Agreement with the County of Monroe for Funding Under the 2004 STOP DWI Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation relating to the 2004 STOP DWI program. This legislation will authorize an agreement with the County of Monroe for receipt and use of a grant of \$186,951. This grant will fund enforcement efforts directed against driving while intoxicated and selling alcohol to minors during 2004. The Rochester Police Department has received grant funds under this program since 1984.

The largest portion of funds to date has been expended for overtime traffic enforcement patrols, using personnel from the patrol sections. A smaller portion has been expended to purchase radar units, breathalysers, and video equipment to record DWI suspects' behavior, as well as personnel training.

Projected spending for 2004 is as follows:

Traffic enforcement overtime	\$148,261	79%
Underage sales enforcement	25,000	13%
Alco sensors (10 units)	3,490	2%
Equipment maintenance/repairs	7,000	4%
Traffic enforcement training	3,200	2%
Total	\$186,951	

The County allocation formula is based on a basic grant of \$3,000 to each police agency within the county, with the remainder being allocated based on DWI arrest totals. In 2002, RPD arrests for DWI offenses total 1,198.

Anticipated revenues and expenditures related to the initial 6-months of the 2004 STOP-DWI program have been included in the 2003-04 RPD operating budget; therefore, no budget amendment is necessary. The remaining appropriations will be included in the department's proposed budget for 2004-05.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AC-151

Ordinance No. 2003-363
(Int. No. 401)

Authorizing An Agreement With The County Of Monroe For Funding Under The 2004 STOP DWI Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the County of Monroe for funding under the STOP DWI Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-364, 2003-365,
And 2003-366

Re: Police Grants through U.S. Department of Justice & Executive Office of Weed and Seed

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements and amending the 2003-04 Budget by increasing the revenue estimates and expenditures by a total of \$344,900 (\$334,700 to the Police Department and \$10,200 to Undistributed Expense).

Project Safe Neighborhoods Grant Program

The first agreement is with the U.S. Department of Justice, for implementation of the Community Prosecution and Project Safe Neighborhoods grant program. \$250,000 has been granted to the City for October 1, 2002 through September 30, 2004 to implement a gun violence reduction program as part of the Strategic Approaches to Community Safety Initiative (SACSI).

John Klofas, Director of the Department of Criminal Justice at the Rochester Institute of Technology, will provide professional expertise to analyze how guns are acquired and used to commit crime, to assist SACSI and the Police Department to design effective street tactics, and to evaluate efforts of the SACSI partnership as gun reduction strategies are implemented. Anticipated expenses are:

Police Overtime Salaries and Fringe	\$ 76,300
Professional Services (RIT)	<u>173,700</u>
Total	\$250,000

The proposed budget amendment will increase the 2003-04 Budget by \$211,900 to reflect the proceeds from this grant. The remainder of the grant funds will be included in the 2004-05 budget.

2001 Local Law Enforcement Block Grant (LLEBG, Yr. 6)

In 2001, Council approved \$545,991 for projects allowable under the 2001 Local Law Enforcement Block Grant program, including \$10,000 to conduct Drug Enforcement/Homicide Reduction overtime details under the SACSI model. The proposed legislation will amend the 2003-04 budget of the Police Department, by transferring \$10,000 from the LLEBG Trust Fund to reimburse the cost of these details.

2002 Weed and Seed Program (Year 2, Round 2)

The proposed legislation will amend the 2003-04 Budget by transferring \$123,000 from the Weed and Seed trust account to reimburse the Police Department for the following expenses related to drug elimination efforts in the northeast (NE) and southwest (SW) portions of the Crescent area of the City:

Public/Federally-assisted Housing Drug Enforcement (NE & SW)	\$ 59,400
Special Data Collection, Drug Court, and 'Street' Enforcement Details (SW)	30,000
Clerical Support/Overtime (NE & SW)	13,600
Confidential Evidence Funds (NE & SW)	<u>20,000</u>
Total	\$123,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-152

Ordinance No. 2003-364
(Int. No. 402)

Authorizing An Application And Agreements For The Community Prosecution And Project Safe Neighborhoods Grant Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Justice for funding under the Community Prosecution and Project Safe Neighborhoods Grant Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester Institute of Technology for assistance with the Community Prosecution and Project Safe Neighborhoods Grant Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$173,700, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Rochester Police Department.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2003-220, the 2003-04 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 \$208,100 and to Undistributed Expense by the sum of \$3,800, which amounts are hereby ap-

propriated from funds to be received under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-365
(Int. No. 403)

Amending The 2003-04 Budget By Appropriating Weed And Seed Grant Program Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 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 \$116,600 and to Undistributed Expense by the sum of \$6,400, which amounts are hereby appropriated from Weed and Seed Grant Program funds to fund drug enforcement and support efforts in the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-366
(Int. No. 404)

Amending The 2003-04 Budget By Appropriating Local Law Enforcement Block Grant Program Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$10,000, which amount is hereby appropriated from 2001 Local Law Enforcement Block Grant Program funds to fund drug enforcement/homicide reduction overtime details in the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-367
Re: City Code Amendment
Aged Property Tax Exemption

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Chapter 107 of the City Code by increasing the maximum annual income limit for eligibility for a senior citizen's property tax exemption. Such an increase is authorized by Chapter 512 of the 2003 Laws of New York State.

Under the provisions of Section 467 of the NYS Real Property Tax Law, the City Council is authorized to approve partial exemptions from real property taxes

for certain persons 65 years of age or older. Pursuant to this authorization, the City Council has historically approved such exemptions. The current exemptions were last approved on September 17, 2002.

To qualify for an exemption, a person must be the owner-occupant of a residential property and have an annual income within certain specified amounts. These amounts are prescribed by Section 467 and are periodically adjusted to compensate for the effect of inflation and nominal increases in personal income.

The most recent adjustment was approved by the State on September 9, 2003. The maximum income eligibility has been increased to \$32,400.

Percentage Exemption	Maximum Annual Income	
	Current	Proposed
50	\$21,500	\$ 24,000
45	22,500	25,000
40	23,500	26,000
35	24,500	27,000
30	25,400	27,900
25	26,300	28,800
20	27,200	29,700
15	28,100	30,600
10	29,000	31,500
5	29,900	32,400

If approved, the new eligibility limit will first be effective in tax year 2004-05, for which bills are to be issued on July 1, 2004. To qualify for an exemption, a person must submit an application to the City by February 2, 2004.

The effect of the recommended change upon City tax revenues and rates is expected to be minimal. At present, there are 3,273 Senior Citizen exemptions with total exemption valuations of \$61.5 million (City) and \$66.8 million (School). These exemptions result in a total tax shift of approximately \$1,361,000 or have a homestead tax rate effect of \$.47.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-367
(Int. No. 405)

Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 107-2 of the Municipal Code, relating to age and income limits and exemption percentages for the senior citizens tax exemption, as amended, is hereby further amended by amending the chart found in subsection A thereof to read in its entirety as follows:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
\$24,000 or less	50
More than \$24,000 but less than \$25,000	45

\$25,000 or more but less than \$26,000	40
\$26,000 or more but less than \$27,000	35
\$27,000 or more but less than \$27,900	30
\$27,900 or more but less than \$28,800	25
\$28,800 or more but less than \$29,700	20
\$29,700 or more but less than \$30,600	15
\$30,600 or more but less than \$31,500	10
\$31,500 or more but less than \$32,400	5

Section 2. This ordinance shall take effect immediately and shall first apply during the 2004-05 tax year.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-368
Re: Agreement with Idea Connections

R2010: Campaign 3 - Health, Safety and
Responsibility
Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an agreement not to exceed \$50,000 with Idea Connection Systems, Inc., of Rochester, New York for consulting services for a project funded by a grant from the United States Department of Justice, COPS Office. All grant activities must be complete by December 31, 2003.

The grant will fund the "Engaging the Minority Community" project, designed to accomplish the following:

1. Review the status of race relations within the Rochester Police Department.
2. Review the process for the recruitment of minority officers into the Police Department and recommend changes as necessary.
3. Review the process for the promotion of minority officers within the Police Department and recommend changes as necessary.
4. Review the "Community Complaint Process" concerning community perception of officer behavior and recommend changes as necessary.

Any resulting recommendations will be included in a "Best Practices" manual that the department must deliver to the COPS Office upon completion of this grant.

The short time frame and sensitive nature of the project require using a consultant with Department expertise in organizational behavior and cultural diversity with government agencies.

Idea Connection Systems, Inc. is a consulting and marketing-communications company with over 15 years of experience in four areas: Innovation and Creativity, Leadership Development, Culture Transformation, and Leveraging Difference. Idea Connections has experience in methodologies that address diversity in several areas of human difference including race, ethnicity, age, and skill set.

Idea Connection Systems, Inc. has worked in public and private sector organizations, including Exxon-Mobil, Frito Lay, Aventis Pharmaceuticals, Hallmark Cards, the United States Air Force at the Pentagon, the City of Rochester, and the Rochester Institute of

Technology. In addition, Idea Connections is familiar with the issues and concerns being faced by the City of Rochester and the Police Department.

Under the proposed agreement, Idea Connections will provide research, meeting facilitation, policy review, survey sampling, and data analysis. Funding for the agreement is available in the 2003-04 budget of the Police Department through the COPS grant authorized by Council on February 12, 2002. The agreement with Idea Connections, if approved by Council, will expire on December 31, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-368
(Int. No. 412)

Establishing Maximum Compensation For A Professional Services Agreement For A COPS Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Idea Connection Systems, Inc. for consulting services for a COPS Grant Program. Said amount shall be funded from the 2003-04 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:40 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
NOVEMBER 18, 2003

Present - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson, Thompson - 8.

Absent - Councilmember Norwood - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

- Retirement:
 - Finance Department
 - *Carmella Crisafulli
 - Rochester Public Library
 - *Rodney B. Perry

**Not attending meeting.*

APPROVAL OF THE MINUTES
By Councilmember Thompson

RESOLVED, that the minutes of the Regular Meeting of October 21, 2003, 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. 3743-7
 - Claims Reports. 3744-7 - 3745-7
 - Regular Public Auction - November 18, 2003. 3746-7
 - Public Disclosure - CDBG Participation. 3747-

7

The Director of Zoning submits Notices of Environmental Determination.
610 East Avenue And 4 N. Goodman Street.
3748-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By Negotiation [Or Condemnation], As Amended Int. No. 416
One speaker: Rod Cox-Cooper.

Authorizing Changes In The Pavement Width Of West Broad Street As A Part Of The West Broad Street (Brown Street To Lyell Avenue) Improvement Project Int. No. 439 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
November 18, 2003

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 413 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 414 - Authorizing Agreements For Lending Awareness Services

Int. No. 415 - Authorizing An Agreement For Fair Housing Monitoring Services

Int. No. 417 - Appropriating Funds For The Challenged Streets Programs And Authorizing Agreements, As Amended

Int. No. 418 - Authorizing Agreements For Lead Hazard Evaluation Services

Int. No. 419 - Authorizing An Agreement For The Employer Assisted Housing Initiative Program

Int. No. 420 - Approving The CityScape 2004 At Newcroft Park Program

Int. No. 440 - Authorizing An Agreement With The County Of Monroe For Reimbursement For Inspection Services

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 416 - Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By Negotiation [Or Condemnation], As Amended

Int. No. 416A - Approving The Acquisition Of Parcels For The Project Turnaround Challenged

Street Program By [Negotiation Or] Condemnation,
As Amended

Respectfully submitted,
Benjamin L. Douglas
William F. Pritchard
Lois J. Giess
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-369
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation
approving the sale of twenty properties.

The first fourteen properties are structures that were
sold at the June 19, 2003 Public Auction. The pur-
chasers will be required to rehabilitate the structures
in accordance with their legal uses within nine months
of the closing.

The next four properties are structures that were sold
at the July 28, 2003 Request for Proposal Sale. The
properties at 65 Chili Avenue and 20 Sumner Park
will be rehabilitated as single family structures. The
property at 555-561 Chili Avenue will be rehabilitated
as three apartments and a beauty salon. The property
at 589 Portland Avenue will be rehabilitated as four
apartments.

The last two properties are unbuildable vacant lots that
are being sold to the adjoining owners for \$1.00. The
parcels are considered unbuildable due to their size,
and will be combined with the purchasers' adjoining
properties.

All City taxes and other charges, except water charges
against properties being sold by the City, will be can-
celed on the first day of the month following adoption
of this ordinance because either the City has agreed to
convey the properties free of City tax liens and other
charges, or these charges have been included in the
purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-153

Ordinance No. 2003-369
(Int. No. 413, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Council hereby approves the sale of
the following parcels of improved property by regular
auction:

Address	Legal Use	Price
S.B.L.#	Purchaser	

474 Ames St. 105.81-2-8	3 Family Andrew Cardot	\$ 5,700
12 Arnett Blvd. 120.67-1-59	1 Family Nicole Miller	3,100
[1343 N. Clinton Ave. 091.70-2-18	2 Family Zenon Hrcyna & Susan M. Lubeck]	400
159 Emerson St. 105.43-2-6	2 Family Jarek Zygaldo & Anthony Ognissanti	8,500
288 Emerson St. 105.42-1-52	1 Family Susan Hioe	3,500
2 Fuller Pl. 120.84-2-12	1 Family David Knoll	400
360 Grand Ave. 107.62-1-59	1 Family Elliott Hioe	9,900
114 Hawley St. 120.76-2-13	1 Family Jess Peters	5,200
348 Hayward Ave. 106.68-3-47	2 Family Rafael Y. & Iris Sanchez	9,000
288 Orchard St. 105.75-1-37	1 Family Andy Cardot	2,000
13 Princeton St. 106.38-3-24	1 Family Nicole Miller	6,600
31 Reed Pk. 106.41-4-16	1 Family Robert Napier	1,000
1219 St. Paul St. 105.28-2-10	2 Family Rafael Y. & Iris Sanchez	15,200
158 Sixth St. 106.52-2-77	1 Family Robert Napier	7,200

Section 2. The Council hereby further approves
the sale of the following parcels of improved property
by request for proposal sale:

Address	S.B.L.#	Price
Purchaser		
63 Chili Ave. Susan Hioe	120.50-1-71	\$ 1,000
555-561 Chili Ave. Jess Peters	120.56-3-4	10,000
589 Portland Ave. Jun Guan Lin	106.26-2-26	6,000
20 Sumner Pk. John V. Walsh	121.66-2-40	43,000

Section 3. The Council hereby further approves
the sale of the following parcels of unbuildable vacant
land for the sum of \$1.00:

Address	S.B.L.#	Sq. Ft.
Purchaser		
446 Clifford Ave. New Faith Missionary Baptist Church*	106.31-1-61	3,570
405 Orange St. Matthew C. Rowe	105.82-3-43	3,997±

*Officers: Eliza Forbes, Daniel Forbes, Ken Hen-
derson

Section 4. City taxes and other City charges, ex-
cept water charges, against said properties are hereby
canceled up to the first day of the month following
the date of adoption of this ordinance for the reason
that the City has agreed to convey said properties free
of City tax liens and other charges or because these
charges have been included in the purchase price.

Section 5. This ordinance shall take effect im-
mediately.
Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-370
Re: Agreements - Anti-Predatory Lending
Campaign

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for continued services for the "Don't Borrow Trouble" Campaign.

Public Interest Law Office of Rochester (PILOR)	\$40,000
The Housing Council in the Monroe County Area, Inc.	35,000

The costs of the agreements will be financed from the Improve the Housing Stock and General Property Conditions-Foreclosure Prevention allocation of the 2003-04 Community Development Block Grant. The most recent legislation authorizing these services was passed by City Council on November 19, 2002. Both agreements will have a 1 year term.

The Federal Home Loan Mortgage Corporation, Freddie Mac, sponsors this national public information campaign to reduce the prevalence of predatory lending. The local campaign links residents with home ownership counseling programs and foreclosure prevention services, including legal assistance. Services include a public education and media campaign outreach to the community, plus intake and referral to service providers.

Predatory lending involves the provision of loans to persons who do not meet standard credit criteria, or to persons who may be unable to repay loans, as well making high cost loans to persons who could qualify for market rate loans. Typically, foreclosure or repossession of property results.

PILOR provides legal services while the Housing Council provides educational, counseling and referral services. Attached is a report on the activity through September, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-154

Ordinance No. 2003-370
(Int. No. 414)

Authorizing Agreements For Lending Awareness Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a agreement with the Housing Council in the Monroe County Area, Inc. for the "Don't Borrow Trouble" public information and awareness campaign. The agreement shall obligate the City to pay an amount not to exceed \$35,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Public Interest Law Office of Rochester (PILOR) for legal assistance as a part of the "Don't Borrow Trouble" public information and awareness campaign. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-371
Re: Agreement - Fair Housing/Lending
Monitoring, Public Interest Law
Office of Rochester, Inc.

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Public Interest Law Office of Rochester, Inc., 80 St. Paul Street, for the continued monitoring of mortgage lending activity. The maximum cost of this agreement will be \$70,000 (no increase over the previous agreement), which will be financed from the Housing Stock and General Property Conditions-Fair Housing Activities allocation of the 2003-04 Community Development Block Grant. The agreement term is one year.

The Community Choice Action Plan was developed by the City, Monroe County, Towns of Greece and Irondequoit and Rochester Housing Authority, as recipients of federal housing assistance funding. The City's participation in the development of the plan was authorized by the City Council on February 20, 1996.

The Community Choice Action Plan provides for the monitoring and analysis of lending activity of local financial institutions. PILOR has performed this monitoring since 1998; the most recent agreement was authorized by the City Council on January 14, 2003. During the current agreement term, PILOR continued participation in the Community Advisory Committee for the Federal Reserve Board. PILOR also continued monitoring and mapping loans of banks including: Canandaigua National Bank, Chase, Charter One, Citigroup, Fleet, HSBC and M&T. And, as part of their ongoing objective to identify gaps in banking services, PILOR is negotiating with major lenders to encourage products for counteracting lead based paint hazards.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-371
(Int. No. 415)

Authorizing An Agreement For Fair Housing Monitoring Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Public Interest Law Office of Rochester, Inc. for continued services relating to the Community Choice (Fair Housing) Action Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 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. 2003-372
Re: New Construction - Challenged Streets and Amending Ordinances #2003-301, 2000-19, 2001-67, 2002-74

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending previous HOME funds authorizations and appropriating \$100,500 from the New Construction allocation of the 2003 HOME program. This legislation will provide funds for the Challenged Streets program. The amendments will add the Challenged Streets Projects to the previously approved uses.

Ordinances authorizing HOME funds for new housing construction were approved by Council on January 18, 2000, February 13, 2000, March 19, 2002, and September 23, 2003.

The City of Rochester is partnering with the Urban League of Rochester Economic Development Corporation, Ibero-American Development Corporation and Flower City Habitat for Humanity to construct single family homes as part of various Challenged Street projects. By pooling the available funds, each developer will have access to necessary subsidy funds on an as-needed basis.

The requested legislation will facilitate the timely use of funds to be made available as purchase contracts are secured for new homes constructed in the designated Challenged Street areas.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-155

Ordinance No. 2003-372
(Int. No. 417, As Amended)

Appropriating Funds For The Challenged Streets Programs And Authorizing Agreements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,500, or so much thereof as may be necessary, is hereby appropriated from 2003 HOME Program Funds for new construction financing as a part of the Challenged Streets Programs.

Section 2. Remaining HOME Program Funds appropriated in the following ordinances for new construction financing for the following projects are hereby further authorized to be used for new construction financing as a part of the Challenged Streets Programs:

Ordinance No. 2003-301, Fulton Avenue Redevelopment Project

Ordinance No. 2000-19, 2000 Home Expo Program and Brown Street Revitalization Project

Ordinance No. 2001-67, 2001 Home Expo Program

Ordinance No. 2002-74, 2002 Home Expo Program

Section 3. The Mayor or his designee is hereby authorized to enter into such agreements as may be necessary to implement these Programs. 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.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-373
Re: Lead Hazard Evaluation Services

R2010: Campaign 4 - Environmental Stewardship
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the City's lead hazard reduction/control activities. This legislation proposes:

1. Authorizing agreements with the following firms in an aggregate amount not to exceed \$175,000:
 - a. Rochester Neighborhood Housing Services of Rochester, Inc., 570 South Avenue, Rochester, New York 14620;
 - b. Lew Corporation (Lee Wasserman, principal), 1090 Bristol Road, Mountainside, New Jersey 07092;
 - c. Proway Management Corporation (Elston Hernandez, principal), 1168 North Clinton Avenue, Rochester, New York 14621;
 - d. Healthy Homes Associates, Inc. (W. Art Wells, principal), 25 Canterbury Road, Suite 310, Rochester, New York 14607; and
 - e. Environmental Testing & Consulting, Inc. (David P. Majewski, principal), P.O. Box 466, Batavia, New York 14021;

- 2. Authorizing the use of CDBG funds appropriated by ordinances approved by Council on February 11, 2003 and June 17, 2003. These funds, totaling \$175,000 will be used to fund the agreements.

In accordance with federal regulations, lead hazard evaluation services are required for the City's housing rehabilitation and lead hazard reduction programs. These services may include: a lead-based paint inspection, risk assessment, or a combination of both; and clearance testing. These services are currently provided by Proway Management Corporation and Neighborhood Housing Services of Rochester under administrative contracts with the City.

With the initiation of the Lead Hazard Reduction Program, the mandated workload will significantly increase, making it necessary to expand the number of service providers. An additional 250 owner-occupied and rental housing units will be evaluated with the requested funds.

A Request for Proposal (RFP) was issued on October 3, 2003 to ten lead hazard evaluation firms with offices in the local area. A total of eight firms responded to the RFP and the five firms named above are recommended for selection.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-156

Ordinance No. 2003-373
(Int. No. 418)

Authorizing Agreements For Lead Hazard Evaluation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following for lead hazard evaluation services:

- Neighborhood Housing Services of Rochester, Inc.
- Lew Corporation
- Proway Management Corporation
- Healthy Homes Associates, Inc.
- Environmental Testing & Consulting, Inc.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$175,000, and of said amount, or so much thereof as may be necessary, \$70,000 shall be funded from the appropriation made in Section 3 of Ordinance No. 2003-35 for the Lead Hazard Reduction Program, \$14,000 shall be funded from the appropriation made in Section 1 of Ordinance No. 2003-25 for the Home Reoccupation/Vacant Grant/Homesteading Programs and \$91,000 shall be funded from the appropriations made in Sections 5-8 of Ordinance No. 2003-172 for the Rehab Rochester Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-374
Re: Employer Assisted Housing Initiative

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation accepting and appropriating \$10,000 from the Eastman Kodak Company for use in the City of Rochester's Employer Assisted Housing Initiative.

On October 21, 2003, City Council approved the Employer Assisted Housing Initiative. The proposed appropriation will be used to finance Eastman Kodak's participation in the program. Kodak has requested that the City disburse the funds on their behalf to facilitate the administration of the program. The funds will provide assistance for 10 employees at \$1,000 each.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-374
(Int. No. 419)

Authorizing An Agreement For The Employer Assisted Housing Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Eastman Kodak Company to implement the Employer Assisted Housing Initiative Program.

Section 2. The agreement shall obligate Kodak to pay to the City the sum of \$10,000, which amount is hereby appropriated to fund activities in support of the Employer Assisted Housing Initiative 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. 2003-375
Re: CityScape 2004 at Newcroft Park

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to CityScape 2004 at Newcroft Park, a new, market-rate housing development. This legislation proposes:

- 1. Authorizing the participation of the following builders in the program:

Atlas General Contractors, Inc. (Principal:
Michael Spaan)

David Quick Builder/Developer (Principal: David Quick)

J. DiMarco Builders, Inc. (Principal: Joel DiMarco)

Jeff Shear Homes, Inc. (Principal: Jeff Shear)

Morrell Builders/S&J Morrell, Inc. (Principals: Scott & Jeff Morrell)

@home Builders LLC (Principal: David Riedman);

- 2. Authorizing the sale of 27 lots described in Section 2 hereof for their appraised value provided that the builder shall construct and sell housing in accordance with the guidelines of the CityScape 2004 at Newcroft Park Program;
- 3. Canceling City taxes and other City charges, except water charges, against said properties up to the first day of the month following the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges; and
- 4. Authorizing any agreements necessary to implement the project.

The City of Rochester and the Rochester Home Builders' Association (RHBA) will be redeveloping the 6.8-acre tract of land at Newcroft Park (formerly comprised of 79 Woodstock Street, 1126 Atlantic Avenue, and 116 Akron Street). The development involves the construction of a new dedicated street, Newcroft Park, and the subsequent construction of 27 new, market-rate, single-family homes.

Proposals to participate in the program were solicited by the RHBA in the fall of 2003 from the members of the RHBA. These proposals were evaluated by a committee consisting of representatives from the Department of Community Development and the RHBA. The above builders were selected based on the following evaluation criteria: design and elevations of the proposed model(s), pricing, specifications, past experience, and financial strength of the builder, including the ability to obtain construction financing.

The construction of the street commenced in late July 2003 and will be completed by December 2003. Construction of at least seven (7) model homes will begin in the spring of 2004. An open house is tentatively planned for June 2004. Buyers will then have the option to either purchase a model home or have a model home built on one of the available lots in the subdivision. It is anticipated that build-out will be completed by summer of 2005.

City Council previously passed legislation to CityScape 2004 at Newcroft Park on July 22, 2003 and on August 26, 2003.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AC-156

Ordinance No. 2003-375
(Int. No. 420)

Approving The CityScape 2004 At Newcroft

Park Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the participation of the following developers in the CityScape 2004 At Newcroft Park Program:

Atlas General Contractors, Inc. (Principal: Michael Spaan)

David Quick Builder/Developer (Principal: David Quick)

J. DiMarco Builders, Inc. (Principal: Joel DiMarco)

Jeff Shear Homes, Inc. (Principal: Jeff Shear)

Morrell Builders/S&J Morrell, Inc. (Principals: Scott & Jeff Morrell)

@home Builders LLC (Principal: David Riedman)

Section 2. The Council hereby further approves the sale of any of the following parcels of real estate, for their appraised value, to any of the developers listed in Section 1, provided that the developer shall construct and sell housing in accordance with the guidelines of the CityScape 2004 At Newcroft Park Program:

Address	SBL
10 Newcroft Park	107.81-02-32.1
20 Newcroft Park	107.81-02-32.2
25 Newcroft Park	107.81-02-35.1
28 Newcroft Park	107.81-02-32.3
35 Newcroft Park	107.81-02-35.2
38 Newcroft Park	107.81-02-32.4
41 Newcroft Park	107.81-02-36.1
46 Newcroft Park	107.81-02-32.5
49 Newcroft Park	107.81-02-36.2
55 Newcroft Park	107.81-02-36.3
61 Newcroft Park	107.81-02-36.4
67 Newcroft Park	107.81-02-35.3
73 Newcroft Park	107.81-02-17.4
74 Newcroft Park	107.81-02-18.6
82 Newcroft Park	107.81-02-18.7
85 Newcroft Park	107.81-02-17.3
90 Newcroft Park	107.81-02-18.8
99 Newcroft Park	107.81-02-65.1
108 Newcroft Park	107.81-02-17.2
111 Newcroft Park	107.81-02-65.2
116 Newcroft Park	107.81-02-17.1
124 Newcroft Park	107.81-02-66.1
73 Woodstock Rd.	107.81-02-18.5
79 Woodstock Rd.	107.81-02-18.4
85 Woodstock Rd.	107.81-02-18.3
93 Woodstock Rd.	107.81-02-18.1
2177 E. Main St.	107.81-02-07

Section 3. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the first day of the month following the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. The Mayor or his designee is hereby authorized to enter into agreements which may be necessary to implement the CityScape 2004 At Newcroft Park Program.

Section 5. The agreements shall contain such ad-

ditional 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. 2003-376
Re: Agreement - Monroe County Proactive
Property Management Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for property inspection services as part of the Proactive Property Management Program (PPMP). The term of this agreement will be for one year, to begin January 1, 2004, and will not exceed \$260,049.

The PPMP was operated by the Monroe County Department of Social Services and NET as a pilot program in zip codes 14609, 14611 and 14613 from June 1, 1999 to March 31, 2000. There were three major components to this project: Quality Housing Inspections (QHI) tied to the issuance of direct rents to landlords (quality standards were developed by MCDSS and NET); mandatory tenant training for recipients who had poor housekeeping or multiple move histories; and a point system for landlords who were operating sub-standard housing. The program now operates City-wide.

Under the program, the City will conduct Quality Housing Inspections of all units for which landlords are requesting direct rents. A grace period will be provided to permit compliance before direct payments are terminated. The City will also conduct QHI's for families whose temporary assistance benefits have been terminated due to excess income and are applying to MCDSS for Welfare to Work Housing subsidies.

Under the proposed agreement, the City will provide city-wide inspection services. The amount to be reimbursed will include the costs of four Property Conservation Inspectors (PCI's), one Clerk III/Typing, and related operating and administrative expenses.

The program was previously approved by City Council on October 15, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-376
(Int. No. 440)

Authorizing An Agreement With The County Of Monroe For Reimbursement For Inspection Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for reimbursement for inspections during 2004 conducted by the City for the Proactive Property Management Program of the County of Monroe Department of

Social Services.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-377 And
Introductory No. 416A
Re: Acquisitions - Project Turnaround

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation or condemnation of the following five (5) properties as part of the Project Turnaround Challenged Streets Project.

Address	Type	Acquisition Amount
80 Maria Street James Brown	1 Family	\$ 8,500
65 Maria Street Alva Elzy	1 Family	3,000
27 Maria Street Michael Coleman	Vacant Land	250
25 Maria Street Michael Coleman	1 Family	7,500
24 Maria Street Catherine Johnson	1 Family	<u>2,800</u>
Total		\$22,050

The acquisition amounts were established through independent appraisals prepared by Robert G. Pogel, SRPA, and Kevin Bruckner, MAI. All of the properties are vacant; therefore, no relocation estimates are required. A total cost of \$62,000 is requested to cover the acquisition, demolition and closing costs for these parcels.

The source of funds is the 2002-03 Challenged Streets Allocation of Cash Capital.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-377
(Int. No. 416, As Amended)

Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By Negotiation [Or Condemnation]

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels from the current owners

for maximum amounts not to exceed the following as a part of the Project Turnaround Challenged Street Program:

Property Address	SBL #	Type	Maximum Acquisition Amount
80 Maria Street James Brown	106.24-2-71	1 Family	\$ 8,500
65 Maria Street Alva Elzy	106.32-1-46	1 Family	3,000
27 Maria Street Michael Coleman	106.32-4-39	Vacant Land	250
25 Maria Street Michael Coleman	106.32-4-40	1 Family	7,500
24 Maria Street Catherine Johnson	106.32-4-29.1	1 Family	<u>2,800</u>
Total			\$22,050

Section 2. The acquisition, demolition and closing costs shall obligate the City to pay an amount not to exceed \$62,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. [In the event that any or all of said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section 5.] This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

Councilmember Douglas moved to returned Introductory No. 416A to committee.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Introductory No. 416A

APPROVING THE ACQUISITION OF PARCELS FOR THE PROJECT TURNAROUND CHALLENGED STREET PROGRAM BY [NEGOTIATION OR] CONDEMNATION, AS AMENDED

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. [The Council hereby approves the acquisition of the following parcels from the current

owners for maximum amounts not to exceed the following as a part of the Project Turnaround Challenged Street Program:

Property Address	SBL #	Type	Maximum Acquisition Amount
80 Maria Street James Brown	106.24-2-71	1 Family	\$8,500
65 Maria Street Alva Elzy	106.32-1-46	1 Family	3,000
27 Maria Street Michael Coleman	106.32-4-39	Vacant Land	250
25 Maria Street Michael Coleman	106.32-4-40	1 Family	7,500
24 Maria Street Catherine Johnson	106.32-4-29.1	1 Family	2,800
Total			\$22,050

Section 2. The acquisition, demolition and closing costs shall obligate the City to pay an amount not to exceed \$62,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4.] In the event that any or all of said parcels approved for acquisition as a part of the Project Turnaround Challenged Street Program by Ordinance No. 2003-377 cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section [5].2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Item held.

By Councilmember Thompson
November 18, 2003

To the Council:
The Public Services & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 421 - Authorizing Agreements For Human Services Projects

Int. No. 422 - Establishing Maximum Compensation For A Professional Services Agreement With Writers & Books, Inc. For The Wordcrafter Program

Respectfully submitted,
Tim O. Mains

William F. Pritchard
 Lois J. Giess
 Gladys Santiago (Abstained vote on Int. No. 421.)
 PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2003-378
 Re: Human Services Projects

- R2010: Campaign 2 - Educational Excellence
- Campaign 6 - Economic Vitality
- Campaign 7 - Quality Service
- Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation authorizing four agreements with the following organizations for Human Services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Ibero American Action League, Inc. Youth Entrepreneurship & Cultural Performance Program	\$50,000
Cornell Cooperative Extension of Monroe County Logic Model Training	2,000
Rochester Museum and Science Center Science Linkages in the Community (SLIC)	10,000
Step-Off Educational Foundation, Inc. Rochester Step-Off Expansion Project	35,000

Youth Entrepreneurship & Cultural Performance Program and Logic Model Training will receive fourth year Community Development Block Grant funding. Both are projects with matching funds and the agreements will be financed from the 2003-04 General Community Needs allocation of the Community Development Block Grant.

The agreement with SLIC is new and will provide funding for a period of one year only. The organization experienced an unanticipated loss in funding from one of their traditional sources; they will both restructure and pursue new sources in order to prevent a recurring need for emergency money. The funding will be from the Emergency Transitional lines of the 2001-02 (\$8,000) and the 2002-03 (\$2,000) General Community Needs allocation of the CDBG.

Science Linkages in the Community is an autonomous community-based initiative housed at the Rochester Museum and Science Center. It is the hub of a network of organizations and individuals using science, math and technology education for community improvement. SLIC provides direct assistance in program planning and evaluation, connects needs with resources, acts as an information bank, trains staff and teachers, and assists with program implementation. Their most visible programs are Science Co-Explorers for early childhood educators, 60 Second Science (broadcast on WXXI TV), Community Computers for Rochester, and Micrecycle: Computer Recycling for Education.

The agreement with the Rochester Step-Off Educational Foundation, Inc. for the Step-Off Expansion Project will be for one year only. The original contract authorized by Council on August 20, 2002 was for \$62,000 and expired on October 12, 2003. The proposed agreement will provide \$35,000 to cover a transition period from CDBG to new funding, allowing the project to continue while staff and resources are dedicated to fundraising efforts. Partial funding has already been secured from United Way, Quad A for Kids, and Weed and Seed. Plans for future funding include additional grant seeking, the launch of an annual giving campaign, and participation fees. Documentation of the fundraising efforts will be included as a contract component.

The source of funding for the contract is the Emergency Transitional line of the 2003-04 General Community Needs allocation of the CDBG.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AC-157

Ordinance No. 2003-378
 (Int. No. 421)

Authorizing Agreements For Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements or amendatory agreements with the following organizations, or the following funds are authorized, for Human Services Projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Ibero American Action League Youth Entrepreneurship & Cultural Performance Program	\$50,000
Cornell Cooperative Extension of Monroe County Logic Model Training	2,000
Rochester Museum and Science Center Science Linkages in the Community	10,000
Rochester Step-Off Educational Foundation, Inc. Rochester Step-Off Expansion Project	35,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$97,000, and of said amount, or so much thereof as may be necessary, \$8,000 is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program, \$2,000 is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program and \$87,000 is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to

be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Stevenson, Thompson - 7.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance 2003-379
Re: Agreement - Writers & Books, Inc.
Wordcrafter Program

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation authorizing an agreement with Writers & Books, Inc., 740 University Avenue, for the continuation of the City's Wordcrafter Program. The cost of this agreement will not exceed \$15,600 and will be financed from the 2003-04 budget of the Department of Parks, Recreation and Human Services.

The Wordcrafter Program involves a series of language arts workshops designed to enhance language ability and creative expression for people of all ages and abilities through writing, reading and the spoken word. The current agreement for the program was authorized by City Council on December 17, 2002.

Under the proposed agreement, Writers & Books will provide a minimum of eight youth and teen workshops, three adult workshops and an Oral Histories workshop. Each workshop will be provided for 1.5 hours each week for 10 weeks at City Recreation/Community Centers.

The youth workshops will include activities to improve writing, language expression, reading skills and vocabulary through exercises such as word games, writing in personal journals, letter writing, storytelling and theater arts, and group writing. The adult workshops will teach traditional creative writing. The Oral Histories workshop will incorporate storytelling, writing and oral presentation.

Writers and Books will prepare all materials required for the workshops and provide instructors. They will also publish an anthology of the participants' writing and special booklets for individual workshops. Under the current agreement for the calendar year 2003, approximately 175 youth and 28 adults have participated in the program.

The agreement will have a term of one year, to begin January 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-379
(Int. No. 422)

Establishing Maximum Compensation For A

Professional Services Agreement With Writers & Books, Inc. For The Wordcrafter Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Writers & Books, Inc. for the continuation of the City's Wordcrafter Program. Said amount shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
November 18, 2003

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 423 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Genesee Riverway Trail Project

Int. No. 424 - Authorizing Agreements For A Street Condition Rating Update Study

Int. No. 425 - Authorizing An Agreement For The Biz Kid\$ 1 And 2 Programs

Int. No. 426 - Amending The Municipal Code With Respect To Fees For Parking Garages

Int. No. 427 - Authorizing An Agreement For Operation Of The Plymouth Avenue Parking Lot

Int. No. 438 - Authorizing An Agreement With The New York State Department Of Transportation For Federal Emergency Relief In Connection With The April 2003 Ice Storm

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 439 - Authorizing Changes In The Pavement Width Of West Broad Street As A Part Of The West Broad Street (Brown Street To Lyell Avenue) Improvement Project

Respectfully submitted,
Robert J. Stevenson
Lois J. Giess
PARKS, PUBLIC WORKS & THE ENVIRONMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-380
Re: Genesee Riverway Trail - Turning
Point Park to Petten Street

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation:

1. Authorizing an agreement with The Sear Brown Group, 85 Metro Park, for professional engineering design services in the maximum amount of \$420,000; and
2. Appropriating anticipated reimbursements from the Federal Highway Administration in the amount of \$336,000 to finance the federal share of the agreement requested herein.

This project consists of the construction of a multi-use off-road trail facility to complete a major portion of the Genesee Riverway Trail on the west bank beginning just south of Turning Point Park and extending to Petten Street (to Lake Avenue) a distance of 1.6 miles. A portion of the trail will proceed north on a pile-supported structure through the Turning Basin and traverse the steep northern bank (with a structure) to the area known as Turning Point Park North. The construction will include improvements to an existing at-grade railroad crossing. Acquisition of property rights will be required to construct the trail under the preferred alternative alignment.

Preliminary design of the project was presented at a public informational meeting on September 25, 2003, the minutes of which are attached. It is anticipated that project design will be completed in Spring 2004, and that construction will begin in 2004 and be completed in 2005.

The estimated cost of the project \$4.87 million, of which the city is eligible to receive \$3,896,000 in federal transportation funds. Local funding is provided for in the 2001, 2002 and 2004 Capital Improvement Programs.

On August 19, 1997, City Council authorized an agreement with the Sear Brown Group for design of the Lake Avenue Public Improvement Project (Lake Ontario State Parkway to Burley Road), which included design of the Genesee River Trail from Turning Point Park to Petten Street. The Sear Brown Group was selected to complete the professional engineering design services based on its qualifications and previous experience. During the preliminary design of the Lake Avenue project, it was determined that the Genesee River Trail project would be designed separately from the street project and City Council was informed of the change at the April 26, 2001 Council meeting.

The proposed agreement is required to complete the engineering design of the trail project. The maximum cost of the agreement will be \$420,000 which will be financed from the proposed appropriation and the Cash Capital allocation of the 2001-02 Budget (\$6,000) and the 2002-03 Budget (\$78,000).

Federal environmental review (NEPA) is in process and staff is awaiting the FONSI. As part of SEQR, the Rochester Environmental Commission reviewed the draft design report environmental assessment (DREA) that was prepared for the project and determined that the project is unlikely to create significant adverse impacts. The City, acting as lead agency, prepared and filed a Negative Declaration for the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-158

Ordinance No. 2003-380
(Int. No. 423)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Genesee Riverway Trail Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$420,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Sear Brown Group for design of a portion of the Genesee Riverway Trail Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$6,000 shall be funded from the 2000-01 Cash Capital Allocation, \$78,000 shall be funded from the 2001-02 Cash Capital Allocation and \$336,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-381
Re: Street Condition Rating Update Study

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation:

1. Authorizing an amendatory agreement with Bergmann Associates, 200 First Federal Plaza, for additional professional engineering services required to complete the Street Condition Rating Update Study. The cost of the increase, \$10,000, will be financed from the 2003-04 Cash Capital allocation, and will increase the total maximum cost of the study from \$60,000 to \$70,000; and
2. Appropriating \$20,000 of anticipated reimbursements from the Federal Highway Administration (FHA) and amending the Cash Capital allocation of the 2003-04 Budget to reflect receipt of this amount.

The Street Condition Rating Update Study includes assessment of current rating procedures, design of improved pavement performance models, and design of an improved Street Information Management database system which will provide interface with the City's Geographic Information System (GIS) and compatibility with New York State street rating indices to facilitate regional comparisons.

The services being requested herein will provide for design of improvements which will further enhance the Street Information Management System to include additional informational reports related to treatments undertaken and projected treatments.

The Genesee Transportation Council, which originally approved \$20,000 for this project, has approved this additional \$20,000, thereby increasing the total federal

share from \$20,000 to \$40,000.

It is anticipated that the update to the system will be completed by year end.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-381
(Int. No. 424)

Authorizing Agreements For A Street Condition Rating Update Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Genesee Transportation Council for the receipt and use of additional Federal Highway Administration funding for a street condition rating update study.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with Bergmann Associates for the street condition rating update study. The amendatory agreement shall obligate the City to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Cash Capital Allocation.

Section 3. Ordinance No. 2003-220, the 2003-04 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 \$20,000, which amount is hereby appropriated from the Federal Highway Administration funds to be received through 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. 2003-382
Re: Agreement - Rochester Landscape Technicians, Inc.

R2010 Campaign 2 - Educational Excellence

Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Landscape Technicians, Inc. (Joan Hildebrand, principal), 171 Reservoir Avenue, Rochester, New York 14620, in the amount of \$17,400. They will provide a coordinator for the Biz Kid\$ 1 and 2 programs, including quarterly reunions for graduates and training of volunteers and recreation staff to become trainers. Rochester Landscape Technicians, Inc. was chosen because they have a proven record and extensive experience in training both adults and youth in a variety of programs.

Funds for this agreement will be provided through the General Community Needs Allocation of the 1999-2000 Community Development Block Grant.

The term of this agreement will be January 1, 2004 through June 30, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-159

Ordinance No. 2003-382
(Int. No. 425)

Authorizing An Agreement For The Biz Kid\$ 1 And 2 Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Landscape Technicians, Inc. for the Biz Kid\$ 1 and 2 Programs.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$17,400, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 1999-2000 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. 2003-383
Re: City Code Amendment

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending the City Code in order to provide a special parking rate for students at the Midtown Garage.

The City had offered discounted parking rates to college students at the Mortimer Street Garage, which closed on December 31, 2002. Monroe Community College is anticipating continued growth in its student population at the Damon City Campus and a greater demand for convenient parking.

The basic rate for half-hour parking at the Midtown Garage is \$.40. Under the proposed legislation, a special student rate of \$.20 per half hour would be provided at the garage. MCC projects that 150 to 200 students at different times during the day would park at the garage. The garage is able to accommodate the students who park there.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-383
(Int. No. 426)

Amending The Municipal Code With Respect To Fees For Parking Garages

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-119 of the Municipal Code, relating to fees and hours of operation of parking garages, as amended, is hereby further amended by adding the following new sentence to the end of subsection A(1) thereof:

Notwithstanding the preceding, the Mayor and the Manager of Municipal Parking are hereby authorized to establish a program allowing for student parking at the Midtown Garage at the reduced daytime rate of \$0.20 for each half hour or any part thereof.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-384
Re: Parking Lot Operating Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Pro Park, LLC, for operation of the Plymouth Avenue Parking Lot located at 116 West Main Street in Center City Rochester.

The Plymouth Avenue Lot, which contains 234 spaces, currently is operated by Donatelli, Inc., DBA Ralph Parking Company, under an agreement authorized by City Council on September 19, 2000. That agreement expires on November 30, 2003.

The Municipal Parking Division issued a Request for Proposals for operation of the Plymouth Avenue Lot in October 2003.

Proposals were received from the following parking companies:

- Pro Park, LLC
- MAPCO Auto Parks, Ltd.
- Geoffrey Posluszny, DBA Fairway Parking
- Donatelli, Inc., DBA Ralph Parking Co.
- Central Parking System/Allright N.Y. Parking, Inc.

The City's Municipal Parking staff completed a review of the proposals received. The review considered six criteria with a numerical value assigned to each of the criteria. The annual revenue return to the City was given the highest consideration in the proposal review. Copies of the staff rating sheets are attached.

Pro Park received the highest rating with a proposed annual revenue return to the City of \$85,585. Therefore, it is recommended that Pro Park operate the Plymouth Avenue Lot.

A comparison of annual revenue return to the City is as follows:

<u>Company</u>	<u>Current Annual Return</u>
Donatelli, Inc., DBA Ralph Parking Co.	\$129,444

<u>Company</u>	<u>Proposed Annual Return</u>
Pro Park, LLC	\$ 85,585
Donatelli, Inc., DBA Ralph Parking Co.	84,000
Geoffrey Posluszny, DBA Fairway Parking	72,000
MAPCO Auto Parks, Ltd.	67,896
Central Parking System/Allright N.Y. Parking, Inc.	48,000

The lower revenue return to the City is based on these reasons: projected decrease in parking demand for this lot due to the new parking lot at the site of the former Mariner House Hotel (Plymouth Avenue and West Main Street); workforce reductions at Frontier's Plymouth Avenue offices; and the responsibility for walkway and fence maintenance being transferred from the City to the lot operator.

The agreement will have an initial term of two years, with provision for renewal, for two additional one-year periods.

Pro Park will be responsible for providing a full-time lot attendant. Pro Park will also be responsible for the maintenance and repair of the parking lot and for paying all expenses associated with the parking lot.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-160

Ordinance No. 2003-384
(Int. No. 427)

Authorizing An Agreement For Operation Of The Plymouth Avenue Parking Lot

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Pro Park, LLC for the operation of the Plymouth Avenue Parking Lot for a period of two years, with an option to renew for two additional one-year periods. The operator shall be responsible for providing a full-time attendant and for the maintenance and repair of the parking lot and fence surrounding the lot, maintenance of the public walkway, and all expenses associated with the parking lot.

Section 2. The agreement shall obligate Pro Park, LLC to pay to the City the sum of \$85,585 annually. 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. 2003-385
Re: Agreement - NYSDOT, 2003 Ice Storm

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation

authorizing an agreement with the New York State Department of Transportation for reimbursement of the portion of the April 2003 Ice Storm costs that are eligible under the Federal Emergency Relief Program of the Federal Highway Administration (FHWA).

It is estimated that the City is eligible for \$206,000 in FHWA reimbursements for the debris removal on federally designated arterial roads, 25.9% of the City's road miles. The Federal Emergency Relief Program will allow the City to recover 100% of these debris removal costs.

Under a separate application process with the Federal Emergency Management Administration (FEMA) and the State Emergency Management Office (SEMO), the City is expected to recover 82.5% of eligible debris removal costs on local streets - the balance of the City's road system. In addition, FEMA and SEMO will reimburse overtime and materials costs for salting runs on all City streets, since such costs are not eligible under the FHWA program. The total of FEMA and SEMO reimbursements for the April 2003 Ice Storm are expected to be \$406,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-385
(Int. No. 438)

Authorizing An Agreement With The New York State Department Of Transportation For Federal Emergency Relief In Connection With The April 2003 Ice Storm

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to execute all necessary applications, agreements, certifications, or requests with the New York State Department of Transportation for the reimbursement of that portion of 2003 Ice Storm expenditures that are eligible under the Emergency Relief Program of the Federal Highway Administration.

Section 2. The agreements and other documents 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. 2003-386
Re: Broad Street Improvement Project
(Brown Street - Lyell Avenue)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Broad Street Improvement Project. This legislation will authorize the following changes in pavement width on Broad Street:

1. A gradual taper of the existing 40 foot width beginning by matching the existing 40 foot width at a point 140 feet south of the center of Lyell Avenue and tapering to a 38 foot width 50 feet to the south;

2. A decrease of 2 feet, from the existing 40 foot width to a 38 foot width, beginning at the latter point to a point 40 feet north of the center of the railroad bridge;
3. Maintain the existing 26 foot width under the railroad bridge from the latter point to a point 19 feet south of the center of the railroad bridge;
4. Maintain the existing 32 foot width from the latter point to a point 71 feet to the south;
5. An increase of 1 foot, from the existing 40 foot width to a 41 foot width, beginning at the latter point to a point 46 feet north of the center of Saxton Street;
6. A decrease of 12 feet, from the existing 40 foot width to a 28 foot width, beginning at the latter point to a point 113 feet south of the center of Saxton Street;
7. An increase of 1 foot, from the existing 40 foot width to a 41 foot width, beginning at the latter point to a point 60 feet north of the center of Walnut Street;
8. A decrease of 12 feet, from the existing 40 foot width to a 28 foot width, beginning at the latter point to a point 157 feet south of the center of Walnut Street;
9. A decrease of 7 feet, from the existing 40 foot width to a 33 foot width, beginning at the latter point to a point 43 feet to the south;
10. An increase of 1 foot, from the existing 40 foot width to a 41 foot width, beginning at the latter point to a point 261 feet to the south;
11. A decrease of 7 feet, from the existing 40 foot width to a 33 foot width, beginning at the latter point to Jay Street;
12. A decrease of 2 feet, from the existing 40 foot width to a 38 foot width, from the latter point to a point 63 feet south of the center of Romeyn Street;
13. A gradual taper of the existing 40 foot width beginning with a 38 foot width at the latter point and tapering to match the existing 40 foot width at a point 11 feet to the south.

The preparation of the engineering plan and design for this project, by FRA Engineering, P.C., was authorized by City Council on September 15, 1998 and amended on August 26, 2003.

The proposed pavement width modifications will provide on-street parking on most of Broad Street, with recessed parking areas in the soccer stadium area. Travel lanes ranging from 11 feet to 14 feet wide will be provided along with 8 foot wide parking lanes.

Turning lanes are proposed at the intersections of Jay Street and Broad Street, and Romeyn Street and Broad Street. Wider sidewalks and curb bump-outs are also proposed.

The proposed pavement width modifications will be installed within the existing right-of-way. Additional property acquisitions or easements may be required to install the proposed sidewalks and sidewalk ac-

cess ramps.

Besides the proposed pavement width changes, the project includes pavement reconstruction, new stone curbing, new concrete sidewalks, driveway apron replacements, hydrant and water service upgrades and water main replacement, drainage improvements, street lighting upgrades, pavement markings and signalized intersection improvements, and landscaping improvements.

Construction of the project is anticipated to begin and be completed in 2004.

A public informational meeting was held on October 29, 2003. Copies of the minutes of this meeting are attached.

The Traffic Control Board reviewed the proposed changes in pavement widths on November 5, 2003.

A public hearing on these changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-161

Ordinance No. 2003-386
(Int. No. 439)

Authorizing Changes In The Pavement Width Of West Broad Street As A Part Of The West Broad Street (Brown Street To Lyell Avenue) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in pavement width of West Broad Street as a part of the West Broad Street (Brown Street to Lyell Avenue) Improvement Project:

1. A gradual taper of the existing 40 foot width beginning by matching the existing 40 foot width at a point 140 feet south of the center of Lyell Avenue and tapering to a 38 foot width 50 feet to the south;
2. A decrease of 2 feet, from the existing 40 foot width to a 38 foot width, beginning at the latter point to a point 40 feet north of the center of the railroad bridge;
3. Maintain the existing 26 foot width under the railroad bridge from the latter point to a point 19 feet south of the center of the railroad bridge;
4. Maintain the existing 32 foot width from the latter point to a point 71 feet to the south;
5. An increase of 1 foot, from the existing 40 foot width to a 41 foot width, beginning at the latter point to a point 46 feet north of the center of Saxton Street;
6. A decrease of 12 feet, from the existing 40 foot width to a 28 foot width, beginning at the latter point to a point 113 feet south of the center of Saxton Street;
7. An increase of 1 foot, from the existing 40 foot width to a 41 foot width, beginning at the latter point to a point 60 feet north of the center of

Walnut Street;

8. A decrease of 12 feet, from the existing 40 foot width to a 28 foot width, beginning at the latter point to a point 157 feet south of the center of Walnut Street;
9. A decrease of 7 feet, from the existing 40 foot width to a 33 foot width, beginning at the latter point to a point 43 feet to the south;
10. An increase of 1 foot, from the existing 40 foot width to a 41 foot width, beginning at the latter point to a point 261 feet to the south;
11. A decrease of 7 feet, from the existing 40 foot width to a 33 foot width, beginning at the latter point to Jay Street;
12. A decrease of 2 feet, from the existing 40 foot width to a 38 foot width, from the latter point to a point 63 feet south of the center of Romeyn Street;
13. A gradual taper of the existing 40 foot width beginning with a 38 foot width at the latter point and tapering to match the existing 40 foot width at a point 11 feet to the south.

Section 2. Such changes and additional changes as a part of the West Broad Street (Brown Street to Lyell Avenue) Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
November 18, 2003

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 428 - Cancellation Of Taxes And Charges

Int. No. 429 - Establishing Maximum Compensation For Professional Services Agreements For Benefits Programs

Int. No. 430 - Resolution Approving A Reappointment To The Board Of Assessment Review

Int. No. 431 - Appropriating Funds And Authorizing An Agreement For The Local Law Enforcement Block Grant Program

Int. No. 432 - Authorizing An Application And Agreement With Respect To Seat Belt Enforcement And Amending The 2003-04 Budget

Int. No. 433 - Appropriating Funds For Drug Summit Activities

Int. No. 434 - Authorizing An Application And Agreement With Respect To Community Oriented Policing And Amending The 2003-04 Budget

Int. No. 435 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 437 - Establishing Maximum Compensation For A Professional Services Agreement For A Computerized Records Management System For The Fire Department

The following entitled legislation is being held in committee:

Int. No. 436 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$688,000 Bonds Of Said City To Finance The Cost Of New Equipment, Machinery, Apparatus Or Furnishings For The Emergency Communications Center

Respectfully submitted,
Benjamin L. Douglas
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-387
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$21,876.59.

An amount of \$8,100.00 or 37.03% of the total, relates to one property that had an incorrect number of residential refuse units entered on the 2003 Final Assessment Roll.

A sum of \$7,416.05 or 33.90% of the total, is attributed to one property where an incorrect assessed value was recorded on the 2003 Final Assessment Roll.

Three properties had code violations, delinquent refuse and rehabilitation charges in the amount of \$6,360.54 or 29.07% of the total that were attributed to former owners or unauthorized contracts.

If this cancellation is approved, total cancellations thus far for 2003-04 will be \$57,073.22.

	<u>Accounts</u>	<u>Amounts</u>
City Council	11	\$38,525.61
Administrative	61	18,547.61
Total	72	\$57,073.22

These cancellations represent .027% of the tax receivables as of July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-387
(Int. No. 428)

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 number of front feet for this property, 31.00, was entered as the number of residential refuse units for the property. The correct number of residential refuse units is 1.00.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>Tax Year</u>	
121.630-0002-016	H	\$
8,100.00		
43 Hickory St	2004	

- (b) The 2003 Final Assessment Roll did not reflect the agreed upon final assessment for the property.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>Tax Year</u>	
090.790-0001-003.1	NH	\$
7,416.06		
777 Driving Park Ave	2004	

- (c) Code violations, delinquent refuse, and rehabilitation charges were accrued by prior owners or contractors doing business on the properties. The charges will be entered by MCVB as judgments against the correct individuals.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>Tax Year</u>	
107.450-0003-040	H	\$
1,325.00		
61 Stunz St	2004	
120.740-0002-040	H	
3,900.00		
72 Melrose St	2004	
135.130-01-001.02/LS11	NH	-
1,135.54		
1157 Scottsville Rd	2004	
	Subtotal	\$
6,360.54		
	Total	
\$21,876.59		

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-388
Re: EBS Benefit Solutions, Flexible Spending and Parking/Transit Reimbursement Accounts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation:

- 1. Amending Ordinance 2001-71 to increase the amount of an agreement with Blue Cross/Blue

Section 1. The sum of \$2,500, 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 Blue Cross Blue Shield of the Rochester Area to administer the Flexible Spending Program for the final year of the current term. Said amount shall be funded from the 2003-04 Budget for Undistributed Expense.

Section 2. The sum of \$63,000, 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 Benefit Solutions to administer the Flexible Spending and Parking/Transit Reimbursement Programs for a term of three years. Of said amount, \$21,000 shall be funded from the 2003-04 Budget for Undistributed Expense, \$21,000 shall be funded from the 2004-05 Budget for Undistributed Expense, and \$21,000 shall be funded from the 2005-06 Budget for Undistributed Expense, contingent upon approval of future budgets.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2003-27
Re: Reappointment - Board Of
Assessment Review

Transmitted herewith for your approval is legislation to approve the reappointment of:

Dolores Celli
637 Seneca Parkway
Rochester, NY 14613

to a five-year term on the Board of Assessment Review. Ms. Celli was first appointed to the Board in October, 1995 to fill an unexpired term, and was appointed to a full five-year term on November 10, 1998. Prior to that, she had served as a member of the temporary board.

Ms. Celli has been a real estate professional for many years. A copy of her resume is on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2003-27
(Int. No. 430)

Resolution Approving A Reappointment To The Board Of Assessment Review

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Dolores Celli, 637 Seneca Parkway, Rochester, NY 14613 to the Board of Assessment Review for a five-year term that will expire on September 30, 2008.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-389
Re: Agreement - County of Monroe, Funding
from the LLEBG Program

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted for your approval is legislation appropriating \$289,730 received from the Local Law Enforcement Block Grant (LLEBG) program and authorizing an agreement with the County of Monroe in the amount of \$188,667 for programs authorized under the federal grant awards to the City and the County. Application for the award was authorized by Council on August 26, 2003.

The proposed agreement authorizes reimbursement to the County of Monroe to support Probation Officer positions assigned to the Operation Nightwatch and Juvenile Aftercare programs, and for a Juvenile Prosecutor. This agreement will provide the City's share of \$188,667 to support these programs during the period July 1, 2004 through December 2, 2004. As with previous awards, the payments to the County reflect a 50-50 sharing of the combined grant awards to the City and the County.

The City has received \$289,730 in the current grant; the County received \$22,397, making the combined amount \$312,127. The amount the County received directly is subtracted, resulting in \$133,667 the City contributes to the County. In addition, the City will reimburse the County \$55,000 for the Juvenile Aftercare program.

The balance of the LLEBG funding will continue to support the salary and benefits costs of a Grants Specialist and a Programmer Analyst in the Police Department and will be included in the 2004-05 Budget request.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-162

Ordinance No. 2003-389
(Int. No. 431)

Appropriating Funds And Authorizing An Agreement For The Local Law Enforcement Block Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$289,730, or so much thereof as may be necessary, is hereby appropriated from Local Law Enforcement Block Grant Program funds to fund the Local Law Enforcement Block Grant Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the County of Monroe to implement the Local Law Enforcement Block Grant Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$188,667, and said amount, or so much thereof as may be necessary, shall

be funded from the appropriation made in Section 1.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-390
Re: Agreement - New York State Governor's
Traffic Safety Committee (GTSC),
Seatbelt Enforcement Grant and
Amending the Budget

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted for your approval is legislation authorizing an agreement between the City and the New York State Governor's Traffic Safety Committee (GTSC) and amending the 2003-04 Budget. The proposed agreement will permit acceptance of NYSGTSC funding in the amount of \$22,955 for the increased enforcement of the seatbelt law, as part of the "Buckle Up! New York" campaign, for the period October 1, 2003 through September 30, 2004. The legislation will also amend the 2003-04 Budget of the Police Department by \$17,000 to reflect the additional revenue and expense associated with the grant program. The remainder will be included in the 2004-05 budget request.

The funds will be used to pay overtime to RPD officers who conduct traffic checkpoints, including a modest amount (\$300) for public informational materials. Over the period of the grant, which runs through September 30, 2004, we anticipate an additional 575 hours of traffic enforcement will be provided through the RPD Special Operations Section. Enforcement activity will include 375 hours of "joint road checks" with NY State Police officers, and 200 hours enforcement by RPD officers between waves.

Below is the enforcement data for the 12-month period ending September 30, 2003:

Enforcement Details	27
# Misc. Traffic Arrests	7
# Summons/Tickets	
Seatbelt	485
Child Safety Restraint	43
Other Violations	612

The "Buckle Up! New York" program involves high visibility enforcement, with a state-coordinated public information campaign, a high level of activity by NY State Police units, and "zero tolerance" - all violators will be issued tickets. This program offers funding to local police departments throughout the state, to encourage participation and increased enforcement of the seat belt laws.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-390
(Int. No. 432)

Authorizing An Application And Agreement With Respect To Seat Belt Enforcement And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Governor's Traffic Safety Committee for funding for a Seat Belt Enforcement Program.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$17,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-391
Re: Eastman Kodak Charitable Trust
Grant in Support of the Drug Summit

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation accepting a grant of \$8,010 from the Eastman Kodak Charitable Trust Fund to support the Drug Summit, and appropriating the funds. The award has been deposited to the City's Crime Control Trust fund. The grant will be used for planning and implementing follow-ups to the Drug Summit.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-391
(Int. No. 433)

Appropriating Funds For Drug Summit Activities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$8,010, or so much thereof as may be necessary, is hereby appropriated from funds received from the Eastman Kodak Charitable Trust Fund, to fund activities in support of the Drug Summit.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-392

Re: Agreement - U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), Homeland Security Overtime Program (HSOP) Grant and Budget Amendment

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation:

1. Authorizing an agreement between the City and the U. S. Department of Justice, Office of Community Oriented Policing Services (COPS) authorizing acceptance of a competitive COPS grant of \$492,741 for the Homeland Security Overtime Program (HSOP), for the period September 1, 2003 through August 31, 2004. A local cash match of \$164,247 is required, for total program expenditures of \$656,988. The local match will be provided by incremental funds reserved for Drug Summit follow-up activities.
2. Amending the 2003-04 Budget of the Police Department by \$657,000 to reflect the additional revenue and expense associated with the grant program.

HSOP funds are to be used to pay overtime for non-supervisory, sworn personnel during homeland security training sessions and other law enforcement activities that are designed to help prevent acts of terrorism and other violent or drug related crimes. In addition, funds may be used to cover overtime costs incurred due to temporary loss of police officers to military reserve duty.

Under the City's proposal, HSOP funds would be used to:

1. Enhance the capacity to inspect licenses of businesses such as neighborhood stores that sell alcohol and tobacco products or accept Food Stamps for products; to identify illicit outlets which provide cover for drug trafficking and sustain the demand for drugs within neighborhoods;
2. Increase participation in joint law enforcement operations; including specialized interdiction efforts on interstate transportation routes into Rochester such as the New York State Thruway exits, airport, and railway; and
3. Enhance programs to control street narcotics and violent crime activity and prevent its displacement to adjacent neighborhoods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-392
(Int. No. 434)

Authorizing An Application And Agreement With Respect To Community Oriented Policing And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to sub-

mit an application to and enter into an agreement with the United States Department of Justice for funding under the Homeland Security Overtime Program.

Section 2. Ordinance No. 2003-220, the 2003-04 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 \$657,000, of which amount \$492,700 is hereby appropriated from funds to be received under the grant agreement authorized herein and \$164,300 is hereby reappropriated from 2002-03 Anti-Drug Initiative Funds.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Temporary Appointments -
Board of Assessment Review

Transmitted herewith for your approval is legislation appointing the following individuals to serve as temporary members of the Board of Assessment Review:

- | | |
|---|---|
| Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619 | James P. Donlon
286 Averill Avenue
Rochester, NY 14620 |
| Peter J. Easterly
65 Beacon Street
Rochester, NY 14607 | Michael R. Galitzdorfer
43 Field Street
Rochester, NY 14620 |
| Julie Holzbach
50 Westminster Road
Rochester, NY 14607 | Thomas Lewis
1394 North Street
Rochester, NY 14621 |
| Eileen M. Mance
95 Merriman Street
Rochester, NY 14607 | Pamela Robinson
858 Arnett Boulevard
Rochester, NY 14619 |
| Justin Underwood
91 Jewel Street
Rochester, NY 14621 | Joe A. Ware, Sr.
496 Lakeview Park
Rochester, NY 14613 |

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that ten panelists will be required for the workload in the coming cycle because of the impending revaluation.

The ten temporary members would each serve for one year and would receive the same compensation rate as permanent board members. Hearings will be conducted by panels of three members each, drawn from the pool of fifteen. Each panel would have a minimum of one permanent Board member who would serve as its Chair.

The City successfully utilized three-member assessment review panels during the revaluations of 1984, 1986, 1990, 1996, and 2000 as well as during the intervening years. As in the past, all panel decisions would be reviewed by the permanent Board in execu-

tive session. The Board of Assessment Review would have the option of accepting or modifying a panel's decision or, if necessary, scheduling a second hearing with the property owner and the Assessor to reexamine the facts and testimony.

Approval of the appointments is required at this time to allow members to receive mandatory training by the County before hearings begin in March. The appointment of additional board members will have no impact on the City's budget.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2003-28
(Int. No.435)

Resolution Appointing Temporary Members To The Board Of Assessment Review

Section 1. The Council hereby appoints the following persons to serve as temporary members of the Board of Assessment Review during 2004:

- | | |
|---|---|
| Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619 | James P. Donlon
286 Averill Avenue
Rochester, NY 14620 |
| Peter J. Easterly
65 Beacon Street
Rochester, NY 14607 | Michael R. Galitzdorfer
43 Field Street
Rochester, NY 14620 |
| Julie Holzbach
50 Westminster Road
Rochester, NY 14607 | Thomas Lewis
1394 North Street
Rochester, NY 14621 |
| Eileen M. Mance
95 Merriman Street
Rochester, NY 14607 | Pamela Robinson
858 Arnett Boulevard
Rochester, NY 14619 |
| Justin Underwood
91 Jewel Street
Rochester, NY 14621 | Joe A. Ware, Sr.
496 Lakeview Park
Rochester, NY 14613 |

Section 2. The temporary members of the Board of Assessment Review shall be compensated in the same amount and manner as permanent Board members.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-393
Re: Agreement - Alpine Software Corporation, Records Management System

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing a one year agreement with Alpine Software Corporation, P.O. Box 281, Pittsford, NY 14534 for the implementation of a computerized records management system for the Fire Department. The cost of this agreement will not exceed \$372,000, and will be financed by the 2002-03 Cash Capital Allocation.

An RFP was issued in May inviting interested vendors

to submit proposals for a records management system. A committee consisting of representatives of the Fire Department and the Bureau of Information Systems reviewed each of the six proposals that were returned and invited three vendors to demonstrate their product. Based on criteria including ease of implementation, post implementation support, ease of use, and cost, Alpine Software Corporation was selected.

Current record keeping in the Fire Department relies on a mainframe system and extensive paper-based filing. Files are typically kept for the following: fire incidents, investigations, inspections, training, and safety permits; personnel information; and injury, sick, and exposure records. There are several duplications of stored records and there is no coordination among systems. This limits accessibility of information, slows down information retrieval, and the types of reports that can be produced.

The records management system that will be implemented by Alpine Software Corporation will allow the Department to track all fire related information on a property location and all data pertinent to specific firefighters. It will also enable users to access and develop a variety of reports using information from multiple files. The system is compliant with NFIRS, the National Fire Incident Reporting System, a standard reporting system developed by the United States Fire Administration and the mandated method of data collection required by New York State.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-393
(Int. No. 437)

Establishing Maximum Compensation For A Professional Services Agreement For A Computerized Records Management System For The Fire Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$372,000, 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 Alpine Software Corporation for the implementation of a computerized records management system for the Rochester Fire Department. Said amount shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-394
Re: Emergency Communication Department Operations Reconfigure

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation:

1. Authorizing the issuance of bonds for \$688,000 for the Emergency Communications Department Operations Reconfigure Project; and

- 2. Appropriating these funds to finance the cost of the project.

The Emergency Communications Department Operations Reconfigure was designed in-house by the Department of Environmental Services, Architectural Services Division. The project includes the removal of primary and secondary operations console workstations; replacement of carpet tiles on existing raised floor grid; and the furnishing and installation of new twenty-four hour, seven-days-a-week emergency communications "sit-to-stand" console workstations.

Four bids for construction of the project were received on October 28, 2003. The low bid, \$685,000, which was received from F.W. Construction Corp. of Rochester is \$5,000 over the estimate by Architectural Services. Less than 1% will be allocated for a contingency. This project is included in the 2003-04 Capital Improvement Program.

Construction is scheduled to begin in the winter of 2004 and be completed in the summer of 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Douglas moved to have Introductory No. 436 discharged out of committee.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2003-394
(Int. No. 436)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$688,000 Bonds Of Said City To Finance The Cost Of New Equipment, Machinery, Apparatus Or Furnishings For The Emergency Communications Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of new equipment, machinery, apparatus or furnishings for the Emergency Communications Center, located at 321 West Main Street in the City of Rochester (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 \$688,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$688,000 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 \$688,000 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 \$688,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.32 of the Law, is five (5) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

The meeting was adjourned at 8:35 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
DECEMBER 23, 2003

Present - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson, Thompson - 8.

Absent - Councilmember Norwood - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

- Retirement:
- DES
Raymond C. Stadtmiller
- RFD
Michael T. Jacobs
- DRHS
*Kathleen E. Warren
- Library
*Thomas L. Ferraro
- NET
*Richard Rozzi
- RPD
*Scott F. McLaughlin
*Glenn G. Purcell

**Not attending meeting.*
APPROVAL OF THE MINUTES

By Councilmember Douglas

RESOLVED, that the minutes of the Regular Meeting of November 18, 2003, 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. 3749-7
 - Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3750-7
 - Director of Zoning Submits Notices of Environmental Determination.
 - 1475 East Avenue. 3751-7
 - 1701-1713 Lyell Avenue. 3752-7
 - 592 Lyell Avenue. 3753-7
 - 568 Lyell Avenue. 3754-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Amending The 1995-96, 1996-97, 1997-98 And 1998-99 Community Development Programs By Transferring Balances To The East Main Street Assistance Program Int. No. 450 No speakers.

Changing The Zoning Classification Of 1848 Lyell Avenue From O-S Open Space To [M-1 Industrial] C-2 Community Center, As Amended Int. No. 452 One speaker: Peter Rumrill.

Changing The Zoning Classification Of 1845 And 1851 Lyell Avenue From O-S Open Space To C-2 Community Center Int. No. 453 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
December 23, 2003

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 441 - Amending Ordinance No. 2002-379 To Cancel Taxes on 508-510 Lyell Avenue

Int. No. 442 - Authorizing The Sale Of Real Estate And Amending Ordinances No. 2003-375 And 2003-298, As Amended

Int. No. 443 - Accepting Donation Of Real Estate

Int. No. 444 - Amending Ordinance No. 2003-23 Relating To The Sale Of Real Estate

Int. No. 445 - Appropriating Funds And Authorizing Agreements For The Community Leadership

Development Program

Int. No. 446 - Local Law Approving The Establishment Of The High Falls Business Improvement District

Int. No. 447 - Authorizing A Lease Agreement For Office Space In The South Avenue Parking Garage

Int. No. 448 - Authorizing An Amendatory Lease Agreement For Commercial Space In The South Avenue Parking Garage

Int. No. 449 - Determination & Findings Relating To The Acquisition Of Parcels As Part Of The Maria Street Challenged Street Project

Int. No. 416A - Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By [Negotiation Or] Condemnation, As Amended

Int. No. 471 - Appropriating Funds, Authorizing Agreements And Amending The 2003-04 Budget For Lead-Based Paint Hazard Control Programs

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 450 - Amending The 1995-96, 1996-97, 1997-98 And 1998-99 Community Development Programs By Transferring Balances To The East Main Street Assistance Program

Int. No. 451 - Approving The East Main Street Assistance Program

Int. No. 452 - Changing The Zoning Classification Of 1848 Lyell Avenue From O-S Open Space To [M-1 Industrial] C-2 Community Center, As Amended

Int. No. 453 - Changing The Zoning Classification Of 1845 And 1851 Lyell Avenue From O-S Open Space To C-2 Community Center

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
William F. Pritchard
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-395 And
Ordinance No. 2003-396
Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of ten properties and amending a prior ordinance.

Sales

Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of

court or fined as a result of an appearance ticket during the past five years.

The first property is a structure that was sold at the June 19, 2003 Public Auction. The purchaser will be required to rehabilitate the structure within nine months of the closing.

The next five properties were sold for \$1.00 at the September 30, 2003 Homestead Lottery. The purchasers will be required to rehabilitate the structures within eighteen months, and to occupy them for a minimum of five years.

The next three properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

The last property was sold at the July 28, 2003 Request for Proposal sale. The structure will be rehabilitated as an owner occupied group family day care home.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Amendment

In December 2002, Council approved the sale of 508-510 Lyell Avenue. The normal legislative language canceling current taxes from the date of acquisition forward was inadvertently omitted from that legislation. The proposed amendment will correct the oversight.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-163

Ordinance No. 2003-395
(Int. No. 441)

Amending Ordinance No. 2002-379 To Cancel Taxes On 508-510 Lyell Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2002-379, relating to the acquisition and sale of 508-510 Lyell Avenue, is hereby amended by renumbering Section 4 thereof as Section 5 and by adding thereto the following new Section 4:

Section 4. 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 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-396
(Int. No. 442, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinances No. 2003-375 And 2003-298

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property with proposal by regular auction:

Address: 20 Scrantom Street
S.B.L.#: 106.37-2-39.1
Price: \$400
Legal Use: 1 Family
Purchaser: James A. Fraser

Section 2. The Council hereby further approves the sale of the following parcels of improved property by homestead lottery:

Address S.B.L.#	Legal Use Purchaser
260 Breck St. 107.78-1-15	1 Family William H. Johnson, Jr.
556 Hague St. 105.72-1-18	1 Family Frederick A. Adams
60 Hoff St. 091.80-2-70	1 Family Cory M. Moffatt
84 Kingston St. 107.71-1-80	1 Family Katherine Gonzalez
95 Taylor St. 120.34-2-64	1 Family Catherine V. Pappin

Section 3. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.# Purchaser	Sq. Ft.
[56 Bartlett St. Roberto E. Haynes]	121.61-1-44 2,442
301 Clarissa St. Scott N. Starr	121.37-2-76 258.06
[127 Silver St. Bennie McGhee]	120.35-2-66 1583±

Section 4. [The Council hereby further approves the sale of the following parcel of improved property with proposal by regular auction:

Address: 96 Chili Av.
S.B.L.#: 120.50-1-77
Price: \$25,000
Purchaser: Dianne Snowden-Johnson

Section 5.] City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. Ordinance No. 2003-375, relating to CityScape 2004 at Newcroft Park, is hereby amended by adding the following new paragraph after the chart in Section 2 thereof:

The Director of Real Estate is authorized to reimburse a developer for the documented cost

of necessary bedrock removal on a parcel, in an amount not to exceed the purchase price paid for the parcel. The Director of Real Estate may adopt rules and regulations concerning such reimbursement, the necessary documentation and the time within which a claim for reimbursement must be submitted.

Section 6. Ordinance No. 2003-298, relating to the sale of real estate, is hereby amended by authorizing the sale of 54-56 Bartlett Street, SBL #121.61-1-43 & 44 to Roberta E. Haynes, as approved in Section 1, for the sum of \$4,000, instead of 54 Bartlett Street.

Section [6] 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies & Gentlemen:

Ordinance No. 2003-397
Re: Real Estate Donation - 100 Hortense Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation accepting the donation of title to property at 100 Hortense Street by the owners, Rodric C. and Jacquelyn Cox-Cooper. Rodric Cox-Cooper is the Director of NET for the City of Rochester. The property consists of a vacant lot which has a land area of 2,242 square feet.

The lot will be combined with an adjoining City-owned single family residence at 104 Hortense Street. The City-owned parcel has a land area of only 2,277 square feet, which is substandard under the current Zoning Code. After the City acquires the vacant lot through donation, the two parcels can be combined. The property will be offered for sale by auction. The buyer will be required to obtain a Certificate of Occupancy for the structure prior to obtaining title to the property. Combining the two parcels will increase the property's marketability and will help address a deficiency in land area.

The property is to be conveyed with no outstanding liens or encumbrances. City taxes and other current year charges shall be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-164

Ordinance No. 2003-397
(Int. No. 443)

Accepting Donation Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of 100 Hortense Street,

SBL#120.420-1-3, from the current owners, Rodric C. and Jacquelyn Cox-Cooper.

Section 2. Upon acquisition of said parcel by the City, City taxes and other charges against said parcel shall be canceled as of the date of closing. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. Said parcel shall be accepted free and clear of any other outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-398
Re: Amending Ordinance #2003-023
Authorizing the Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance #2003-023, which authorized the sale of 549 Averill Avenue to Gary Nemi for the sum of \$30,500. This transmittal will amend the ordinance to reflect a sale price of \$24,500, as a remedy for the loss of off-street parking.

On February 11, 2003, City Council authorized the sale of two adjoining properties, at 549 and 555 Averill Avenue, to separate purchasers. A driveway that is situated between the two structures served both properties, providing access to parking at the rear of each structure. The property was purchased by Mr. Nemi with the understanding that off-street parking would be available for the occupants of the structure. However, an Instrument Survey Map recently prepared for 549 Averill Avenue reveals that the driveway is located entirely on the property at 555 Averill Avenue. It was also revealed that there was no recorded driveway easement. Therefore, Mr. Nemi has no rights to the use of the driveway. Furthermore, he has no way to access the parking to the rear of his building. Prior to the City's foreclosure, control of the driveway was not a problem because the two properties were owned by the same individual.

The property at 549 Averill Avenue formerly contained 6 apartments. Mr. Nemi is deconverting it to a 3-family. There is adequate room for installation of a new driveway. The price reduction of \$6,000 reflects the cost of obtaining a permit for the driveway along with 50% of the cost of tree removal, installing a curb cut, driveway excavation and paving on the property at 549 Averill Avenue. The remainder of the expense is to be paid by Mr. Nemi.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-165

Ordinance No. 2003-398
(Int. No. 444)

**Amending Ordinance No. 2003-23 Relating To
The Sale Of Real Estate**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-23, relating to the sale of real estate, is hereby amended by decreasing the price authorized for the sale of 549 Averill Avenue to Gary Nemi in Section 2 thereof from \$30,500 to \$24,500, due to the lack of driveway access.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-399
Re: Community Leadership Development
Program

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing the appropriation of \$25,000 and any necessary agreements for the Community Leadership Development Program. These funds will be used to support the design and development of curriculum, coaching assistance and training services, and technological support for the Community Leadership Development Program. The program will be financed by the Neighbors Building Neighborhoods allocation of the 2002-03 Community Development Block Grant.

The Community Leadership Development Program is being developed by the City's Bureau of Neighborhood Initiatives in collaboration with the Rochester Institute of Technology, Monroe Community College and other community partners. Plans are underway to design a series of nine customized training modules that emphasize participatory exercises and scenario learning to prepare emerging grassroots leaders and citizens on the principles of leadership. The program will feature strategies and techniques to effectively address vital issues in the community, training in state-of-the-art community planning tools, and access to information and technical assistance that support best practices in our community-building efforts. In addition, participants will have access to a coaching partner and online programming. Graduates will receive a certificate and referrals to leadership positions within the community.

Attached is a summary of the Community Leadership Development Program modules and program components.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-166

Ordinance No. 2003-399
(Int. No. 445)

Appropriating Funds And Authorizing Agreements For The Community Leadership Development Program

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 appropriated from the Neighbors Building Neighborhoods Allocation of the 2002-03 Community Development Program to fund

the Community Leadership Development Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Community Leadership Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1
Re: High Falls Business Improvement
District (BID)

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the establishment of a High Falls Business Improvement District (BID). The legislation will authorize the local law to adopt the High Falls District Plan pursuant to Section 980-A and 980-D of the General Municipal Law and Local Law 14 which was adopted December 17, 2002.

The public hearing was held October 21, 2003 according to Resolution No. 2003-25. During the required 30 day comment period, only one objection has been filed in the City Clerks office.

This is the last required step with City Council prior to sending the application to the State Comptroller's office for approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-167

Local Law No. 1
(Int. No. 446)

Local Law Approving The Establishment Of The High Falls Business Improvement District

WHEREAS, a hearing was held by the Council on October 21, 2003 on the establishment of the High Falls Business Improvement District; and

WHEREAS, one objection regarding the establishment of the High Falls Business Improvement District has been filed with the City Clerk subsequent to said hearing and more than thirty days have elapsed since said hearing;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby determines the following with respect to the establishment of the High Falls Business Improvement District:

- (a) The notice of hearing for all hearings required to be held was published and mailed as required by law and is otherwise sufficient;

- (b) All the real property within the boundaries of the district will benefit from the establishment of the district;
- (c) All the real property benefited is included within the limits of the district;
- (d) The establishment of the district is in the public interest.

Section 2. The Council hereby approves the establishment of the High Falls Business Improvement District and approves the High Falls Business Improvement District Plan.

Section 3. The establishment of the High Falls Business Improvement District shall take effect upon approval of the State Comptroller as set forth in Section 980-g of the General Municipal Law.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-400
Re: Agreement - South Avenue Parking
Garage

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Riverside Convention Center for the continued use of office space in the South Avenue parking garage.

The proposed lease with the Convention Center will provide for their use of approximately 480 square feet of office space in the concourse of the garage building. The space will be used for some of their administrative offices.

The Convention Center will be responsible for all necessary improvements and for payment of all utility and maintenance costs. The required annual lease payment will be \$2,400, or \$5.00 per square foot, which was established by an independent appraisal conducted by Kevin L. Bruckner, MAI.

The lease agreement will have an initial term of five years with provision for renewal for an additional five-year period. At the end of the initial five-year period, an independent appraisal of the lease amount will be conducted to determine if the amount is to be increased for the five-year renewal period.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2003-400
(Int. No. 447)

Authorizing A Lease Agreement For Office Space In The South Avenue Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Rochester Riverside Convention Center for the continued use of office space in the South Avenue Parking Garage, for five years, with an additional five-year renewal option.

Section 2. The initial agreement shall obligate the Rochester Riverside Convention Center to pay rent in the amount of \$2,400 annually. If the agreement is renewed, an independent appraisal shall be conducted to see if the rent should be increased. The tenant shall be responsible for all necessary improvements, and for all utilities and maintenance 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. 2003-401
Re: Lease Agreement Amendment - South Avenue Garage Commercial Space

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an amendment to the lease agreement with Rochester Downtown Hotel, Inc. The lease agreement was originally authorized by Council in July, 1990 as part of Ordinance No. 90-307, approving several transactions relating to the Hyatt Regency Rochester.

The Hyatt currently leases 5,300 square feet of commercial space in the South Avenue Garage for administrative offices and storage. The initial term of the lease agreement began January 1, 1992, for a five-year period with eight five-year renewal terms. The first renewal term (1/1/97-12/31/01) required a rental payment of \$8.75 per square foot. The second renewal term (1/1/02-12/31/06) increased the rate to \$10.75 per square foot. However, the Hyatt has continued to pay the \$8.75 rate, contending that the increase would create a financial hardship since current revenues are well below projections made at the beginning of the lease.

The City has obtained an updated appraisal for the leased space from Bruckner, Tillet, Rossi, Cahill & Legrett. The appraisal does not support the rate increase. Therefore, it is recommended that the lease agreement be amended retroactively to January 1, 2002, returning the rate to \$8.75 per square foot, an annual rent of \$46,375, payable in monthly installments of \$3,865. An independent appraisal of the rent amount will be conducted for future renewal terms to determine if the monthly rent is to be increased.

All other provisions of Ordinance No. 90-307 will be unchanged by this legislation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-401
(Int. No. 448)

Authorizing An Amendatory Lease Agreement For Commercial Space In The South Avenue Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory lease agreement with the Rochester Downtown Hotel, Inc. for the continued use of commercial space in the South Avenue Parking Garage pursuant to Ordinance No. 90-307. The amendatory lease shall amend and continue the annual rental payment of \$8.75 per square foot, as applicable during the first renewal term, during the second renewal term of five years, retroactive to January 1, 2002. If the agreement is renewed for subsequent terms, an independent appraisal shall be conducted to see if the rent should be increased.

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. 2003-402
Re: Determinations & Findings - Maria Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of 24, 25, 27, 65 and 80 Maria Street. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on November 18, 2003.

Based upon the public hearing, the following determinations and findings are proposed:

1. Project Description - The project includes the acquisition and demolition of five vacant properties on Maria Street.
2. Project Purpose - These acquisitions are part of the Maria Street Challenged Street Project, which calls for the reduction in the number of dwelling unit density, the expansion of certain private yard spaces, and the development of new residential structures on lots that will exceed the current standard for minimum buildable lot sizes. The project will enhance the value of nearby private properties by eliminating blighted property.
3. Project Effect - The project will provide new residential units and eliminate blighting influences on Maria Street and the surrounding area. The project will have no significant adverse environmental effects.

If these determinations and findings are approved, the legislation authorizing the property acquisitions (Introductory 416) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-168

Ordinance No. 2003-402
(Int. No. 449)

Determination & Findings Relating To The Acquisition Of Parcels As Part Of The Maria Street Challenged Street Project

WHEREAS, the City of Rochester proposes to acquire five (5) parcels as part of the Maria Street Challenged Street Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on November 18, 2003 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of the parcels;

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 parcels as part of the Maria Street Challenged Street Project:

- a. Project Location: The project includes the acquisition and demolition of five vacant properties at 24, 25, 27, 65 and 80 Maria Street.
- b. Project Purpose: These acquisitions are part of the Maria Street Challenged Street Project, which calls for a reduction in the number of dwelling units, the expansion of certain private yard spaces, and the development of new residential structures on lots that will exceed the current standard for minimum buildable lot sizes. The project will enhance the value of nearby private properties by eliminating blighted properties.
- c. Project Effect - The project will provide new residential units and eliminate blighting influences on Maria Street and the surrounding area. The project will have no significant adverse environmental effects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 416A was introduced November 18, 2003, and appears in its original form with its transmittal letter on page 382 of the current Council Proceedings.

Ordinance No. 2003-403
(Int. No. 416A, As Amended)

Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By [Negotiation Or] Condemnation

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-404
Re: Lead Based Paint Hazard Control
Program & Lead Hazard Reduction

Demonstration Program

R2010: Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Lead Based Paint Hazard Control Program and the Lead Hazard Reduction Demonstration Program (program descriptions are attached). This legislation will:

- 1. Appropriate \$2,918,430 in Lead Hazard Control Grant Program funds from the U.S. Dept. of Housing and Urban Development;
- 2. Appropriate \$2,568,248 in Lead Hazard Reduction Demonstration Grant Program funds from the U.S. Dept. of Housing and Urban Development;
- 3. Appropriate \$1,608,400 in 2003-2004 CDBG (Improving Housing Stock allocation) funds;
- 4. Approve the agreements listed below, which will be funded from the above authorized appropriations:
 - a. Agreement with the Housing Council in the Monroe County Area, Inc. in an amount not to exceed \$14,300 to provide mandatory lead based paint educational workshops for property owners and tenants that participate in the programs;
 - b. Agreements with the private training firms listed below in an aggregate amount not to exceed \$78,000 to provide EPA-certified training courses for workers and contractors that undertake lead hazard control work:
 - (1) Environmental Education Associates, Inc., 2929 Main Street, Buffalo, NY 14214;
 - (2) Allstate Services Environmental, Inc., 3447 Eddy Rd., Marion, NY 14505;
 - (3) Cornell University/School of Industrial and Labor Relations, 237 Main Street, Suite 1200, Buffalo, NY 14203; and
 - (4) Envotech Center for Environmental Vocational Training, 8 Cairn Street, Rochester, NY 14611.
 - c. Agreement with the University of Rochester in an amount not to exceed \$100,000 to operate a community-based lead based paint education and outreach program called "Get the Lead Out" (GLO);
 - d. Agreement with the Coalition to Prevent Lead Poisoning, Inc. in an amount not to exceed \$100,000 to provide a lead based paint education and outreach campaign designed to reach "at risk" populations; and
 - e. Agreements with the firms listed below in an aggregate amount not to exceed \$370,475 to provide lead based paint inspections, risk assessments and clearance tests for units assisted under the programs:
 - (1) Neighborhood Housing Services of

Rochester, Inc., 570 South Avenue,
Rochester, NY 14620;

- (2) Lew Corporation, 1090 Bristol Road,
Mountainside, New Jersey 07092;
 - (3) Proway Management Corporation, 1168
North Clinton Avenue, Rochester, NY
14621;
 - (4) Healthy Homes Associates, Inc., 25
Canterbury Road, Suite 310, Rochester,
NY 14607; and
 - (5) Environmental Testing & Consulting,
Inc., P.O. Box 466, Batavia, NY 14021.
5. Amend the 2003-04 Budget of the Department of Community Development by \$15,300 and Undistributed Expense by \$4,600 to partially fund a rehab specialist position.

The City currently operates a locally funded Lead Hazard Reduction Program (LHRP) which is separate and independent of the two new programs named above. The LHRP was authorized by Council on October 15, 2002, with a subsequent authorization on February 11, 2003. In total, that legislation appropriated \$1,387,000 in CDBG and HOME funds to address lead-based paint hazards in high risk housing units and to provide necessary support services. The additional appropriation of \$1,608,400 in 2003-2004 CDBG funds will bring the City's current commitment to \$3,095,400.

Rather than market three independent lead hazard control programs to the public, it is proposed that the City offer one program, which will be more easily understood. A uniform application will be used to identify an applicant's needs and be used as the basis for determining specific program enrollment. For example, should an applicant require window replacement as the primary need, the applicant will be enrolled in the Lead Hazard Control Program. However, if the applicant requires extensive repair work that requires a significant financial investment, the applicant will be enrolled in the Lead Hazard Reduction Demonstration Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-169

Ordinance No. 2003-404
(Int. No. 471)

**Appropriating Funds, Authorizing Agreements
And Amending The 2003-04 Budget For Lead-
Based Paint Hazard Control Programs**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$2,918,430, or so much thereof as may be necessary, is hereby appropriated from Lead Hazard Control Grant Program Funds to fund the Lead Hazard Control Grant Program.

Section 2. The sum of \$2,568,248, or so much thereof as may be necessary, is hereby appropriated from Lead Hazard Reduction Demonstration Grant Program Funds to fund the Lead Hazard Reduction Demonstration Grant Program.

Section 3. The sum of \$1,608,400, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program to fund Lead-Based Paint Hazard Control Programs.

Section 4. The Mayor is hereby further authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for lead-based paint educational workshops in an amount not to exceed \$14,300.

Section 5. The Mayor is hereby further authorized to enter into agreements with the following organizations to provide EPA-certified training courses for workers and contractors that undertake lead hazard control work in an aggregate amount not to exceed \$78,000:

- (a) Environmental Education Associates, Inc.
- (b) Allstate Services Environmental, Inc.
- (c) Cornell University/School of Industrial and Labor Relations.
- (d) Envotech Center for Environmental Vocational Training.

Section 6. The Mayor is hereby further authorized to enter into an agreement with the University of Rochester for a community-based lead-based paint education and outreach program in an amount not to exceed \$100,000.

Section 7. The Mayor is hereby further authorized to enter into an agreement with the Coalition to Prevent Lead Poisoning, Inc. for a lead-based paint education and outreach program for "at risk" populations in an amount not to exceed \$100,000.

Section 8. The Mayor is hereby further authorized to enter into agreements with the following organizations to provide lead-based paint inspections, risk assessments and clearance tests in an aggregate amount not to exceed \$370,475:

- (a) Neighborhood Housing Services of Rochester, Inc.
- (b) Lew Corporation.
- (c) Proway Management Corporation.
- (d) Healthy Homes Associates, Inc.
- (e) Environmental Testing & Consulting, Inc.

Section 9. The agreements shall obligate the City to pay an amount not to exceed \$662,775, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made herein.

Section 10. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 11. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$15,300 and to Undistributed Expense by the sum of \$4,600, which amounts shall be funded from the appropriations made herein.

Section 12. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-405 And
Ordinance No. 2003-406
Re: East Main Street Assistance Program

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the creation of the East Main Street Assistance Program.

The legislation will:

1. Amend the 1995-96, 1996-97, 1997-98 and 1998-99 Budgets by transferring \$463,166.37 from or within the following allocations of the Community Development Program to a new account for the Main Street Improvements Program;
2. Appropriate \$463,166.37 from the 1995-96, 1996-97, 1997-98 and 1998-99 Community Development Programs for the East Main Street Assistance Program; and
3. Approve the East Main Street Assistance Program.

The program will be funded as follows:

<u>Program Year</u> <u>Allocation</u>	<u>Amount</u>
1995-96	
Promote Economic Stability	\$
13,043.44	
Improve Housing Stock and General Property Conditions	
18,044.11	
General Community Needs	
10,496.52	
Other Programs	—
<u>745.49</u>	\$
<u>42,329.56</u>	
1996-97	
Support Neighbors Building Neighborhoods	\$
1.31	
Promote Economic Stability	
91,668.23	
Improve Housing Stock and General Property Conditions	
7,035.63	
General Community Needs	
6,395.22	
Other Programs	—
<u>11,914.06</u>	
<u>\$117,014.45</u>	
1997-98	
Promote Economic Stability	\$
226.21	
Improve Housing Stock and General Property Conditions	
22,079.76	
General Community Needs	—

66,855.63	\$
<u>89,161.60</u>	
1998-99	
Support Neighbors Building Neighborhoods	\$
6,878.54	
Improve Housing Stock and General Property Conditions	
124,584.99	
General Community Needs	—
<u>83,197.23</u>	
<u>\$214,660.76</u>	
Total	
\$463,166.37	

The new program will provide financial assistance to eligible projects in the East Main Street area in the Center City core. The flexibility of the program allows for low interest loans or loan-to-grants. The program could provide assistance for acquisition of property, renovation and facade improvements, purchase of furniture, fixtures and equipment, environmental remediation and interest rate subsidies.

The creation of the program is one of the key recommendations of the East Main Street Initiative. The East Main Street Initiative is a collaboration forged among East Main Street property owners and the City to outline and implement a number of actions to revitalize this vital city corridor. The vacancy rate in several properties in the East Main Street area range from 100% to 40%.

A public hearing on the budget amendments is required.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Attachment No. AC-170

Ordinance No. 2003-405
(Int. No. 450)

Amending The 1995-96, 1996-97, 1997-98 And 1998-99 Community Development Programs By Transferring Balances To The East Main Street Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 1995-96, 1996-97, 1997-98 and 1998-99 Community Development Program Plans are hereby amended by transferring the balances set forth herein to the Promoting Economic Stability (East Main Street Assistance Program) Allocations of those Programs.

Section 2. Unappropriated or unencumbered balances remaining in the various activity lines for the 1995-96, 1996-97, 1997-98 and 1998-99 Community Development Programs are hereby transferred or the amounts appropriated in the following ordinances are hereby reduced and are hereby transferred to the Promoting Economic Stability (East Main Street Assistance Program) Allocations of those Programs, as follows:

<u>Program Year</u>	<u>Allocation</u>	<u>Project/Activity</u>	<u>Ord. No.</u>	<u>Amount</u>		
					195.00	91-167
		Improve Housing Stock				
		Adopt-A-Block				99-063
1995-96		Promote Economic Stability			1,056.00	
		Commercial Enhancement District				
			96-146	\$		
10,044.44		Promote Economic Stability			4.36	
		Commercial Enhancement District				
			—			
2,999.00		Improve Housing Stock			326.34	
		Vacant Property Grant				
			96-035			
16,004.11		Improve Housing Stock			5,648.93	
		Demolition				
			95-264			
2,040.00		General Community Needs			3,308.75	
		Edison Place/Street Improvements				
			95-399			95-163
1,996.43		General Community Needs				
		Project Redirect			1,858.45	
			—			96-199
450.09		General Community Needs				
		South West Early Education			390.60	
			—			96-158
8,050.00		Other Programs				
		Neighborhood Improvement - Mini Grant			837.42	
			95-388			97-089
745.49		Other Programs				
		Contingency			7,852.00	
1996-97		Neighbors Building Neighborhoods				
		Neighborhood Planning Process				—
			94-335			
1.31		Promote Economic Stability			25.06	
		Pre-Development Incentive				
			99-016			99-314
46,178.43		Other Programs				
		Neighborhood Improvement - Mini Grant			1,037.00	
			96-190			96-315
36,117.00		Other Programs				
		Welcome Signs			3,000.00	
			94-371			95-106
4,020.00		Promote Economic Stability				
		Neighborhood Retail Study			1997-98	
			98-452			
5,157.80		Promote Economic Stability				
		Industrial Site Development and				
		Disposition			200.65	
						97-222

Promote Economic Stability Technical Assistance	97-222	Neighbors Building Neighborhoods Geographic Information System	99-073
21.79		1,060.79	
Improve Housing Stock Community Choice Action Plan	98-359	Neighbors Building Neighborhoods Sector Planning Support	99-073
1,203.00		5,817.75	
Improve Housing Stock Residential Assistance	97-213	Improve Housing Stock Rehabilitation of Investor Properties Program	98-176
99.00		97,581.00	
Improve Housing Stock Adopt-A-Block	00-101	Improve Housing Stock Neighborhood Graffiti Control	98-178
1,992.00		5.35	
Improve Housing Stock Graffiti Control Program	98-018	Improve Housing Stock Bounty Program	—
5.76		5,600.00	
Improve Housing Stock Rehabilitation of Investor Properties Program	97-280	Improve Housing Stock Adopt-A-Block	99-063
18,780.00		21,398.64	
General Community Needs Southwest Middle School Planning Process	97-231	General Community Needs Biz Kids Project	99-180
16.83		20.59	
General Community Needs Consolidated Family Resources Centers	97-291	General Community Needs KIDTECH	99-367
76.82		2,492.72	
General Community Needs Manufacturing Partnership	97-270	General Community Needs Youth Entrepreneur Model	—
3,691.87		74.00	
General Community Needs YouthQuest	97-344	General Community Needs Home Instruction Program for Pre-School Youngsters	98-386
12,973.70		461.05	
General Community Needs TOUCH II	97-315	General Community Needs Violence Prevention Project	—
1.79		4,273.00	
General Community Needs Youth Development and Violence Prevention	98-117	General Community Needs Violence Prevention Project	98-209
54.87		966.28	
General Community Needs Project Care Extension	97-398	General Community Needs Violence Intervention Project	—
39.75		30,100.00	
General Community Needs Job Creation Support	—	General Community Needs TOUCH II	98-318
50,000.00		2.00	
1998-99		General Community Needs Families and Friends of Murdered	

Children	98-322	
2,203.18		
General Community Needs Youth Golf Academy	98-351	
6,000.00		
General Community Needs YouthQuest	—	
5,700.00		
General Community Needs Project ASK	98-318	—
<u>30,904.41</u>		
\$463,166.37		

Section 3. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth above which may have changed prior to the date of this ordinance.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2003-406
(Int. No. 451)

Approving The East Main Street Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the establishment of the East Main Street Assistance Program.

Section 2. The Mayor or his designee is hereby authorized to enter into such agreements as may be necessary to implement the East Main Street Assistance Program.

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. 2003-407
Re: Zoning Map Amendment -
1848 Lyell Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your consideration is legislation amending the Zoning Map by rezoning the property at 1848 Lyell Avenue from O-S Open Space to M-1 Industrial District.

The affected property is bordered to north, south and west by O-S and to the east by M-1 zoning.

The affected site was rezoned from Open Space to M-2 Manufacturing Industrial on July 5, 1988 to permit the development of the site for industrial purposes. Subsequently, the existing building was constructed in 1991 for assembly, installation and repair of paging equipment. On November 14, 1995, the property was again rezoned to M Manufacturing-Industrial district.

When the City-wide zoning changes were undertaken in 2002, the affected site was mistakenly rezoned from Manufacturing-Industrial to Open Space.

The existing Open Space does not permit industrial uses. By rezoning the affected property to M-1, the existing industrial use will be permitted as-of-right in the district.

On October 20, 2003, the Planning Commission held an informational hearing; one person spoke in support of the application. By a vote of 5-0, the Commission recommended approval of the requested rezoning.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-171

Ordinance No. 2003-407
(Int. No. 452, As Amended)

Changing The Zoning Classification Of 1848 Lyell Avenue From O-S Open Space To [M-1 Industrial] C-2 Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 1848 Lyell Avenue, from O-S Open Space to [M-1 Industrial] C-2 Community Center:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Lyell Avenue at its intersection with the southerly projection of the division line between lands of Albano Grande Partnership (Liber 7962 of Deeds, Page 86) on the west and lands of Sunoco Partners (Liber 9732 of Deeds, Page 1) on the east; thence

- 1) Westerly, along said Lyell Avenue centerline, a distance of 120 feet to a point; thence
- 2) Northwesterly, parallel with said division line, a distance of 83.93 feet to a point; thence

- 3) Westerly, parallel with Lyell Avenue, a distance of 80.00 feet to a point; thence
- 4) Northwesterly, parallel with said division line, a distance of 300.00 feet to a point; thence
- 5) Easterly, parallel with said Lyell Avenue, a distance of 200.00 feet to a point along said division line; thence
- 6) Southeasterly, along said division line and it's southerly projection, a distance of 383.93 feet to a point on the centerline of Lyell Avenue, said point being the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-408
Re: Zoning Map Amendment -
1845-1851 Lyell Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your consideration is legislation amending the Zoning Map by rezoning two properties at 1845 and 1851 Lyell Avenue from O-S Open Space to C-2 Community Center.

The affected properties are vacant lots and are bordered to the north, south and west by O-S zoning and to the east by C-2 zoning.

The affected lots were purchased from the State of New York in 1989 by the applicant's family. The parcels have been privately owned since the time of purchase.

The applicant is requesting the rezoning to accommodate the proposed expansion of the existing electrical contracting business at 1841 Lyell Avenue onto these two parcels. If rezoned to C-2 Community Center, the applicant will combine all the affected parcels. The proposed expansion project will require a Use Variance from the Zoning Board of Appeals because contracting uses are not permitted in the C-2 district. Under the existing Open Space zoning, the proposed development is prohibited.

In the 1990's, a similar request to rezone the two affected properties from Open Space to M Industrial was not approved by City Council.

On October 20, 2003, the Planning Commission held an informational hearing. Two (2) persons spoke in support of the application. By a vote of 4-1, the Commission recommended approval of the requested amendment.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-172

Ordinance No. 2003-408
(Int. No. 453)

Changing The Zoning Classification Of 1845 And 1851 Lyell Avenue From O-S Open Space To C-2 Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 1845 and 1851 Lyell Avenue, from O-S Open Space to C-2 Community Center:

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of Intersection of the centerline of Lyell Avenue and the northerly projection of the easterly line of lands owned by Jeannette Catone as per a deed recorded in the Monroe County Clerk's Office on June 11, 1993 and filed in Liber 8347 Page 224;

Thence (1) Southerly along said projection and the easterly line of said Catone's land to the southeast corner of said lands;

Thence (2) Westerly and parallel to the centerline of Lyell Avenue, a distance of 93.00 feet to a point;

Thence (3) Northerly and parallel to Course 1, a distance of 244.71 feet more or less to the centerline of Lyell Avenue;

Thence (4) Easterly along the centerline of Lyell Avenue, a distance of 93.00 feet to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Thompson
December 23, 2003

To the Council:

The Public Services & The Arts Committee recommends for adoption the following entitled legislation:

Int. No. 454 - Amending The 2003-04 Budget For The Junior Recreation Leader Program

Int. No. 455 - Authorizing An Agreement For The Safe Kids Project

Int. No. 456 - Authorizing An Agreement For An After School Program At No. 28 School And Amending The 2003-04 Budget

Int. No. 472 - Establishing Maximum Compensation For An Agreement For The 2004 MusicFest

Respectfully submitted,
Tony M. Thompson
Tim O. Mains (Voted against Int. No. 472.)
William F. Pritchard
Lois J. Giess
Gladys Santiago (Voted on Int. No. 472.)
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies & Gentlemen:

Ordinance No. 2003-409
Re: Junior Recreation Leader Program

R2010: Campaign 2 - Educational
Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2003-04 budget of the Department of Parks, Recreation and Human Services by \$15,500 in order to provide funding to expand the Junior Recreation Leader Program.

Over the past two years, the Junior Recreation Leader Program has provided training and stipends for thirty (30) youth ages 14 and 15. These youth complete extensive training and an internship while assisting at City Recreation Centers.

The program is designed for youth who may be interested in a future career with the department and focuses heavily on skill development. In 2003, all 15 enrollees finished the program. The proposed funding will allow the department to increase the number of participants in the program by five.

The source of funds is the General Community Needs Allocation of the 2002-2003 Community Development Block Grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-409
(Int. No. 454)

Amending The 2003-04 Budget For The Junior Recreation Leader Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$15,500, which amount is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program to fund the Junior Recreation Leader Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-410
Re: Agreement - Children's Institute,
Safe Kids Project

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted for your approval is legislation authorizing an agreement between the City and the Children's Institute (Rochester, NY; Dirk Hightower, Executive Director) for the receipt and use of a grant for \$20,800 to fund aspects of the Safe Kids project.

Safe Kids is a joint program of the Police Department, the Society for the Protection and Care of Children (SPCC) and Rochester Safe Start. This grant will cover portions of the salaries and support costs for two Counseling Specialists with primary responsibility for identifying families with children under the age of seven who have been exposed to violence and referring them to the Safe Kids program. The Counseling Specialists will work four days per week in Maple Police Section, reviewing crime reports and responding to family conflict situations, assisting police officers and child protective workers in crisis intervention. The Counseling Specialists funded by this program will serve as the primary link between the various agencies, to make sure children and their families receive counseling and advocacy services.

There is no local match required for this grant, which expires on March 31, 2004. This represents a continuation of funding authorized by City Council on August 20, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-410
(Int. No. 455)

Authorizing An Agreement For The Safe Kids 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 Children's Institute for the receipt of funds for the Safe Kids Project.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-411
Re: Agreement - Ibero-American
Action League

R2010: Campaign 2 - Educational
Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2003-04 budget of the Department of Parks, Recreation and Human Resources in the amount of \$11,200 and authorizing an agreement with the Ibero-American Action League, Inc., 917 East Main Street, Rochester, New York 14605, for the continuation of the After School Program at No. 28 School, 450 Humboldt Street, as part of the 21st Century Initiative. The total cost of the agreement will be \$11,200 which will be financed through funds available in the 21st Century Grant, which was received in July, 2003.

Under the provisions of this agreement, Ibero-American Action League will:

1. Provide three (3) Youth Mentors and one (1) Coordinator;
2. This staff will create and implement weekly youth development activities, assist with Kids Cafe food service and develop and maintain ongoing communication with families of participants.

The current agreement in the amount of \$3,684.25 expires on December 31, 2003. The term of this agreement is January 5, 2004 through June 15, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-173

Ordinance No. 2003-411
(Int. No. 456)

Authorizing An Agreement For An After School Program At No. 28 School And Amending The 2003-04 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 Ibero-American Action League, Inc. for the continuation of an after school program at No. 28 School.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$11,138, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$11,200, which amount shall be funded from the appropriation made in Section 3 of Ordinance No. 2003-135.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Stevenson, Thompson

- 7.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of the affiliated agency.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-412
Re: Agreement - 2004 Rochester MusicFest

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Lead Dog Marketing, of New York City, for management of the 2004 MusicFest. Services will include: talent booking, logistical management, ticket operations, marketing, sponsorship solicitation, volunteer recruitment and administration, and festival development at a maximum cost of \$680,000 plus commissions of 15% of new sponsorship income and 2% of renewal sponsorship income.

The 2004 Rochester MusicFest will represent the tenth year of this annual event. This event has earned renown as the only R&B festival of its kind in this part of the country. Its growing regional popularity is evidenced by the increasing number of tickets sold to attendees from outside of this area. Over the past nine years more than 270,000 people have attended activities held during MusicFest with an average of 24% from out of town during the past two years. The festival is a key component of Rochester's travel and tourism initiatives and is even more important as this community becomes a port of entry as a result of the fast ferry.

Consistent with our triennial request-for-proposal process, a nationwide search was conducted which yielded 11 responses. Lead Dog Marketing was selected from among four finalists based upon their outstanding credentials and experience. Lead Dog has produced outdoor festivals in Central Park, the NBA All Star Game, launched the Women's National Basketball Association, five Major League Baseball All Star Weekends, and worked with the 1996 Olympics. Lead Dog has created a team consisting of Apel Inc., Empire Entertainment Incorporation, both of New York, and Eric Mower and Associates of Rochester which provide a strong combination of national talent buying talent, production, and public relations skill.

The most recent agreement for provision of these services was authorized by the City Council on December 17, 2002 for the 2003 Rochester MusicFest. The 2003 MusicFest was held at various locations throughout the city as well as at Genesee Valley Park July 13-20 and during the week was attended by more than 59,000 people. Revenue met expenses as outlined below:

	2003	2004
<u>Revenue</u>		
City	\$130,000	\$130,000
Corporate Sponsors	134,000	200,000
Ticket Sales	221,329	220,000
Concessions	68,382	60,000
Trust Fund	398,004	70,000
	<u>\$951,715</u>	<u>\$680,000</u>

Expense

Music Production	\$582,336	\$418,000
Site	175,226	125,000
Concessions	31,617	30,000
Finance/Administration	20,561	7,000
Marketing/PR	113,625	100,000
Sponsor Development	28,350	0
	<u>\$951,715</u>	<u>\$680,000</u>
Surplus (Deficit)	\$ 0	\$ 0

The cost of the agreements will be financed from the 2003-04 and 2004-05 budgets of the Department of Parks, Recreation and Human Services and revenues from the Rochester MusicFest. The 2004 MusicFest will be held July 16-18 at Genesee Valley Park.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-174

Councilmember Thompson moved to amend Introductory No. 472.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2003-412
(Int. No. 472, As Amended)

Establishing Maximum Compensation For An Agreement For The 2004 MusicFest

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$680,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lead Dog Marketing to provide talent booking, logistical management, ticket operations, marketing, sponsorship solicitation, volunteer recruitment and administration, and festival development for the 2004 Rochester MusicFest. Of [S]said amount, \$509,600 shall be funded from the 2003-04 and \$60,000 from the 2004-05 Budgets of the Department of Parks, Recreation and Human Services, contingent upon adoption of said latter budget, and [appropriations] \$110,400 is hereby appropriated from the MusicFest Trust Fund. Lead Dog Marketing shall also be allowed to retain 15% of new sponsorship income and 2% of renewal sponsorship income, which amounts are hereby appropriated from anticipated revenue from the MusicFest Trust Fund.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Pritchard, Santiago, Stevenson, Thompson - 7.

Nays - Councilmember Curran - 1.

By Councilmember Stevenson
December 23, 2003

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 457 - Authorizing Extension Of Time For The Abandonment Of Holmdel Place

Int. No. 458 - Establishing Maximum Compensation For An Agreement For Installation Of A Conduit

Int. No. 459 - Establishing Maximum Compensation For A Professional Services Agreement With LEaD For Training And Facilitation Services

Int. No. 460 - Authorizing An Easement For The High Falls Overlook

Int. No. 461 - Amending The Municipal Code With Respect To Water Rates

Int. No. 462 - Amending The 2003-04 Budget With Respect To Water Funds

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 461 and Int. No. 462.)
Tony M. Thompson
Lois J. Giess
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-413
Re: Abandonment of Holmdel Place

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Ordinance No. 2001-360 related to abandonment of Holmdel Place, in connection with a private site development project at 1372 East Main Street. The legislation will provide the applicant, Rochester-Genesee Regional Transportation Authority (RGRTA), with an additional two (2) years to comply with the conditions of approval imposed by Council on October 23, 2001.

The area to be abandoned contains approximately .144 acres which will revert to RGRTA, as the owner of the adjacent properties. Upon abandonment, the area will be combined with these properties and developed for parking and landscaping.

It is the intention of RGRTA to comply with the conditions of the abandonment at the time the site improvement project is implemented, which due to funding issues, has been delayed to the summer of 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-175

Ordinance No. 2003-413
(Int. No. 457)

Authorizing Extension Of Time For The Aban-

Abandonment Of Holmdel Place

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an extension of the time to meet the conditions established by the Planning Commission for the abandonment of Holmdel Place, as approved in Ordinance No. 2001-360, for an additional period of two years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-414
Re: Outer Loop Industrial Park
(Vanguard Parkway)

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an agreement with Klein Steel for the installation of conduit along Vanguard Parkway at a maximum amount of \$19,950.

The Outer Loop Industrial Park consists of approximately 26 acres located at the former Emerson Street landfill site near Colfax Street. Klein Steel is excavating a trench and installing electric conduit along Vanguard Parkway to provide electric service for their development and the development of XLI Corporation. The City is required to provide conduit for electric service to the sanitary pump station which will serve these two development sites. Due to the larger, private project which Klein Steel is undertaking, the City intends to have Klein install the City conduit along with the Klein Steel and XLI Corporation conduits. The City will reimburse Klein for the pro-rated cost of that installation.

On April 8, 2003, Council authorized the sale of 13.358 acres to Klein Steel and on May 13, 2003, Council authorized the sale of 3.894 acres to XLI Corporation. On June 17, 2003, Council authorized an Official Map Amendment for the dedication of Vanguard Parkway. The cost of the agreement will be funded from the proceeds appropriated through the Western Gateway bonding, approved by Council on March 21, 2000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-414
(Int. No. 458)

Establishing Maximum Compensation For An Agreement For Installation Of A Conduit

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$19,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Klein Steel for the installation of conduit along Vanguard Parkway for a sanitary pump station, in conjunction with their installation of conduit for private development. Said amount shall be funded

from Bond Ordinance No. 2000-96.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-415
Re: Amendatory Agreement - LEaD
Training and Facilitation Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation amending Ordinance No. 2003-99, which authorized an agreement with LEaD (principal: Lauren Spiker, 245 Citation Drive), for training and facilitation services associated with the Department of Environmental Services' (DES) employee development plans. The maximum cost of the amendatory agreement will be \$22,000, which will be financed from the 2003-04 budget of DES.

LEaD (Leadership, Education, and Development) has provided training and assistance to DES since 1997 under periodic agreements. The most recent agreement was authorized by Council on April 8, 2003.

Under the proposed amendatory agreement, LEaD will provide an additional 110 hours of training or facilitation services. The hourly fee will continue to be \$200. If the amendatory agreement is approved, the total cost of the agreement will increase to \$64,400 for a three-year period.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-176

Ordinance No. 2003-415
(Int. No. 459)

Establishing Maximum Compensation For A Professional Services Agreement With LEaD For Training And Facilitation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$22,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LEaD for the continuation of training and facilitation services associated with the Department of Environmental Services' employee development plans. Said amount shall be funded from the 2003-04 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-416
Re: High Falls Overlook Improvements -
R.G.&E. Easement Agreement

R2010: Campaign 4 - Environmental Stewardship
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing the acceptance of a permanent easement from the Rochester Gas and Electric Corporation (RG&E), to allow the construction of structural supports necessary for the stabilization of the High Falls Overlook on RG&E property located within the Genesee River Gorge.

FRA Engineering, P.C. was hired in the summer of 2002 to prepare a detailed condition survey of the High Falls District. The survey, submitted in December 2002, revealed that deteriorating geologic conditions were compromising the stability and safety of the High Falls Overlook area (see attached maps and drawings).

In December 2002, City Council approved a new contract with FRA Engineering, P.C. to provide specifications for stabilization of the Overlook, cost estimates, administration and technical oversight during construction. They provided several options.

The preferred solution for stabilization of the High Falls Overlook will involve constructing "naturalized" retaining walls in the river gorge and extending the pedestrian walkway across the face of the gorge wall. This solution is the least obtrusive environmentally and visually while at the same time providing improved public access to and views of the gorge. Preliminary review of the proposed solution by the City Preservation Board was favorable. In order to construct the retaining walls, an easement is required for use of RG&E Beebe Station property at the base of the gorge.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-177

Ordinance No. 2003-416
(Int. No. 460)

Authorizing An Easement For The High Falls Overlook

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an easement agreement with the Rochester Gas & Electric Corporation to allow construction of supports necessary for the stabilization of the High Falls Overlook on RG&E property in the Genesee River Gorge.

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. 2003-417 And

Ordinance No. 2003-418
Re: City Code Amendment - Water Rate Increase

R2010: Campaign 7 - Quality Service
Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing a water rate increase effective January 1, 2004 and amending the 2003-04 operating budget. The existing water rates went into effect on January 1, 2003. The proposed 7% increase is anticipated to generate an additional \$1,700,000.

The increase is needed to meet the ongoing demands of the water system capital improvement program; meet a modest anticipated increase in operating costs; and assure a continued contribution to the general fund.

The water system has an aggressive capital improvement plan that includes multiple programs to modernize the distribution system, upgrade the production and storage facilities, replacements for the operations facility and implement routine replacements for equipment and appurtenances. A multi-year program to upgrade the transmission conduits also has been initiated. This program includes a combination of pipe replacements and a corrosion management system that uses electric current cathodic protection.

Operating expenses for employee salaries account for only 20% of total annual water fund expenditures, but these will be subject to a 2.8% increase in July, 2004, resulting from negotiated labor agreements. Additional operating budget increases are expected for employee benefits costs and as a result of general inflation.

The proposed rate increase will apply to all fee categories, including consumption charges, meter charges and special service fees, and will be applied evenly (except for very minor variations resulting from rounding). The attached spreadsheet includes details of all proposed rate adjustments.

The operating budget amendment would increase the appropriation for Cash Capital by \$660,700, the estimated incremental revenue for January through June of 2004. It should be noted that the rate increase is phased in as quarterly bills are rendered, therefore, the full revenue benefit is not realized until a quarterly billing cycle is completed.

The increased appropriation will be in the allocation for the Department of Environmental Services and will be used to fund a portion of the \$2 million annual conduit improvement program. By providing for this allocation, future borrowing for the program can be reduced.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-178

Ordinance No. 2003-417
(Int. No. 461)

Amending The Municipal Code With Respect To Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection A thereof to read in its entirety as follows:

A. Consumption rates.

- (1) Consumption charge; schedule of rates.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$ 2.45
20,000 to 620,000	2.24
Over 620,000	1.75

- (2) Base charge.

Size of Meter (inches)	Charge per Month
Up to 3/4	\$ 5.13
1	27.48
1-1/2	40.70
2	54.46
3	136.13
4	272.04
6	407.79
8	543.57
10	679.47

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection C thereof to read in its entirety as follows:

C. Fire-service charges.

- (1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2	\$ 28.62
4	57.25
6	112.63
8	225.24
10	332.51
12	478.59

- (2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 4	\$101.30
6	135.02
8	270.08
10	398.33

- (3) Holly high-pressure consumption charge.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$ 4.90
20,000 to 620,000	4.48
Over 620,000	3.50

Section 3. This ordinance shall take effect on January 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Pritchard, Santiago, Stevenson, Thompson - 6.

Nays - Councilmembers Curran, Mains - 2.

Ordinance No. 2003-418
(Int. No. 462)

Amending The 2003-04 Budget With Respect To Water Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 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 \$660,700, which amount is hereby appropriated from the Water Enterprise Fund.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Pritchard, Santiago, Stevenson, Thompson - 6.

Nays - Councilmembers Curran, Mains - 2.

By Councilmember Douglas
December 23, 2003

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 463 - Cancellation Of Taxes And Charges

Int. No. 464 - Appropriation Of Funds - Insurance Reserve Fund

Int. No. 465 - Appointment Of Marriage Officers

Int. No. 466 - Amending The 2003-04 Budget To Fund Inspectors For The Presidential Primary Election

Int. No. 467 - Authorizing Acceptance Of A Grant For Animal Services Equipment And Amending The 2003-04 Budget

Int. No. 468 - Authorizing Agreements With The County Of Monroe For Funding For Police Services

Int. No. 469 - Authorizing The Restructuring Of A UDAG Loan

Int. No. 470 - Local Law Amending The City Charter With Respect To The Budget Estimate Of The City

Int. No. 252 - Local Law Amending The City Charter With Respect To The Budget Estimate Of The City School District, As Amended

Respectfully submitted,
Benjamin L. Douglas

Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-419
Re: Cancellation or Refund of
Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$14,795.26.

An amount of \$2,031.59 or 13.73% of the total, relates to one property that had a delinquent refuse charge that should not have been charged to the owner.

A sum of \$3,376.27 or 22.82% of the total, is attributed to one property eligible for a 100% religious exemption.

An amount of \$9,387.40 or 63.45% reflects the granting of a full tax exemption to a city parcel.

If this cancellation is approved, total cancellations thus far for 2003-04 will be \$72,954.16.

	<u>Accounts</u>	<u>Amounts</u>
City Council	14	\$53,320.87
Administrative	67	19,633.29
Total	81	\$72,954.16

These cancellations represent .034% of the tax receivables as of July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-419
(Int. No. 463)

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) Owner not responsible for contractor's delinquent refuse charge.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>TaxYear</u>	
120.680-0001-071	H	\$
2,031.59		
122 Bartlett St.	2004	

- (b) Property entitled to full religious exemption on 2002 Final Assessment Roll. The tax exempt status of the property excludes it from any Supplemental Tax.

Amount

<u>S.B.L.#</u>	<u>Class</u>	<u>Canceled</u>
<u>Address</u>	<u>TaxYear</u>	

106.260-0001-021	NH	\$
3,376.27		
175 Carter St.	2003	

- (c) Property entitled to a full tax exemption on the 2003 Final Assessment Roll.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>TaxYear</u>	

106.310-0004-027.1	NH	\$
9,387.40		
581 Joseph Ave.	2004	

Grand Total
\$14,795.26

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. 2003-420
Re: Appropriation - Insurance Reserve Fund

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation appropriating \$5.0 million from the Insurance Reserve Fund to finance the payment of general liability claims.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All claims are paid from this fund.

The funds maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. From January 1999 to October 31, 2003, for example, total interest earned was \$1.9 million.

At present, the fund contains a balance of approximately \$13.7 million. However, the appropriated fund balance - the amount currently appropriated for disbursement is \$196,738.

Under the proposed legislation, an additional \$5.0 million will be appropriated for payment of claims. A similar appropriation, of \$3.0 million, was approved by the City Council on January 19, 1999.

The 1999 appropriation, combined with prior appropriations, have been used for the following self-insurance payments since June 30, 1999.

Auto Liability:	
Bodily Injury	\$ 248,921
Property Damage	638,258
General Liability:	
Bodily Injury	792,298
Property Damage	557,901

Personal Injury	3,109,768
Total	\$5,347,146

More detailed reports on the City's claim experience are submitted to the Council on a quarterly basis.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2003-420
(Int. No. 464)

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 \$5 million, or so much thereof as may be necessary, to finance the payment of General Liability Claims.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-421
Re: Marriage Officers

Transmitted herewith for your approval is legislation to reappoint Carolee A. Conklin, the City Clerk and Daniel B. Karin, the Senior Legislative Coordinator (who serves as Deputy City Clerk) as Marriage Officers. The Domestic Relations Law § II-c authorizes the governing body of any village, town or city to appoint one or more Marriage Officers, for a term of up to four years, to have the authority to solemnize a marriage. A fee of \$25.00 is charged for providing such a service; said fee becomes part of the revenue to the City Clerk's licensing account.

As you recall, the position of Marriage Officer was first created in September, 1995. Since that time, approximately 3500 marriage ceremonies have been performed by the Marriage Officers. Ms. Conklin and Mr. Karin were last appointed on January 27, 2000. The proposed new term would last through January 27, 2008. There are no changes in the duties of the position or the fees charged.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2003-421
(Int. No. 465)

Appointment Of Marriage Officers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 5-10 of the Municipal Code, the Council hereby appoints City Clerk Carolee A. Conklin and Senior Legislative Coordinator Daniel B. Karin as Marriage Officers, as long as they serve in their respective positions, for a term that shall expire January 27, 2008.

Section 2. This ordinance shall take effect im-

mediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Pritchard, Santiago, Stevenson, Thompson - 7.

Nays - Councilmember Mains - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2003-422
Re: Budget Amendment:
Presidential Primary

Transmitted herewith for your approval is a budget amendment transferring \$60,000 from the Contingency account to budget of the City Council/City Clerk and \$4,500 to the Undistributed account to fund the cost of election inspectors for the Presidential Primary Election.

As you are aware, the City Clerk in each municipality is responsible for the compensation of election inspectors within that jurisdiction. When the 2003-04 Budget was adopted, there had not been a final decision about the date on which the Presidential Primary Election for the year 2004 would be held. In the past, dates for such primaries have ranged from March through September. Accordingly, it was uncertain whether the election would be held in the current fiscal year or the next one. The date has now been set for March 2, 2004.

Provision was made in the Contingency account to ensure that adequate funds would be available for this purpose should they be required. The proposed amendment will effect the transfer to enable the Clerk to fulfill her responsibilities for the election.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2003-422
(Int. No. 466)

Amending The 2003-04 Budget To Fund Inspectors For The Presidential Primary Election

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ord. No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by transferring the amount of \$60,000 from the Contingency account to the Budget of the City Council/City Clerk and \$4,500 to the Undistributed account to provide funding for election inspectors for the Presidential Primary Election.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-423
Re: American Humane Association,
Very Best Pet Network Grant
and Budget Amendment

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation authorizing acceptance of a grant from the Very Best Pet Network, administered by American Humane Association, and amending the 2003-04 Budget, Cash Capital allocation by \$2,500.

This grant will be used to continue the improvement project at the Animal Services facility on Verona Street to construct an in-house surgical suite, allowing nearly every animal adopted from the facility to be spayed or neutered on-site, prior to adoption. The goal is to reduce the overpopulation of strays and improve the health and behavior of those animals adopted.

In 2002, American Humane Association, in collaboration with Purina PetCare Company and Wal-Mart stores, launched the "Very Best Pet Network," a nationwide consumer marketing campaign to save shelter animals. Through participation in the Network's pet adoption program, Rochester Animal Services is eligible for this grant.

No local match is required for this grant, which expires in November 2004.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2003-423 (Int. No. 467)

Authorizing Acceptance Of A Grant For Animal Services Equipment And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of a grant from the Very Best Pet Network for the purchase of spay/neuter clinic equipment for the Rochester Animal Shelter.

Section 2. Ordinance No. 2003-220, the 2003-04 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 \$2,500, which amount is hereby appropriated from funds to be received under the grant authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2003-424 Re: Agreements - Monroe County, 2003 Police Services

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation authorizing three municipal cooperation agreements between the City and Monroe County for services provided by the City during calendar 2003. These represent on-going programs of County aid to the Police Department, in three functional categories. All agreements have

been approved by the Monroe County Legislature. Revenue associated with the various aid programs is as follows:

Table with 2 columns: Item, Amount. Rows: Stop-DWI 2003 (\$173,093), Firearms Instructor (55,675), Downtown Public Safety Aid (300,000), Total (\$528,768)

The Stop-DWI agreement authorizes reimbursement of certain Police Department expenditures connected with DWI and DWAI enforcement. The funding represents a "pass-through" by the County of some of the funds it receives under the New York State STOP-DWI program each year. All police departments in the county receive some level of funding under this program; Rochester's allocation is the largest, reflecting our size and enforcement activities. The largest portion provides overtime traffic enforcement patrols, using personnel from the patrol sections. A portion of the funds is designated specifically for enforcement against underage alcohol sales, with enforcement details coordinated by the RPD Special Operations Section. A smaller portion of the funding provides radar units, breathalyzers, video equipment to record DWI suspects' behavior, and personnel training.

The second agreement provides County reimbursement for a portion of the salary and benefits costs of one position of firearms instructor assigned to train officers in Monroe County police agencies. The instructor, a Police Officer employed by the Rochester Police Department, is assigned full-time to give range training to personnel from the Rochester Police Department, the Monroe County Sheriff's Office, and various town police departments. The amount of the agreement is unchanged from 2002.

The final agreement continues the program of County support for City police services to County residents. Traditionally called "Downtown Aid", in its present form it constitutes a general grant to the City of Rochester to provide police services "for such public safety services that will benefit all the residents of the County including, but not limited to, those residents commuting into the City on a regular basis to their place of employment." The amount is not based on any specific level of activity or expenditure downtown or in any other area. The County's 2003 award to the City of \$300,000, represents a 27% decrease from the 2002 award. The actual annual cost of providing police services in the Downtown area is estimated at over five million dollars, thus the County award covers less than 6%.

On December 17, 2002, City Council authorized all three County Aid agreements for the 2002 calendar year. In addition, the STOP DWI agreement for 2004 was authorized by Council on October 21, 2003.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2003-424 (Int. No. 468)

Authorizing Agreements With The County Of Monroe For Funding For Police Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the County of Monroe for funding for 2003 under the New York State Stop-

DWI Program, for reimbursement for a portion of the salary and benefits of a firearms instructor, and for reimbursement for the costs of police services to County residents residing or working in Rochester.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2003-425
Re: New Horizon Hospitality, Inc.

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the restructure of a City of Rochester Urban Development Action Grant loan. The legislation will authorize the restructure of the existing balance owed of \$2,462,443 on the following terms and conditions:

1. Delinquent interest in the amount of \$44,384 will be added to the existing principal balance of \$2,418,059 to create a new loan amount of \$2,462,443;
2. This new loan amount will be amortized over a 15-year term with interest at a fixed rate of 5%.

New Horizon Hospitality, Inc. owns the property at 70 State Street (Crowne Plaza Hotel). The hotel currently employs 172 persons (99 full-time and 73 part-time), of which 123 are City of Rochester residents. The hotel originally opened in 1968 as the Americana Hotel, underwent a major renovation in 1982 and was converted to a Stouffer Hotel. The City provided the UDAG loan to Alcoa Rochester, Inc. in 1982 to assist in the renovation and conversion of the hotel. In 1993, New Horizon Hospitality, Inc. purchased the hotel and assumed the UDAG Loan. In 1997, New Horizon invested \$2.0 million in building renovations and upgraded the hotel to a Crowne Plaza.

The UDAG loan was closed in the amount of \$3,000,000 and was secured by a first collateral mortgage on the Crowne Plaza Hotel. The original term was for 20 years with a balloon payment due on February 1, 2004. In March 1997, City Council approved a restructure of the UDAG to assist the hotel cash flow as the \$2.0 million in renovations were financed with shareholder loans. At that time, the \$2,436,268 loan balance was recast as follows:

1. The interest rate was reduced from 12% to 6% with increases in the rate to the present rate of 8.25%.
2. Principal payments were deferred from February 1997 to January 2000. Quarterly principal payments were due starting February 2002 - January 2003 based upon a 17-year amortization and from February 2003 - January 2004 based upon a 15-year amortization.

New Horizon has been unable to meet its obligations under the 1997 revised UDAG terms due to several factors including: decreases in corporate business,

especially from Xerox, Kodak, and Bausch & Lomb; decreases in group and Convention Center business in Rochester; and overall weak economic conditions. The UDAG is currently past due for an amount totaling \$322,544.

Operating results began to improve in 2002, and the hotel is currently ahead of its financial plan in 2003. In 2002, the hotel formulated a capital improvement plan designed to upgrade the hotel facilities. In September, 2003, the City of Rochester closed a new \$990,000 HUD Section 108 loan/\$247,500 Economic Development Initiative Grant to New Horizon. Proceeds of the loan were utilized for working capital and \$400,000 in new furniture, fixtures, and improvements. \$531,545 of the Section 108 loan proceeds and \$166,586 in Economic Development Initiative Grant funds were used to pay down the UDAG. Concurrent with the new Section 108 loan, the owners of New Horizon paid \$646,789 in cash in July, 2003 to bring New Horizon's delinquent PILOT agreement fully current.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-179

Ordinance No. 2003-425
(Int. No. 469)

Authorizing The Restructuring Of A UDAG Loan

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 Crowne Plaza Hotel at 70 State Street. The amendatory agreement shall add delinquent interest to the existing principal balance and the full amount of the delinquent interest and principal shall then be amortized over a fifteen year term, with interest at 5% annually.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 2 And
Introductory No. 252
Re: City and City School District
Budget Formats

Transmitted herewith for your approval is legislation regarding the formats of the proposed City and City School District budgets. As you will recall, in June 2003, Mayor Johnson proposed a local law (Int. 252) that would have required that the format of the City School District's proposed budget match the current Charter requirements for the City's proposed budget.

The Finance & Public Safety Committee chose to hold the item for additional review, including a review

of the Charter requirements for the City's budget submission. That review has now been completed, and the proposed legislation will amend the Charter in regard to both the City's and the District's format requirements.

City Budget

During the review, it became clear that the current format of the City's proposed budget exceeds the requirements of the Charter in several areas. Many of the additional items have been added incrementally over the years at the request of City Council; others have been included at the initiative of the Administration. Whichever the case, it seems appropriate to bring the Charter requirements into conformity with the current practices. The proposed legislation adds requirements for inclusion of revenue and expenditure information by department, bureau, division or office; for prior year, current year, and ensuing year estimates; and for a variety of summary and tabular information, such as a glossary and organization chart, that are an integral part of the current budget document. It deletes requirements that are outdated, such as information regarding the budgets of commissions, courts and boards; and it relocates the Contingency Account from the Department of Finance to a separate line, has been the practice for decades.

City School District Budget

At the same time, it is proposed to amend Int. 252 to bring it into conformance with this revised language for the City's budget format. The intent of the original proposal is maintained and expanded to ensure that the two budgets that City Council must review are in substantially the same format and contain substantially the same information.

It is clear that the proposed format will require changes in the District's budget preparation process. To allow for a smooth transition to the new format, the effective date for full compliance will be established for the 2005-06 Proposed Budget. However, based on discussions with the District's staff, it is anticipated that as many of the proposed changes as possible will be implemented for the 2004-05 Proposed Budget.

Respectfully submitted,
Lois J. Giess Benjamin L. Douglas, Chair
President Finance & Public Safety Committee

Local Law No. 2
(Int. No. 470)

Local Law Amending The City Charter With Respect To The Budget Estimate Of The City

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester," as amended, is hereby further amended by amending subsections A, B, C, F, G and I of Section 3-9, Annual budget estimate, by relettering subsection P as subsection Q, and by adding thereto a new subsection P, to read in their entirety as follows:

- A. An itemized estimate of the expense of conducting each department, bureau, division or office, except the Board of Education, for the ensuing fiscal period.
- B. A statement of the expenditures by items by

department, bureau, division or office for the last complete fiscal period.

- C. An estimate of the probable expenditures by items by department, bureau, division or office for the full twelve (12) months of the current fiscal period.
- F. A schedule of positions for each individual departmental budget, showing the number of positions, titles, and pay brackets for each classification of positions assigned to each departmental budget for the current and ensuing fiscal period.
- G. A statement showing the actual prior year's revenue, estimated current revenue and other receipts during the ensuing fiscal period to produce the amount required for meeting the proposed expenditures.
- I. The amounts required for other fixed charges and for a contingent fund which may be established.
- P. A table of contents, glossary, organization chart, salary schedules, summary of full-time positions, summary of current-year's budget amendments, index, and any other such general information that would assist in the review of the budget document.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson, Thompson - 8.
Nays - None - 0.

Councilmember Douglas moved to have Introductory No. 252 returned to committee.

The motion was seconded by Councilmember Curran.

The motion was adopted unanimously.

Introductory No. 252

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO THE BUDGET ESTIMATE OF THE CITY SCHOOL DISTRICT, AS AMENDED

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester," as amended, is hereby further amended by amending Section 3-9, Annual budget estimate, by adding a new and currently unnumbered paragraph after the current subsections lettered A-P relating to required information in the Mayor's budget estimate, to read in its entirety as follows:

No later than thirty-three (33) calendar days prior to the last regularly scheduled City Council meeting of June in each year, the Board of Education shall submit to the Mayor a budget estimate for the ensuing fiscal year. The classification of the estimate for the various operating units of the City

School District's debt for sinking-fund installments, for maturing serial bonds, and for other maturing debt during the ensuing fiscal period.

- I. The amounts required for other fixed charges and for a contingent fund which may be established.
- J. An estimate of the probable deficit, if any, for the current fiscal period and of any residue of deficit from the next preceding fiscal period.
- K. The sum of Subsections A, H, I and J which, when adopted by the Council, shall constitute the annual budget estimate for the ensuing fiscal period.
- L. A multi-year projection of revenues and expenses.
- M. A five-year Capital Improvement Program.
- N. A table of contents, glossary, organization chart, salary schedules, summary of full-time positions by operating unit, summary of current year's budget amendments, index, and any other such general information that would assist in the review of the budget document.
- O. Such other information as the Superintendent may deem desirable or as may be required by the Board of Education.

Section 2. This local law shall take effect [immediately] on July 1, 2004.

Bracketed material deleted; underlined material added

Held in committee.

The meeting was adjourned at 8:34 P.M.

CAROLEE A. CONKLIN
City Clerk

**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2003**

Held February 12, 2002

Int. No 29 - Authorizing An Increase In The Pavement Width Of Strohm Street As A Part Of The Curb Replacement Program - Parks, Public Works and the Environment Committee

Held April 16, 2002

Int. No. 124 - Changing The Zoning Classification Of 420 Westfall Road From R-3 Low-Medium Residential To R-3/O-O Low-Medium Residential/Overlay Office - Housing and Economic Development Committee

Held August 20, 2002

Int. No. 283 - Authorizing License Agreements For Pay Telephones - Parks, Public Works and the Environment Committee

Held January 14, 2003

Int. No. 11 - Establishing Maximum Compensation For A Professional Services Agreement With FHF Management, Inc. For The Operation And Management Of The High Falls Facilities - Public Services and the Arts Committee

Int. No. 22 - Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street From Institutional Planned Development (IPD) To R-1 Single Family Residential - Housing and Economic Development Committee

Held March 11, 2003

Int. No. 57 - Changing The Zoning Classification Of 148-150 Boxart Street From R-1 Low Density Residential To M-1 Industrial - Housing and Economic Development Committee

Held June 17, 2003

Int. No. 239 - Amending The Municipal Code With Respect To Peeling - Housing and Economic Development Committee

Held August 26, 2003

Int. No. 304 - Changing The Zoning Classification Of 219 York Street From R-2 Medium Density Residential To M-1 Industrial - Housing and Economic Development Committee

Int. No. 332 - Authorizing An Agreement For Youth Development Services And Amending The 2003-04 Budget - Public Services and the Arts Committee

Held December 23, 2003

Int. No. 252 - Local Law Amending The City Charter With Respect To The Budget Estimate Of The City School District, As Amended - Finance and Public Safety Committee

INDEX 2003 ABBREVIATIONS

Acq. - Acquire, Acquisition
Adpt. - Adopt
Agree. - Agreement
Amend. - Amending, Amendment
Appl. - Application
Approp. - Appropriate, Appropriating
Appt. - Appoint, Appointment
Arch. - Architect
Assist. - Assistance
Auth. - Authorize
Bldg. - Building
Cap. - Capital
Cert. - Certified
CHDO - Community Housing Development
 Organization
Chg. - Charges
Class. - Classification
Comm. - Commission, Committee,
 Community, Commercial
Comm. - Communication
Comp. - Compensation
Conserv. - Conservation
Constr. - Construction
Ctr. - Center
Decr. - Decrease
Dedica. - Dedicate
Demon. - Demonstration
Designa. - Designate
Dev. - Development
Erron. - Erroneous
Est(s). - Estimate(s)
Ext. - Extension
Facil. - Facilities
FY - Fiscal Year
Gar. - Garage
H.R. - Home Rule
Hear. - Hearing
Incr. - Increase
Indus. - Industrial
Int. - Introductory, Introduced
L.I.O. - Local Improvement Ordinance
L.L. - Local Law
Lftd. - Lifted
Litig. - Litigation
Max. - Maximum
Mgr. - Manager
Mun. - Municipal
NET - Neighborhood Empowerment Team
Ofc. - Office
Off. - Official
Ord. - Ordinance
Pav. - Pavement
Pk. - Park
Proj. - Project
Pssd. - Passed
Pub. - Public
Purch. - Purchase
R2010 - Rochester 2010: The Renaissance Plan
R.E. - Real Estate
R.O.W. - Right-of-Way
Rec. - Recreation
Rej. - Reject
Renew. - Renewal
Resi. - Residential
Reso. - Resolution
Rev. - Revenue
Roch. - Rochester
Svs. - Services
Tbld. - Tabled
Tr. - Transmittal
Var. - Various
Wid. - Width
Zon. - Zoning

108 RESERVE

Approving business programs, Tr. letter, 189, Pssd., 191

14621 COMMUNITY TECHNOLOGY CENTER PROJECT

Auth. agree. for 14621 Comm. Technology Ctr. Proj., Tr. letter, 33, Pssd., 33

-A-**ABRAMS, NANCY E.**

Establishing max. comp. for professional svcs. agree. for technical assist. in dev. of Civil Service examinations, Tr. letter, 70, Pssd., 71

ACADEMY FOR CAREER DEVELOPMENT

Auth. agree. for Human Svcs. Proj., Tr. letter, 305, Pssd., 306

Auth. agree. for Communi-Tech Proj., Tr. letter, 306, Pssd., 307

ACTION FOR A BETTER COMMUNITY

Auth. appl. and agree. relating to 2003 Good Grades Pay Program, Tr. letter, 146, Pssd., 147

Auth. amend. agree. for continued admin. of Joint Energy Conservation Program, Tr. letter, 186, Pssd., 187

Reso. approving reappointments to Board of Directors of Action for a Better Community, Inc., Tr. letter, 307, Adpt., 308; Tr. letter, 308, Adpt., 308

ADOLESCENT PREGNANCY PREVENTION SERVICES PROGRAM

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 33, Pssd., 34

ADOPT-A-BLOCK PROGRAM

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

Auth. amend. agree. for Adopt-A-Block Program and amend. ordinances, Tr. letter, 157, Pssd., 158

ADOPT-A-LOT PROGRAM

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 112, Pssd., 113

AFTER SCHOOL PROGRAM

Auth. agree. for After School program at No. 28 School and amend. 2003-04 Budget, Tr. letter, 411, Pssd., 412

AIDS ROCHESTER, INC.

Auth. application and agree. relating to Housing Opportunities For Persons With AIDS Program, Tr. letter, 25, Pssd., 26

ALBANY, CITY OF

Approving agreements for High Intensity Drug Trafficking Area designation, Tr. letter, 232, Pssd., 232

ALOMA, LUIS

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

ALLRIGHT NEW YORK PARKING, INC.

Auth. ext. of agree. for operation of Sister Cities and Court St. Parking Garages, Tr. letter, 29, Pssd., 29

Auth. agree. for operation of Sister Cities, Genesee Crossroads, and Court St. Parking Garages and repealing Ord. No. 2003-158, Tr. letter, 294, Pssd.,

295

ALPINE SOFTWARE CORPORATION

Establishing max. comp. for professional svcs. agree. for computerized records management system for Fire Dept., Tr. letter, 396, Pssd., 397

ALTERNATIVES FOR BATTERED WOMEN

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

AMERICAN HUMANE ASSOCIATION

Auth. agree. for Meacham Foundation Memorial Grant and amend. 2003-04 Budget, Tr. letter, 318, Pssd., 319

AMERICAN RED CROSS

Auth. appl. and agree. relating to 2003 Good Grades Pay Program, Tr. letter, 146, Pssd., 147

AMERICAN SITE DEVELOPERS, LLC

Auth. sale of portion of 250 South Ave. and amend. lease for parking lot at 33 Capron St., Tr. letter, 295, Pssd., 296

AMERICORPS PROGRAM

Establishing max. comp. for professional svcs. agree. with Monroe Community College for AmeriCorps Program, Tr. letter, 148, Pssd., 148

ANIMAL CONTROL

Auth. acceptance of grant for animal svcs. equip. and amend. 2003-04 Budget, Tr. letter, 418, Pssd., 419

ANNUAL ACTION PLAN

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

Auth. submission of Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan and execution of the grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 142, Pssd., 143

Approp. of funds for City Dev. Fund, Tr. letter, 142, Pssd., 143

APPLETON, RONALD S.

Reso. approving appt. to Electrical Examining Board, Tr. letter, 83, Adpt., 84

APPRENTICESHIP PROGRAM

Establishing incentive program for public works contracts, Tr. letter, 357, Pssd., 358

Auth. use of apprenticeship programs as condition of award of certain public works contracts, Tr. letter, 357, Pssd., 359

ARCHIVAL SERVICES

Establishing max. comp. for professional svcs. agree. for archival of water system records, Tr. letter, 224, Pssd., 224

ARGUST, THOMAS R.

Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Auth., Tr. letter, 119, Adpt., 119

ARNOLD PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

ARTS & CULTURAL COUNCIL

Auth. appl. and agree. relating to 2003 Good

Grades Pay Program, Tr. letter, 146, Pssd., 147
 Auth. agree. for Human Svcs. Proj., Tr. letter, 305, Pssd., 306
 Auth. agree. for Culture Builds Communities Program, Tr. letter, 364, Pssd., 365

ASSESSMENTS

Approving apportionment of taxes and charges, Tr. letter, 170, Pssd., 170
 Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for 2003 Assessment Roll, Tr. letter, 173, Pssd., 173
 Determining and certifying base proportions, current percentages, and base percentages for 2003 Assessment Roll, Tr. letter, 173, Pssd., 174
 Confirming assessments, amounts and charges to be inserted in the annual tax rolls for fiscal year commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 176, Pssd., 239

ASSET CONTROL AREA

Approving Asset Control Area Program, Tr. letter, 135, Pssd., 136
 Amend. Ord. No. 2003-26 relating to Loan Agree. for Rental Proj. and extending ACAP float loans, Tr. letter, 324, Pssd., 325

ATLANTIC-WOODSTOCK SUBDIVISION

Bond ord. auth. issuance of \$800,000 bonds to finance cost of constr. of street imps. in connection with Atlantic Woodstock Subdivision Proj., Tr. letter, 150, Pssd., 152
 Establishing max. comp. for professional svcs. agree. for Atlantic Woodstock Subdivision Proj., Tr. letter, 150, Pssd., 152
 Approving easements for Atlantic-Woodstock Subdivision, Tr. letter, 244, Pssd., 245

ATLAS GENERAL CONTRACTORS

Approving sale of parcels for Proj. Turnaround, Tr. letter, 50, Pssd., 51
 Approving CityScape 2004 at Newcroft Park Program, Tr. letter, 380, Pssd., 382

AUCTIONEER SERVICES

Auth. agree. for auctioneer svcs., Tr. letter, 230, Pssd., 230

AUDIT SERVICES

Establishing max. comp. for professional svcs. agree. for audit svcs., Tr. letter, 74, Pssd., 74
 Establishing max. comp. for professional svcs. agree. for add. audit svcs., Tr. letter, 171, Pssd., 171

AVERILL AVENUE

Amend. Ord. No. 2003-23 relating to sale of real estate, Tr. letter, 401, Pssd., 401

AVIATION LEARNING, INC.

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 304, Pub. hear., 287, Adpt., 305

-B-**BADEN STREET SETTLEMENT, INC.**

Approving applications, agree. and 2003 admin. and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 54, Pssd., 55
 Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140
 Auth. appl. and agree. relating to 2003 Good Grades Pay Program, Tr. letter, 146, Pssd., 147

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

Auth. amend. 2002-03 Comm. Dev. Program Plan and agree. for Quad A for Kids and Metro Council on Teen Potential Programs, Tr. letter, 335, Pub. hear., 319, Pssd., 336

BARNES, MARIE

Reso. approving reappointments to Board of Directors of Action for a Better Community, Inc., Tr. letter, 307, Adpt., 308

BASIC EMPLOYABILITY SKILLS TRAINING PROGRAM

Auth. agree. for the BEST Program, Tr. letter, 268, Pssd., 269

BAY STREET

Changing zoning class. of 17-35, 45, 49 and portion of 57 Bay St., and 236-238 Portland Ave., from R-2 Medium Density Residential to C-1 Neighborhood Ctr., Tr. letter, 197, Pub. hear., 176, Returned to committee, 197, Pssd., 267

BENDERSON DEVELOPMENT COMPANY, INC.

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 359, Pub. hear., 344, Pssd., 360

BENHAM, MICHELLE

Auth. amend. agree. for RASA Program, Tr. letter, 307, Pssd., 307

BERGMANN ASSOCIATES

Establishing max. comp. for professional svcs. agree. for proj. management and resident proj. representation svcs., Tr. letter, 12, Pssd., 12
 Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157
 Establishing max. comp. for professional svcs. agree. for Pont de Rennes Pedestrian Bridge Structural Repair Proj., Tr. letter, 222, Pssd., 224
 Establishing max. comp. for professional svcs. agree. for Cobbs Hill Reservoir Dr. Rehab. Proj., Tr. letter, 274, Pssd., 274
 Establishing max. comp. for professional svcs. agree. for imps. to City Hall, Tr. letter, 339, Pssd., 339
 Auth. agree. for street condition rating update study, Tr. letter, 386, Pssd., 386

BERNICE STREET

Auth. changes in pav. width of Bernice St., ext. of Eastman Ave. and realignment of Mayflower St. as part of West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 227

BIRACIAL PARTNERSHIP PROGRAM

Establishing max. comp. for professional svcs. agree. for Biracial Partnership Program and amend. 2003-04 Budget, Tr. letter, 365, Pssd., 365

BIZ KID\$

Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 269, Pssd., 270
 Auth. agree. for Biz Kid\$ 1 and 2 Programs, Tr. letter, 387, Pssd., 387

BLESSED SACRAMENT

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-

180, Tr. letter, 138, Pssd., 140

BLUE CROSS BLUE SHIELD OF THE ROCHESTER AREA

Establishing max. comp. for professional svcs. agree. for benefits programs, Tr. letter, 392, Pssd., 393

BOARD OF ASSESSMENT REVIEW

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

BOARD OF EXAMINERS OF STATIONARY ENGINEERS AND REFRIGERATION OPERATORS

Local Law amend. City Charter with respect to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 188, Pssd., 188

BOND COUNSEL SERVICES

Auth. agree. for bond counsel svcs., Tr. letter, 230, Pssd., 231

BONDS AND NOTES

Bond ord. amend. and consolidating prior auth. in furtherance of City's East End Dev. Proj., Tr. letter, 27, Pssd., 27

Bond ord. auth. issuance of not to exceed \$1,100,000 principal amount of bonds to finance portion of costs of certain pier and shoreline imps. within Port of Roch. Pub. Imp. Proj., Tr. letter, 35, Pssd., 37

Bond ord. auth. issuance of \$17,534,642 bonds to finance cost of constr. and renovation of various pub. school bldgs., Tr. letter, 38, Pssd., 40

Bond ord. auth. issuance of \$1,100,000 bonds to finance reconstruction of various water mains related to Lake Ave. (Lyell-Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 56, Pssd., 58

Bond ord. auth. issuance of \$250,000 bonds to finance additional cost of environmental clean-up at City's Bur. of Water & Street Lighting site at 10 Felix St., Tr. letter, 59, Pssd., 60

Bond ord. auth. issuance of \$559,000 bonds to finance cost of environmental clean-up of 151, 171, 173, 175, 177 and 191 Mt. Hope Ave., Tr. letter, 60, Pssd., 62

Bond ord. auth. issuance of \$170,000 bonds to finance cost of constr. fast ferry terminal facilities, Tr. letter, 62, Pssd., 63

Bond ord. auth. issuance of \$125,000 bonds to finance costs of acq. and demo. of imps. on designated parcels of real property as part of Genesee St. Housing Proj., Tr. letter, 88, Pssd., 89

Bond ord. auth. issuance of \$557,000 bonds to finance costs of acq. of imps. on designated parcels of real property and relocation of persons as part of Brooks Landing Urban Renewal District Plan, Tr. letter, 101, Pssd., 104

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

Bond ord. auth. issuance of \$200,000 bonds to finance cost of constr. and reconstruction of certain streets as part of St. Paul St. Gateway (Ward St. to Bausch St.) Imp. Proj., Tr. letter, 113, Pssd., 114

Bond ord. auth. issuance of \$7,345,025 bonds to finance cost of constr. Fast Ferry Terminal Facilities, Tr. letter, 115, Pssd., 118

Rev. anticipation note ord. delegating to Dir. of Finance powers to auth. issuance of \$50,000,000 rev. anticipation notes, or so much thereof as may be necessary, in anticipation of receipt of certain revenues for fiscal year ending June 30, 2003, and

to prescribe terms, form and contents, and provide for sale of such notes, Tr. letter, 129, Pssd., 130

Bond ord. auth. issuance of \$800,000 bonds to finance cost of constr. of street imps. in connection with Atlantic Woodstock Subdivision Proj., Tr. letter, 150, Pssd., 152

Bond ord. auth. issuance of \$820,000 bonds to finance add. cost of constr. and reconstruction of certain underpass imps. related to State St. Underpass Access Imp. Proj., Tr. letter, 152, Pssd., 154

Bond ord. auth. issuance of \$770,000 bonds to finance reconstruction of various water mains related to 2003 Water Main Ext. and Imp. Program, Tr. letter, 154, Pssd., 156

Bond ord. auth. issuance of \$575,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Chili Ave. Imp. Proj., Tr. letter, 162, Pssd., 165

Bond ord. auth. issuance of \$1,361,000 bonds to finance reconstruction of various water mains related to Chili Ave. Imp. Proj., Tr. letter, 162, Pssd., 165

Bond ord. auth. issuance of \$75,000 bonds to finance costs of replacement of structural flooring in Hudson Ave. Fire Facility, Tr. letter, 171, Pssd., 172

Bond ord. auth. issuance of \$450,000 bonds to finance costs of acq. and demo. of imp. on designated parcels of real property as part of North Clinton Ave. Revitalization Proj., Tr. letter, 192, Pssd., 193

Bond ord. auth. issuance of \$175,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 193, Pssd., 195

Bond ord. auth. issuance of \$300,000 bonds to finance cost of design svcs. related to Manhattan Sq. Park Imp. Proj., Tr. letter, 215, Pssd., 216

Bond ord. auth. issuance of \$4,250,000 bonds and application of \$386,000 in current funds to finance reconstruction of certain streets related to milling and resurfacing and resi. street imp. programs, Tr. letter, 217, Pssd., 218

Bond ord. auth. issuance of \$426,000 bonds to finance cost of constr. and reconstruction of certain sewer imps. related to Milling and Resurfacing and Resi. Street Imp. Programs, Tr. letter, 217, Pssd., 219

Bond ord. auth. issuance of \$800,000 bonds to finance cost of reconstruction of Pont de Rennes Pedestrian Bridge, Tr. letter, 222, Pssd., 223

Rev. anticipation note ord. delegating to Director of Finance powers to auth. issuance of \$50,000,000 rev. anticipation notes, or so much as may be necessary, in anticipation of receipt of certain rev. for Fiscal Year ending June 30, 2004, and to prescribe terms, form and contents, and provide for sale of such notes, Tr. letter, 282, Pssd., 283

Bond ord. auth. issuance of not to exceed \$15,700,000 principal amount of taxable general obligation bonds to finance Roch. City School District's contribution to 2002 New York State Retirement Incentive program, Part A, Tr. letter, 284, Pssd., 285

Bond ord. auth. issuance of \$688,000 bonds to finance cost of new equipment, machinery, apparatus or furnishing for Emergency Communications Ctr., Tr. letter, 397, Pssd., 398

BOULEVARD PARKWAY

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

BOXART STREET

Changing zoning class. of 148-150 Boxart St.

from R-1 Low Density Resid. to M-1 Indus., Tr. letter, 52, Pub. hear., 42, Held, 52

BOYS AND GIRLS CLUB OF ROCHESTER

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

BRIDGES

Approving easements for Troup Howell Bridge Reconstruction, Tr. letter, 221, Pssd., 221

Bond ord. auth. issuance of \$800,000 bonds to finance cost of reconstruction of Pont de Rennes Pedestrian Bridge, Tr. letter, 222, Pssd., 223

Establishing max. comp. for professional svcs. agree. for Pont de Rennes Pedestrian Bridge Structural Repair Proj., Tr. letter, 222, Pssd., 224

BROAD STREET

Amend. Ord. No. 2002-80 relating to changing zoning class. of 11-35 Orange St. and 14-34 Romeyn St. from R-2 Two-family Residential and 583 Broad St. and 37 Romeyn St. from M Manufacturing Industrial to C-2 Community Center, to remove conditions and to include 581, 611 and 619 Broad St. and 1 Orange St. in rezoning, Tr. letter, 266, Pub. hear., 243, Pssd., 267

Changing zoning class. of 524 Oak St., 900 Broad St., and 448 and 480 Smith St. from M-1 industrial to Erie Canal Urban Renewal District, Tr. letter, 297, Pub. hear., 286, Pssd., 303

Establishing max. comp. for amend. professional svcs. agree. for Broad St. Public Imp. Proj., Tr. letter, 310, Pssd., 310

BROADWAY

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 359, Pub. hear., 344, Pssd., 360

BROOKS AVENUE

Auth. changes in pav. width of Scottsville Rd., Genesee St. and Elmwood Ave. and changes to intersection of Brooks Ave. and South Plymouth Ave. as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pub. hear., 81, Pssd., 106

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

BROOKS LANDING

Approving Urban Renewal Plan for Brooks Landing Urban Renewal Project, Tr. letter, 90, Pub. hear., 80, Pssd., 97

Changing zoning class. of parcels in Brooks Landing area from C-2 Community Ctr. and O-S Open Space to Brooks Landing Urban Renewal District, Tr. letter, 90, Pub. hear., 80, Pssd., 98

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Brooks Landing Urban Renewal Proj., Tr. letter, 90, Pub. hear., 81, Pssd., 100

Auth. acq. for Brooks Landing Revitalization Proj., Tr. letter, 101, Pssd., 103

Bond ord. auth. issuance of \$557,000 bonds to finance costs of acq. ofimps. on designated parcels of real property and relocation of persons as part of Brooks Landing Urban Renewal District Plan, Tr. letter, 101, Pssd., 104

Auth. acq. by condemnation for Brooks Landing Revitalization Proj., Tr. letter, 101, Pub. hear., 81, Held, 104, Pssd., 137

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of

certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

Auth. acq. by negotiation or condemnation of permanent easements for Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

Determinations & findings relating to acq. of parcels as part of Brooks Landing Revitalization Proj., Tr. letter, 136, Pssd., 137

Amend. Ord. No. 2003-88 to cancel taxes on parcels acq. for Brooks Landing Revitalization Proj., Tr. letter, 177, Pssd., 178

Bond ord. auth. issuance of \$175,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 193, Pssd., 195

Approval of sale to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 360, Pub. hear., 344, Pssd., 362

BROOKS VILLAGE APARTMENT PROJECT

Auth. sale of real estate and loan agree. for Brooks Village Apt. Proj. and transferring funds, Tr. letter, 89, Pssd., 90

Amend. Ord. No. 2002-314 relating to sale of real estate and amend. Ord. No. 2003-83, Tr. letter, 133, Pssd., 134

BROWN STREET

Approving acq. of parcels for Brown St. Imp. Proj., Tr. letter, 2, Pssd., 4

BROWNFIELDS

Auth. amend. agree. for environmental site svcs., Tr. letter, 370, Pssd., 370

BUDGET, 2002-03

Establishing max. comp. for professional svcs. agree. with Roch. Area Crimestoppers, Inc. and amend. 2002-03 Budget by approp. forfeiture funds, Tr. letter, 17, Pssd., 18

Amend. 2002-03 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 41, Pssd., 41

Auth. acceptance of grant for Turning Point Parkimps and amend. 2002-03 Budget, Tr. letter, 56, Pssd., 56

Auth. agree. with General Code Publishers relating to City Code and Amend. 2002-03 Budget, Tr. letter, 68, Pssd., 69

Auth. agree. for grant for seat belt and child safety seat usage and amend. 2002-03 Budget, Tr. letter, 71, Pssd., 71

Amend. 2002-03 Budget, Tr. letter, 72, Pssd., 72

Amend. 2002-03 Budget for Motor Vehicle Theft & Insurance Fraud Prevention Program, Tr. letter, 129, Pssd., 129

Amend. 2002-03 Budget with respect to water, Tr. letter, 130, Pssd., 131

Auth. amend. agree. for Truancy Reduction and Counseling Program and amend. 2002-03 Budget, Tr. letter, 144, Pssd., 145

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

Auth. agree. for Genesee Riverway Trail and amend. 2002-03 Budget and repealing Ord. No. 2002-364, Tr. letter, 158, Pssd., 159

Amend. 2002-03 Budget of Roch. Fire Dept., Tr. letter, 170, Pssd., 170

Amend. 2002-03 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 172, Pssd., 173

Auth. agree. for R.L. Edwards Senior Program and amend. 2002-03 Budget, Tr. letter, 212, Pssd.,

212

Amend. 2002-03 Budget with respect to Cash Capital, Tr. letter, 317, Pssd., 318

BUDGET, 2003-04

Amend. proposed 2003-04 Budget in regard to Park Patrol - \$30,000, Tr. letter, 233, Pssd., 233

Amend. proposed 2003-04 Budget in regard to operating Edgerton Train Room - \$6,300, Tr. letter, 233, Pssd., 233

Amend. 2003-04 Budget in regard to operating above ground pools, Tr. letter, 233, Pssd., 234

Amend. proposed 2003-04 Budget in regard to Wordcrafters Program - \$17,100, Tr. letter, 234, Pssd., 234

Amend. 2003-04 Budget in regard to comp. for election inspectors, Tr. letter, 234, Pssd., 234

Reso. of budgetary intent - fiscal reporting, Tr. letter, 235, Adpt., 235

Amend. proposed 2003-04 Budget in regard to Parenting Education - \$16,000, Tr. letter, 235, Pssd., 236

Amend. proposed 2003-04 Budget in regard to City Center revitalization - \$2,500, Tr. letter, 236, Pssd., 236

Adopt. of budget ests. for mun. purposes for 2003-04 Fiscal Year, and approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 236, Pub. hear., 175, Pssd, 238

Levying taxes for mun. purposes for fiscal year commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pssd., 239

Confirming assessments, amounts and charges to be inserted in the annual tax rolls for fiscal year commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 176, Pssd., 239

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 248, Pssd., 240

Reso. approving 2003-04 debt resolution for general mun. purposes, Tr. letter, 236, Adpt., 240

Amend. 2003-04 Budget with respect to pavement markings, Tr. letter, 272, Pssd., 272

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2003-04 Budget, Tr. letter, 284, Pssd., 284

Auth. agree. for design svcs., approp. funds and amend. 2003-04 Budget, Tr. letter, 289, Pssd., 290

Auth. agree. for youth dev. svcs. and amend. 2003-04 Budget, Tr. letter, 309, Held, 309

Auth. application and agree. for NYS grant for Rapids Cemetery and amend. 2003-04 Budget, Tr. letter, 310, Pssd., 311

Auth. application and agree. for NYS Archives grant for Fire Dept. and amend. 2003-04 Budget, Tr. letter, 314, Pssd., 315

Establishing max. comp. for professional svcs. agree. and amending 2003-04 Budget by approp. forfeiture funds, Tr. letter, 316, Pssd., 317

Auth. agree. for Meacham Foundation Memorial Grant and amend. 2003-04 Budget, Tr. letter, 318, Pssd., 319

Auth. application and agree. and amend. 2003-04 Budget for CERT Program, Tr. letter, 340, Pssd., 341

Auth. application and agree. and amend. 2003-04 Budget for Metropolitan Medical Response System, Tr. letter, 341, Pssd, 341

Amend. 2003-04 Budget of Roch. Police Dept. for grant funds and auth. amend. agree., Tr. letter, 342, Pssd., 342

Establishing max. comp. for professional svcs. agree. for Biracial Partnership Program and amend. 2003-04 Budget, Tr. letter, 365, Pssd., 365

Auth. appl. and agree. for Community Prosecution and Proj. Safe Neighborhoods Grant Program and amend. 2003-04 Budget, Tr. letter, 373, Pssd., 374

Amend. 2003-04 Budget by approp. Weed and Seed Grant Program funds, Tr. letter, 373, Pssd., 374

Amend. 2003-04 Budget by approp. Local Law Enforcement Block Grant Program funds, Tr. letter, 373, Pssd., 374

Auth. application and agree. with respect to Seat Belt Enforcement and amend. 2003-04 Budget, Tr. letter, 394, Pssd., 394

Auth. application and agree. with respect to community-oriented policing and amend. 2003-04 Budget, Tr. letter, 395, Pssd., 395

Approp. funds, auth. agree. and amend. 2003-04 Budget for Lead-Based Paint Hazard Control Programs, Tr. letter, 404, Pssd., 406

Amend. 2003-04 Budget for Junior Recreation Leader Program, Tr. letter, 410, Pssd., 411

Auth. agree. for After School program at No. 28 School and amend. 2003-04 Budget, Tr. letter, 411, Pssd., 412

Amend. 2003-04 Budget with respect to water funds, Tr. letter, 415, Pssd., 416

Amend. 2003-04 Budget to fund inspectors for Presidential Primary Election, Tr. letter, 418, Pssd., 418

Auth. acceptance of grant for animal svcs. equip. and amend. 2003-04 Budget, Tr. letter, 418, Pssd., 419

BUDGET, 2004-05

Local Law extending time for consideration of 2004-05 Budget, Tr. letter, 372, Pssd., 372

BUDGET ESTIMATES

Local Law amend. City Charter with respect to budget est. of City School District, Tr. letter, 240, Held, 243; Tr. letter, 420, Held, 422

Local Law amend. City Charter with respect to Budget est. of the City, Tr. letter, 420, Pssd., 421

BUENA VISTA

Changing zoning class. of 200, 208 and 218-226 Clifford Ave. and 9-11, 55, 117-119 and 123-125 Roth St. from R-1 Low Density Resi. to Planned Dev. District #3-Buena Vista Planned Dev. District, Tr. letter, 329, Pub. hear., 319, Pssd., 331

BUFFALO, CITY OF

Approving agreements for High Intensity Drug Trafficking Area designation, Tr. letter, 232, Pssd., 232

BUILDING CODE

Amend. Chapter 40 of Mun. Code, Bldg. Constr.: Plumbing, Tr. letter, 352, Pssd., 354

Amend. Chapter 39 of Mun. Code, Bldg. Code, Tr. letter, 352, Pssd., 356

Amend. Mun. Code with respect to references to Uniform Fire Prevention and Bldg. Code, Tr. letter, 352, Pssd., 356

BUILDING PERMITS

Amend. Mun. Code with respect to fees for bldg. permits and certificates of occupancy, Tr. letter, 85, Pssd., 87

BURKE TERRACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

BUSINESS ASSISTANCE PROGRAM

Approving business programs, Tr. letter, 189, Pssd., 191

BUSINESS ASSOCIATION SUPPORT PROGRAM

Approving business programs, Tr. letter, 189, Pssd., 191

BUSINESS PROGRAMS

Approving business programs, Tr. letter, 189, Pssd., 191

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CERT

See "Community emergency Response Team"

CME ASSOCIATES

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

COPS GRANT PROGRAM

Establishing max. comp. for professional svcs. agree. for COPS Grant Program, Tr. letter, 375, Pssd., 376

CSX

Establishing max. comp. for amend. professional svcs. agree. for CSX spill legal svcs., Tr. letter, 58, Pssd., 58

Establishing max. comp. for amend. professional svcs. agree. for environmental inspection svcs. relating to CSXT train derailment clean-up, Tr. letter, 366, Pssd., 367

CALVARY SAINT ANDREWS PARISH

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

CAMERON COMMUNITY MINISTRIES

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 143, Pssd., 144

CAREER SYSTEMS DEVELOPMENT CORPORATION

Auth. agree. for the BEST Program, Tr. letter, 268, Pssd., 269

CARGES, TIMOTHY

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

CARNEVALE ASSOCIATES LLC

Approving agreements for High Intensity Drug Trafficking Area designation, Tr. letter, 232, Pssd., 232

CARTHAGE DRIVE

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

CASCADE HISTORIC DISTRICT

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 74, Pub. hear., 42, Pssd., 75

L.I.O. - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

CATHERINE MCAULEY HOUSING

Auth. appl. and agree. relating to Emergency

Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

CATHOLIC CHARITIES, INC.

Auth. application and agree. relating to Housing Opportunities For Persons With AIDS Program, Tr. letter, 25, Pssd., 26

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

CATHOLIC FAMILY CENTER

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Auth. appl. and agree. relating to 2003 Good Grades Pay Program, Tr. letter, 146, Pssd., 147

CEDARWOOD TOWERS

Approving property tax exemption and in-lieu-of-tax agree. for Cedarwood Towers, Tr. letter, 26, Pssd., 27

CELLI, DOLORES

Reso. approving reappointment to Board of Assessment Review, Tr. letter, 393, Adpt., 393

CEMETERIES

Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 145, Pssd., 146

Auth. application and agree. for NYS grant for Rapids Cemetery and amend. 2003-04 Budget, Tr. letter, 310, Pssd., 311

Amend. Chapter 43 of Mun. Code, Cemeteries, with respect to new Chapel Mausoleum at Riverside Cemetery, Tr. letter, 339, Pssd., 340

CENTER, THE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

CENTER CITY

Adopt. Ctr. City Master Plan and amend. Section 130-6 of Mun. Code, Tr. letter, 52, Held, 53, Pub. hear., 81, Pssd., 108

Amend. proposed 2003-04 Budget in regard to City Center revitalization - \$2,500, Tr. letter, 236, Pssd., 236

CENTER FOR DISPUTE SETTLEMENT

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 281, Pssd., 281

CENTER FOR GOVERNMENTAL RESEARCH, INC.

Establishing max. comp. for professional svcs. agree. for intergovernmental cooperation/consolidation study, Tr. letter, 69, Pssd., 70

Establishing max. comp. for professional svcs. agree. for police-community relationships study, Tr. letter, 70, Pssd., 70

CENTRAL PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

CEPHAS ATTICA

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-

180, Tr. letter, 138, Pssd., 140

CERTIFICATES OF OCCUPANCY

Amend. Mun. Code with respect to fees for bldg. permits and certificates of occupancy, Tr. letter, 85, Pssd., 87

CHALLENGED STREETS PROGRAM

Appropriating funds for Challenged Streets Programs and auth. agree., Tr. letter, 379, Pssd., 379

Determinations and findings relating to acq. of parcels as part of Maria St. Challenged St. Proj., Tr. letter, 403, Pssd., 404

CHARLES SETTLEMENT HOUSE, INC.

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 33, Pssd., 34

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

CHASE, SELDEN P.

Auth. agree with Selden P. Chase for lease of farmland, Tr. letter, 58, Pssd., 58

CHILDREN'S INSTITUTE

Auth. agree. for Safe Kids Proj., Tr. letter, 411, Pssd., 411

CHILI AVENUE

Auth. changes in pav. width of Chili Ave. and Thurston Rd. as part of Chili Ave. Imp. Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 15

Amend. Ord. No. 2002-207 with respect to changes in pav. width of Chili Ave. as part of Chili Ave. Imp. Proj., Tr. letter, 125, Pub. hear., 81, Pssd., 127

Auth. acq. by negotiation or condemnation of parcels for Chili Ave. Imp. Proj., Tr. letter, 125, Pssd., 127

Establishing max. comp. for professional svcs. agree. for Chili Ave. Imp. Proj. and appropriating funds, Tr. letter, 162, Pssd., 164

Bond ord. auth. issuance of \$575,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Chili Ave. Imp. Proj., Tr. letter, 162, Pssd., 165

Bond ord. auth. issuance of \$1,361,000 bonds to finance reconstruction of various water mains related to Chili Ave. Imp. Proj., Tr. letter, 162, Pssd., 165

Approving dedication of parcels for Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Pssd., 169

Approving acq. of 578 Chili Ave. by negotiation or condemnation as part of Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Held, 169; Pssd., 222

Determinations and findings relating to acq. of 578 Chili Ave., Tr. letter, 221, Pssd., 222

CITIZEN COMPLAINT SERVICES

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 281, Pssd., 281

CITY CHARTER

Local Law amend. City Charter with respect to Residential-Commercial Urban Exemption Program, Tr. letter, 49, Pssd., 50

Auth. agree. with General Code Publishers relating to City Code and Amend. 2002-03 Budget, Tr. letter, 68, Pssd., 69

Local Law amend. City Charter with respect to conflicts of interest due to positions with Roch. City School District, Tr. letter, 75, Pssd., 77

Local Law amend. City Charter with respect to restrictions as to holding office or position (Int. No. 71), Tr. letter, 77, Failed in comm., 79

Local Law amend. City Charter with respect to restrictions as to holding office or position (Int. No. 72), Tr. letter, 77, Failed in comm., 79

Local Law amend. City Charter with respect to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 188, Pssd., 188

Local Law amend. City Charter with respect to budget est. of City School District, Tr. letter, 240, Held, 243; Tr. letter, 420, Held, 422

Local Law amend. City Charter with respect to Abatement of Nuisances, Tr. letter, 248, Pssd., 260

Local Law amend. City Charter with respect to Budget est. of the City, Tr. letter, 420, Pssd., 421

CITY CODE

Auth. agree. with General Code Publishers relating to City Code and Amend. 2002-03 Budget, Tr. letter, 68, Pssd., 69

CITY DEVELOPMENT FUND

Approp. of funds for City Dev. Fund, Tr. letter, 142, Pssd., 143

CITY HALL

Establishing max. comp. for professional svcs. agree. for imps. to City Hall, Tr. letter, 339, Pssd., 339

CITY PLANNING COMMISSION

Reso. approving reappointments to City Planning Commission, Tr. letter, 322, Adpt., 322

CITY SCHOOL DISTRICT

2002-03 debt reso. for City School District, Tr. letter, 38, Adpt., 39

Bond ord. auth. issuance of \$17,534,642 bonds to finance cost of constr. and renovation of various pub. school bldgs., Tr. letter, 38, Pssd., 40

Local Law amend. City Charter with respect to conflicts of interest due to positions with Roch. City School District, Tr. letter, 75, Pssd., 77

Auth. appl. and agree. for 2003 Summer Food Service Program for Children, Tr. letter, 108, Pssd., 109

Rev. anticipation note ord. delegating to Dir. of Finance powers to auth. issuance of \$50,000,000 rev. anticipation notes, or so much thereof as may be necessary, in anticipation of receipt of certain revenues for fiscal year ending June 30, 2003, and to prescribe terms, form and contents, and provide for sale of such notes, Tr. letter, 129, Pssd., 130

Auth. cooperation and asst. in connection with transaction with New York Mun. Bond Bank Agency for benefit of Roch. City School District, Tr. letter, 132, Pssd., 132

Auth. appl. and agree. relating to 2003 Good Grades Pay Program, Tr. letter, 146, Pssd., 147

Auth. receipt of funds for In-School Youth Violence Prevention, Tr. letter, 212, Pssd., 213

Auth. agree. with Roch. City School District for refuse collection, Tr. letter, 216, Pssd., 217

Rev. anticipation note ord. delegating to Director of Finance powers to auth. issuance of \$50,000,000 rev. anticipation notes, or so much as may be necessary, in anticipation of receipt of certain rev. for Fiscal Year ending June 30, 2004, and to prescribe terms, form and contents, and provide for sale of such notes, Tr. letter, 282, Pssd., 283

Bond ord. auth. issuance of not to exceed \$15,700,000 principal amount of taxable general obligation bonds to finance Roch. City School

District's contribution to 2002 New York State Retirement Incentive program, Part A, Tr. letter, 284, Pssd., 285

Auth. amend. lease with City School District for parking lots, Tr. letter, 367, Pssd., 368

Acq. of properties for Roch. City School District, Tr. letter, 368, Pssd., 369

CITY SCHOOL DISTRICT BUDGET, 2003-04

Adoption of budget estimates for school purposes for fiscal year commencing July 1, 2003 and expiring June 30, 2004, and approp. of sums set forth therein, Tr. letter, 240, Pub. hear., 176, Pssd., 242

Local Law amend. City Charter with respect to budget est. of City School District, Tr. letter, 240, Held, 243; Tr. letter, 420, Held, 422

CITYSCAPE 2004

Approving CityScape 2004 at Newcroft Park, Tr. letter, 290, Pssd., 291; Tr. letter, 380, Pssd., 382

CIVIL SERVICE

Establishing max. comp. for professional svcs. agree. for technical assist. in dev. of Civil Service examinations, Tr. letter, 70, Pssd., 71

Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 283, Adpt., 283

CLAY, MARANNE MCDADE

Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 145, Pssd., 146

CLEARY, KEVIN

Establishing max. comp. for professional svcs. agree. for State lobbying svcs., Tr. letter, 18, Pssd., 19

CLIFFORD AVENUE

Determinations and findings relating to acq. of 123-125 Roth St., Tr. letter, 292, Pssd., 293

Changing zoning class. of 200, 208 and 218-226 Clifford Ave. and 9-11, 55, 117-119 and 123-125 Roth St. from R-1 Low Density Resi. to Planned Dev. District #3-Buena Vista Planned Dev. District, Tr. letter, 329, Pub. hear., 319, Pssd., 331

COALITION OF NORTHEAST ASSOCIATIONS

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 112, Pssd., 113

Auth. amend. agree. for Adopt-A-Block Program and amend. ordinances, Tr. letter, 157, Pssd., 158

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

COBBS HILL

Establishing max. comp. for professional svcs. agree. for Cobbs Hill Reservoir Dr. Rehab. Proj., Tr. letter, 274, Pssd., 274

COLUMBIA ANALYTICAL SERVICES

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

COMMERCIAL EXTERIOR IMPROVEMENT PROGRAM

Approving business programs, Tr. letter, 189, Pssd., 191

COMMERCIAL LOAN FUND

Approving business programs, Tr. letter, 189, Pssd., 191

COMMERCIAL STREET

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

Auth. amend. lease agree. relating to abandonment of portion of Commercial St., Tr. letter, 326, Pssd., 327

COMMITTEE OF THE WHOLE

Reports of, 41; 75

COMMUNI-TECH PROJECT

Auth. agree. for Communi-Tech Proj., Tr. letter, 306, Pssd., 307

COMMUNITY CHOICE

Auth. agree. for fair housing monitoring svcs. - \$70,000, Tr. letter, 6, Pssd., 6

Approp. funds for Community Choice/Fair Housing Website, Tr. letter, 291, Pssd., 291

COMMUNITY DEVELOPMENT BLOCK GRANT

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

COMMUNITY DEVELOPMENT, COMMISSIONER OF

Reso. confirming appt. of Commissioner of Comm. Dev., Tr. letter, 42, Adpt., 42

COMMUNITY DEVELOPMENT HOUSING ORGANIZATION

Auth. agree. for development of affordable housing and designating CHDO, Tr. letter, 4, Pssd., 5

COMMUNITY DEVELOPMENT PROGRAM, 1995-96, 1996-97, 1997-98, 1998-99

Amend. 1995-96, 1996-97, 1997-98 and 1998-99 Community Dev. Programs by transferring balances to East Main St. Assistance Program, Tr. letter, 406, Pub. hear., 398, Pssd., 408

COMMUNITY DEVELOPMENT PROGRAM, 2000-01

Auth. amend. 2000-01 Community Dev. Program Plan, reallocating and reappropriating funds for Good Grades Pay and Job Creation/Youth Dev. Programs and amend. ord., Tr. letter, 213, Pub. hear., 176, Pssd., 214

Auth. amend. 2000-01 and 2001-02 Comm. Dev. Program Plans and auth. agree. for Foreclosure Intervention Svcs., Tr. letter, 264, Pub. hear., 243, Pssd., 266

COMMUNITY DEVELOPMENT PROGRAM, 2001-02

Auth. amendatory Comm. Dev. Program Plans, approp. funds and auth. agree. for Lead Hazard Reduction Program and amend. Ord. No. 2001-348, Tr. letter, 30, Pub. hear., 20, Pssd., 31

Auth. amend. 2001-02 and 2002-03 Comm. Dev. Program Plans, amend. Ord. No. 2001-256, and auth. agree. with Neighborhood Housing Svcs., Tr. letter, 261, Pub. hear., 243, Pssd., 262

Auth. amend. 2000-01 and 2001-02 Comm. Dev. Program Plans and auth. agree. for Foreclosure Intervention Svcs., Tr. letter, 264, Pub. hear., 243, Pssd., 266

COMMUNITY DEVELOPMENT PROGRAM,

2002-03

Approp. funds and auth. agree. for Home Reoccupation/Vacant Grant/Homesteading Programs, Tr. letter, 23, Pssd., 23

Amend. 2002-03 Comm. Dev. Program Plan and approving loan agree. for Unity Health System Senior Housing Proj. at their Genesee St. campus, Tr. letter, 31, Pub. hear., 20, Pssd., 32

Auth. agree. for 14621 Comm. Technology Ctr. Proj., Tr. letter, 33, Pssd., 33

Auth. amend. 2002-03 Comm. Dev. Program Plan and auth. agree. for Fair Housing Svcs., Tr. letter, 260, Pub. hear., 243, Pssd., 260

Auth. amend. 2001-02 and 2002-03 Comm. Dev. Program Plans, amend. Ord. No. 2001-256, and auth. agree. with Neighborhood Housing Svcs., Tr. letter, 261, Pub. hear., 243, Pssd., 262

Auth. amend. 2003-04 Comm. Dev. Program Plan and agree. for Float Loans and fund for Roch. Housing Dev. Fund Corp., Tr. letter, 262, Pub. hear., 243, Pssd., 264

Auth. amend. 2002-03 Comm. Dev. Program Plan and agree. for Quad A for Kids and Metro Council on Teen Potential Programs, Tr. letter, 335, Pub. hear., 319, Pssd., 336

COMMUNITY DEVELOPMENT PROGRAM, 2003-04

Auth. amend. 2003-04 Comm. Dev. Program Plan and agree. for Creating Assets, Savings and Hope Program, Tr. letter, 309, Pub. hear., 287, Pssd., 309

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

Approp. funds and auth. agree. for CHDO operating assistance, Tr. letter, 246, Pssd., 247

COMMUNITY LEADERSHIP DEVELOPMENT PROGRAM

Approp. funds and auth. agree. for Community Leadership Dev. Program, Tr. letter, 401, Pssd., 402

COMMUNITY PLACE OF GREATER ROCHESTER

Auth. agree. for Human Svcs. Proj., Tr. letter, 53, Pssd., 54

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Auth. appl. and agree. relating to 2003 Good Grades Pay Program, Tr. letter, 146, Pssd., 147

COMMUNITY PROSECUTION AND PROJECT SAFE NEIGHBORHOODS GRANT PROGRAM

Auth. appl. and agree. for Community Prosecution and Proj. Safe Neighborhoods Grant Program and amend. 2003-04 Budget, Tr. letter, 373, Pssd., 374

CONCERTS

Establishing max. comp. for professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 334, Pssd., 334

CONFLICTS OF INTEREST

Local Law amend. City Charter with respect to conflicts of interest due to positions with Roch. City School District, Tr. letter, 75, Pssd., 77

Local Law amend. City Charter with respect to restrictions as to holding office or position (Int. No. 71), Tr. letter, 77, Failed in comm., 79

Local Law amend. City Charter with respect to restrictions as to holding office or position (Int. No.

72), Tr. letter, 77, Failed in comm., 79

CONKLIN, CAROLEE A.

Appt. of marriage officers, Tr. letter, 417, Pssd., 418

CONSOLIDATED COMMUNITY DEVELOPMENT PROGRAM

Approp. of funds for City Dev. Fund, Tr. letter, 142, Pssd., 143

CONSULTING SERVICES

Establishing max. comp. for amend. professional svcs. agree. for training and consulting svcs., Tr. letter, 13, Pssd., 14

Establishing max. comp. for amend. professional svcs. agree. for litigation svcs., Tr. letter, 18, Pssd., 18

CONTINGENCY ACCOUNT

Amend. 2002-03 Budget, Tr. letter, 72, Pssd., 72

COOPER, DAVID

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

CORN HILL LANDING

Auth. appl. and agree. for NYS grant for Corn Hill Landing Proj. and auth. agree., Tr. Letter, 291, Pssd., 292

CORNELL COOPERATIVE EXTENSION

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11; Tr. letter, 384, Pssd., 385

CORPORATION COUNCIL, COMMUNICATIONS FROM

Settlement of tax assessment proceedings, 20; 131; 176; 286; 319; 398

COSTANZA, JAMES

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

COUNCIL MEETINGS

Regular Meeting, Held, 1, Adj., 20; Held, 20, Adj., 42; Held, 42, Adj., 79; Held, 80, Adj., 131; Held, 131, Adj., 174; Held, 176, Adj., 243; Held, 243, Adj., 284; Held, 286, Adj., 319; Held, 319, Adj., 344; Held, 344, Adj., 376; Held, 376, Adj., 398; Held, 398, Adj., 422

Special Meeting, Held, 79, Adj., 80; Held, 175, Adj., 175; Held, 284, Adj., 285; Held, 285, Adj., 286

Budget Hearing, Held, 175, Adj., 176

COUNCIL MINUTES

Approval of, 1; 20; 42; 80; 131; 176; 286; 344; 376; 398

COURT STREET PARKING GARAGE

Auth. agree. for op. of Sister Cities, Genesee Crossroads and Court St. Parking Garages, Tr. letter, 174, Pssd., 174

CREATING ASSETS, SAVINGS AND HOPE PROGRAM

Auth. amend. 2003-04 Comm. Dev. Program Plan and agree. for Creating Assets, Savings and Hope Program, Tr. letter, 309, Pub. hear., 287, Pssd., 309

CREDIT CARD SERVICES

Auth. renewal agree. for credit card svcs., Tr.

letter, 228, Pssd., 229

CRIME

Auth. agree. for pilot drug control proj. and approp. funds, Tr. letter, 17, Pssd., 17

Establishing max. comp. for professional svcs. agree. with Roch. Area Crimestoppers, Inc. and amend. 2002-03 Budget by approp. forfeiture funds, Tr. letter, 17, Pssd., 18

Auth. appl. and agree. for STOP Violence Against Women Program and amend. Ord. No. 2003-18, Tr. letter, 128, Pssd., 129

Approving agreements for High Intensity Drug Trafficking Area designation, Tr. letter, 232, Pssd., 232

Amend. Ord. No. 2003-18 relating to Pilot Drug Control Proj., Tr. letter, 317, Pssd., 317

Appropriating funds for Drug Summit activities, Tr. letter, 394, Pssd., 395

CRONIN CRUISES AND TRAVEL

Auth. lease agree. for space adjacent to Sister Cities Parking Garage, Tr. letter, 349, Pssd., 350

CROWNE PLAZA HOTEL

Auth. restructuring of UDAG loan, Tr. letter, 419, Pssd., 420

CULTURAL CENTER COMMISSION

Auth. amend. agree. for East End Garage Reserve Fund, as amended, Tr. letter, 137, Held, 138; Pssd., 195

Approving sale of portion of Block F to Cultural Ctr. Commission, Tr. letter, 178, Pssd., 179

Approving 2003-04 operating and capital budgets of Cultural Ctr. Commission, Tr. letter, 189, Pssd., 189

CULTURAL DISTRICT

Approving amend. to Land Use Plan of Cultural district to permit new constr. and loan to developer and rescinding portions of Ord. No. 2001-115, Tr. letter, 46, Pssd., 47

CULTURE BUILDS COMMUNITIES PROGRAM

Auth. agree. for Culture Builds Communities Program, Tr. letter, 364, Pssd., 365

CULVER-MERCHANTS

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

CURB REPLACEMENT

See "Streets"

CURBELL, INC.

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 329, Pub. hear., 319, Adpt., 329

CURRAN, BRIAN F., COUNCILMEMBER

Negative vote, Ord. No. 2003-16, p. 16; Ord. No. 2003-60, p. 60; Ord. No. 2003-357, p. 369; Ord. No. 2003-412, p. 413; Ord. No. 2003-417, p. 416; Ord. No. 2003-418, p. 416

Abstained vote, Reso. No. 2003-9, p. 64; Reso. No. 2003-11, p. 82; Ord. No. 2003-83, p. 91; Ord. No. 2003-84, p. 97; Ord. No. 2003-85, p. 98; Motion to amend Int. No. 108, p. 98; Ord. No. 2003-86, p. 100; Ord. No. 2003-88, p. 103; Ord. No. 2003-89, p. 104; Motion to return Int. No. 129 to Committee, p. 104; Ord. No. 2003-90, p. 106; Ord. No. 2003-91, p. 107; Ord. No. 2003-92, p.

107, Ord. No. 2003-122, p. 137; Ord. No. 2003-123, p. 137, Reso. No. 2003-14, p. 175; Ord. No. 2003-179, p. 195; Ord. No. 2003-349, p. 362; Ord. No. 2003-350, p. 363

Local Law amend. City Charter with respect to conflicts of interest due to positions with Roch. City School District, Tr. letter, 75, Pssd., 77

Reso. of budgetary intent - fiscal reporting, Tr. letter, 235, Adpt., 235

-D-

DAY ENVIRONMENTAL, INC.

Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157

Auth. amend. agree. for environmental site svcs., Tr. letter, 370, Pssd., 370

DEACON, T. PAULA

Establishing max. comp. for amend. professional svcs. agree. for graphic design svcs., Tr. letter, 72, Pssd., 72

DEBT

2002-03 debt reso. for City School District, Tr. letter, 38, Adpt., 39

Reso. approving 2003-04 debt resolution for general mun. purposes, Tr. letter, 236, Adpt., 240

DECONVERSION INCENTIVE GRANT PROGRAM

Approp. funds and auth. agree. for Deconversion Incentive Grant Program, Tr. letter, 87, Pssd., 88

DEFERRED COMPENSATION

Amend. and restating Deferred Compensation Model Plan for employees of City of Roch., Tr. letter, 68, Pssd., 68

DELOITTE & TOUCHE LLP

Establishing max. comp. for professional svcs. agree. for audit svcs., Tr. letter, 74, Pssd., 74

Establishing max. comp. for professional svcs. agree. for add. audit svcs., Tr. letter, 171, Pssd., 171

DEMOLITION

Bond ord. auth. issuance of \$450,000 bonds to finance costs of acq. and demo. of imp. on designated parcels of real property as part of North Clinton Ave. Revitalization Proj., Tr. letter, 192, Pssd., 193

DESIGN SERVICES

Establishing max. comp. for professional svcs. agree. for design svcs. for Manhattan Sq. Park Imp. Proj., Tr. letter, 215, Pssd., 215

Establishing max. comp. for amend. professional svcs. agree. for design of Fast Ferry Terminal Facilities, Tr. letter, 224, Pssd., 225

Establishing max. comp. for amend. professional svcs. agree. for Monroe Branch Library Imp. Proj., Tr. letter, 270, Pssd., 271

Establishing max. comp. for professional svcs. agree. for Highland Park/Brighton Park Trail Planning Proj., Tr. letter, 271, Pssd., 272

Auth. agree. for design svcs., approp. funds and amend. 2003-04 Budget, Tr. letter, 289, Pssd., 290

Establishing max. comp. for amend. professional svcs. agree. for Broad St. Public Imp. Proj., Tr. letter, 310, Pssd., 310

Establishing max. comp. for professional svcs. agree. for imp. to Midtown Parking Garage, Tr. letter, 337, Pssd., 338

Establishing max. comp. for professional svcs.

agree. for imps. to City Hall, Tr. letter, 339, Pssd., 339

Establishing max. comp. for professional svcs. agree. for design of Genesee Riverway Trail Proj., Tr. letter, 386, Pssd., 386

DETERMINATIONS AND FINDINGS

Determinations & findings relating to acq. of easement and parcels as part of Plymouth-Exchange Trail Imp. Proj., Tr. letter, 42, Pssd., 43

Determinations & findings relating to acq. of parcels as part of Brooks Landing Revitalization Proj., Tr. letter, 136, Pssd., 137

Determinations and findings relating to acq. of 35 Richmond St. as part of East End Dev. Plan, Tr. letter, 191, Pssd., 191

Determinations and findings relating to acq. of 578 Chili Ave., Tr. letter, 221, Pssd., 222

Determinations and findings relating to acq. of 123-125 Roth St., Tr. letter, 292, Pssd., 293

Determinations and findings relating to acq. of parcels as part of Maria St. Challenged St. Proj., Tr. letter, 403, Pssd., 404

DEWBERRY-GOODKIND, INC.

Establishing max. comp. for professional svcs. agree. for State St. Underpass Access Imp. Proj. and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Imp. Proj., Tr. letter, 152, Pssd., 153

Establishing max. comp. for professional svcs. agree. for Chili Ave. Imp. Proj. and appropriating funds, Tr. letter, 162, Pssd., 164

DIMARCO, J., BUILDERS, INC.

Approving CityScape 2004 at Newcroft Park Program, Tr. letter, 380, Pssd., 382

DIMITRI HOUSE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

DONATELLI, INC.

Auth. agree. for op. of High Falls Parking Garage, Tr. letter, 338, Pssd., 339

DONLON, JAMES P.

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

DOUGLAS, BENJAMIN L., COUNCILMEMBER

Negative vote, Local Law No. 4, p. 77

Abstained vote, Ord. No. 2003-124, p. 140; Ord. No. 2003-133, p. 147; Ord. No. 2003-188, p. 214

Motion to return to committee, Int. No. 214, Adpt., 197; Int. No. 416A, Adpt., 383; Int. No. 252, Adpt., 421

Amend. 2003-04 Budget in regard to operating above ground pools, Tr. letter, 233, Pssd., 234

Reso. of budgetary intent - fiscal reporting, Tr. letter, 235, Adpt., 235

Motion to discharge from committee, Int. No. 436, Adpt., 397

Local Law amend. City Charter with respect to Budget est. of the City, Tr. letter, 420, Pssd., 421

DOWNTOWN ENHANCEMENT DISTRICT ADVISORY COMMITTEE

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

DOWNTOWN GUIDES

L.I.O. - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree.,

Tr. letter, 147, Pub. hear., 131, Pssd., 148

DOWNTOWN SPECIAL SERVICES, INC.

L.I.O. - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree., Tr. letter, 147, Pub. hear., 131, Pssd., 148

DRIVING PARK AVENUE

Auth. changes in pav. width of Smith St. Driving Park Ave. and Lexington Ave. as part of Lake Ave. (Lyell Ave. to Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 226

DRUG CONTROL/SUMMIT

See "Crime"

DUFRESNE HENRY

Establishing max. comp. for professional svcs. agree. for design svcs. for Manhattan Sq. Park Imp. Proj., Tr. letter, 215, Pssd., 215

DYRYANKA, JOHN

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

-E-

EBS BENEFIT SOLUTIONS

Establishing max. comp. for professional svcs. agree. for benefits programs, Tr. letter, 392, Pssd., 393

ENSR

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

EASEMENTS

Determinations & findings relating to acq. of easement and parcels as part of Plymouth-Exchange Trail Imp. Proj., Tr. letter, 42, Pssd., 43

Auth. acq. by negotiation or condemnation of permanent easements for Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

Approving easements for Troup Howell Bridge Reconstruction, Tr. letter, 221, Pssd., 221

Approving easements for Atlantic-Woodstock Subdivision, Tr. letter, 244, Pssd., 245

Auth. acq. by negotiation or condemnation of permanent easements for Henrietta St. Imp. Proj., Tr. letter, 272, Pssd., 273

Auth. acq. by negotiation or condemnation of permanent easements for Rutgers St. Imp. Proj., Tr. letter, 273, Pssd., 274

Approving easement to Roch. District Heating Cooperative, Tr. letter, 311, Pssd., 311

Granting easement in Town of Hemlock, Tr. letter, 320, Pssd., 322

Granting easement along Lake Ave., Tr. letter, 320, Pssd., 322

Auth. easement for High Falls Overlook, Tr. letter, 414, Pssd., 415

EAST AVENUE

Approving amend. to Land Use Plan of Cultural district to permit new constr. and loan to developer and rescinding portions of Ord. No. 2001-115, Tr. letter, 46, Pssd., 47

EAST END DEVELOPMENT PROJECT

Bond ord. amend. and consolidating prior auth. in furtherance of City's East End Dev. Proj., Tr. letter, 27, Pssd., 27

Approving acq. of 35 Richmond St. by negotiation or condemnation as part of East End Development Proj., Tr. letter, 140, Pub. hear., 131, Held, 140; Pssd., 192

Determinations and findings relating to acq. of 35 Richmond St. as part of East End Dev. Plan, Tr. letter, 191, Pssd., 191

EAST END GARAGE RESERVE FUND

Auth. amend. agree. for East End Garage Reserve Fund, as amended, Tr. letter, 137, Held, 138; Pssd., 195

EAST MAIN STREET

Amend. 1995-96, 1996-97, 1997-98 and 1998-99 Community Dev. Programs by transferring balances to East Main St. Assistance Program, Tr. letter, 406, Pub. hear., 398, Pssd., 408

Approving East Main St. Assistance Program, Tr. letter, 406, Pssd., 408

EASTERLY, PETER J.

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

EASTMAN AVENUE

Auth. changes in pav. width of Bernice St., ext. of Eastman Ave. and realignment of Mayflower St. as part of West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 227

EASTMAN KODAK

Auth. agree. for Employer Assisted Housing Initiative Program, Tr. letter, 380, Pssd., 380

Appropriating funds for Drug Summit activities, Tr. letter, 394, Pssd., 395

EDGERTON TRAIN ROOM

Amend. proposed 2003-04 Budget in regard to operating Edgerton Train Room - \$6,300, Tr. letter, 233, Pssd., 233

EDWARDS, R.L., SENIOR PROGRAM

Auth. agree. for R.L. Edwards Senior Program and amend. 2002-03 Budget, Tr. letter, 212, Pssd., 212

ELECTION INSPECTORS

Amend. 2003-04 Budget in regard to comp. for election inspectors, Tr. letter, 234, Pssd., 234

Amend. 2003-04 Budget to fund inspectors for Presidential Primary Election, Tr. letter, 418, Pssd., 418

ELECTRICAL EXAMINING BOARD

Reso. approving appt. to Electrical Examining Board, Tr. letter, 83, Adpt., 84

ELEVATOR EXAMINING BOARD

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

ELEVATOR INSPECTION SERVICES

Auth. agree. for elevator inspection svcs., Tr. letter, 267, Pssd., 268

ELMWOOD AVENUE/MALL

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

Auth. changes in pav. width of Scottsville Rd., Genesee St. and Elmwood Ave. and changes to intersection of Brooks Ave. and South Plymouth Ave. as part of Brooks Landing St. Imp. Proj., Tr.

letter, 104, Pub. hear., 81, Pssd., 106

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

EMERGENCY ASSISTANCE FROM CITY HALL

Appropriation of funds and auth. agree. for Emergency Assistance From City Hall (EACH) Program, Tr. letter, 185, Pssd., 186

EMERGENCY COMMUNICATIONS CENTER

Bond ord. auth. issuance of \$688,000 bonds to finance cost of new equipment, machinery, apparatus or furnishing for Emergency Communications Ctr., Tr. letter, 397, Pssd., 398

EMERGENCY SHELTER GRANT PROGRAM

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

EMPIRE ZONE

Local Law revising boundaries of New York State Empire Zone, Tr. letter, 84, Pssd., 84

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 304, Pub. hear., 287, Adpt., 305

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 329, Pub. hear., 319, Adpt., 329

EMPLOYEE ASSISTANCE PROGRAM

Establishing \$30,000 as max. annual comp. for professional svcs. agree. for Employee Assist. Program, Tr. letter, 34, Pssd., 34

EMPLOYEE BENEFITS

Establishing \$30,000 as max. annual comp. for professional svcs. agree. for Employee Assist. Program, Tr. letter, 34, Pssd., 34

Establishing max. comp. for amend. agree. for provision of prescription medication for injured City Firefighters, Tr. letter, 40, Pssd., 41

Amend. and restating Deferred Compensation Model Plan for employees of City of Roch., Tr. letter, 68, Pssd., 68

Bond ord. auth. issuance of not to exceed \$15,700,000 principal amount of taxable general obligation bonds to finance Roch. City School District's contribution to 2002 New York State Retirement Incentive program, Part A, Tr. letter, 284, Pssd., 285

Establishing max. comp. for agree. for provision of prescription medication for injured City Firefighters, Tr. letter, 342, Pssd., 343

Establishing max. comp. for professional svcs. agree. for benefits programs, Tr. letter, 392, Pssd., 393

EMPLOYER ASSISTED HOUSING INITIATIVE PROGRAM

Approp. funds and auth. agree. for Employer Assisted Housing Initiative Program, Tr. letter, 350, Pssd., 351

Auth. agree. for Employer Assisted Housing Initiative Program, Tr. letter, 380, Pssd., 380

ENERGY SERVICES PROGRAM

Auth. agree. for Energy Svcs. Program, Tr. letter, 370, Pssd., 371

ENGINEERING SERVICES

Establishing max. comp. for amend. professional svcs. agree. for litigation svcs., Tr. letter, 18, Pssd., 18

ENGINEERING DESIGN SERVICES

Auth. agree. and approp. funds for Port of Roch. Pub. Imp. Proj. and amend. Ord. No. 2002-395, as amended, Tr. letter, 35, Pssd., 36

ENTERPRISE FOUNDATION

Auth. agree. with Enterprise Foundation for housing svcs., Tr. letter, 179, Pssd., 180

ENTREPRENEUR DEVELOPMENT PROGRAM

Approving agree. for Targeted Business Assist. Program, Tr. letter, 7, Pssd., 7

ENVIRONMENTAL CLEAN-UP/REMEDIA-TION

Establishing max. comp. for amend. professional svcs. agree. for CSX spill legal svcs., Tr. letter, 58, Pssd., 58

Bond ord. auth. issuance of \$250,000 bonds to finance additional cost of environmental clean-up at City's Bur. of Water & Street Lighting site at 10 Felix St., Tr. letter, 59, Pssd., 60

Bond ord. auth. issuance of \$559,000 bonds to finance cost of environmental clean-up of 151, 171, 173, 175, 177 and 191 Mt. Hope Ave., Tr. letter, 60, Pssd., 62

Establishing max. comp. for amend. professional svcs. agree. for environmental inspection svcs. relating to CSXT train derailment clean-up, Tr. letter, 366, Pssd., 367

ENVIRONMENTAL SITE ASSESSMENTS

Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157

Auth. amend. agree. for environmental site svcs., Tr. letter, 370, Pssd., 370

ENVIRONMENTAL TESTING & CONSULTING, INC.

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 379, Pssd., 380

ERIE CANAL URBAN RENEWAL PROJECT

Approving Urban Renewal Plan for Erie Canal Urban Renewal Proj., Tr. letter, 297, Pub. hear., 286, Pssd., 301

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Erie Canal Urban Renewal Proj., Tr. letter, 297, Pub. hear., 286, Pssd., 302

Changing zoning class. of 524 Oak St., 900 Broad St., and 448 and 480 Smith St. from M-1 industrial to Erie Canal Urban Renewal District, Tr. letter, 297, Pub. hear., 286, Pssd., 303

Amend. Ord. No. 2002-383 to designate 448 Smith St. and additional portion of Oak St. for Erie Canal Urban Renewal District, Tr. letter, 297, Pssd., 304

EXCELLUS HEALTH PLAN, INC.

Auth. sale of portion of 250 South Ave. and amend. lease for parking lot at 33 Capron St., Tr. letter, 295, Pssd., 296

EXTENDED CONSOLIDATED COMMUNITY DEVELOPMENT PLAN

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

Auth. submission of Extended Consolidated

Community Dev. Plan/2003-04 Annual Action Plan and execution of the grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 142, Pssd., 143

-F-**FHF MANAGEMENT, INC.**

Establishing max. comp. for professional svcs. agree. with FHF Management, Inc. for operation and maintenance of High Falls Facilities, Tr. letter, 11, Held, 11

FRA ENGINEERING

Establishing max. comp. for amend. professional svcs. agree. for Broad St. Public Imp. Proj., Tr. letter, 310, Pssd., 310

FAIR HOUSING

Auth. agree. for Fair Housing Enforcement Proj. and amend. Ord. No. 2000-259, Tr. letter, 134, Pssd., 135

Amend. ord. and transferring funds relating to housing, Tr. letter, 187, Pssd., 188

Auth. amend. 2002-03 Comm. Dev. Program Plan and auth. agree. for Fair Housing Svcs., Tr. letter, 260, Pub. hear., 243, Pssd., 260

Auth. agree. for fair housing monitoring svcs., Tr. letter, 378, Pssd., 379

FAST FERRY PROJECT

Establishing max. comp. for professional svcs. agree. for State lobbying svcs., Tr. letter, 18, Pssd., 19

Approp. funds for fast ferry terminal, Tr. letter, 62, Pssd., 62

Bond ord. auth. issuance of \$170,000 bonds to finance cost of constr. fast ferry terminal facilities, Tr. letter, 62, Pssd., 63

Establishing max. comp. for professional svcs. agree. and approp. funds for Fast Ferry Terminal, Tr. letter, 115, Pssd., 117

Bond ord. auth. issuance of \$7,345,025 bonds to finance cost of constr. Fast Ferry Terminal Facilities, Tr. letter, 115, Pssd., 118

Establishing max. comp. for amend. professional svcs. agree. for design of Fast Ferry Terminal Facilities, Tr. letter, 224, Pssd., 225

FEES

Amend. Mun. Code with respect to fees for bldg. permits and certificates of occupancy, Tr. letter, 85, Pssd., 87

Amend. Mun. Code with respect to fees for parking garages, Tr. letter, 387, Pssd., 388

FERRIS, MICHAEL

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

FELIX STREET

Bond ord. auth. issuance of \$250,000 bonds to finance additional cost of environmental clean-up at City's Bur. of Water & Street Lighting site at 10 Felix St., Tr. letter, 59, Pssd., 60

FESTIVALS

Auth. amend. agree. for High Falls festival activities, Tr. letter, 295, Pssd., 295

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 334, Pssd., 335

FINANCE & PUBLIC SAFETY COMMITTEE

Reports of, 16; 38; 67; 127; 170; 228; 279; 313; 340; 371; 390; 416

FINANCE, DIRECTOR OF

Auth. Director of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 19, Pssd., 19

Rev. anticipation note ord. delegating to Dir. of Finance powers to auth. issuance of \$50,000,000 rev. anticipation notes, or so much thereof as may be necessary, in anticipation of receipt of certain revenues for fiscal year ending June 30, 2003, and to prescribe terms, form and contents, and provide for sale of such notes, Tr. letter, 129, Pssd., 130

FINNEY STREET

Abandonment of portions of Hartford St. and Finney St., Tr. letter, 363, Pub. hear., 344, Pssd., 364

FIRE DEPARTMENT

Establishing max. comp. for amend. agree. for provision of prescription medication for injured City Firefighters, Tr. letter, 40, Pssd., 41

Establishing max. comp. for agree. with The Protectives, Inc. for property protection and salvage svcs., Tr. letter, 128, Pssd., 128

Amend. 2002-03 Budget of Roch. Fire Dept., Tr. letter, 170, Pssd., 170

Bond ord. auth. issuance of \$75,000 bonds to finance costs of replacement of structural flooring in Hudson Ave. Fire Facility, Tr. letter, 171, Pssd., 172

Auth. application and agree. for NYS Archives grant for Fire Dept. and amend. 2003-04 Budget, Tr. letter, 314, Pssd., 315

Establishing max. comp. for agree. for provision of prescription medication for injured City Firefighters, Tr. letter, 342, Pssd., 343

Establishing max. comp. for professional svcs. agree. for computerized records management system for Fire Dept., Tr. letter, 396, Pssd., 397

FIREWORKS

Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 211, Pssd., 212

FISCAL REPORTING

Reso. of budgetary intent - fiscal reporting, Tr. letter, 235, Adpt., 235

FISHER ASSOCIATES

Establishing max. comp. for professional svcs. agree. for St. Paul St. (Ave. E to Norton St.) Imp. Proj., Tr. letter, 275, Pssd., 279

FLOWER PLANTING

Approp. funds for Flower Planting Proj., Tr. letter, 337, Pssd., 337

FORECLOSURE INTERVENTION SERVICES

Auth. amend. 2000-01 and 2001-02 Comm. Dev. Program Plans and auth. agree. for Foreclosure Intervention Svcs., Tr. letter, 264, Pub. hear., 243, Pssd., 266

FORFEITURE FUNDS

Amend. 2002-03 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 172, Pssd., 173

Establishing max. comp. for professional svcs. agree. and amending 2003-04 Budget by approp. forfeiture funds, Tr. letter, 316, Pssd., 317

FOWLER, JOHN

Reso. approving reappointments to City Planning Commission, Tr. letter, 322, Adpt., 322

FRONTIER COMMUNICATIONS

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

FULTON AVENUE

Auth. agree. with Urban League of Roch. Economic Dev. Fund Corp. for Fulton Ave. Redevelopment Proj., Tr. letter, 323, Pssd., 324

Approving acq. of parcels for Fulton Ave. Challenged St. Proj., Tr. letter, 348, Pssd., 348

-G-**GALITZDORFER, MICHAEL R.**

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

GARAGES

See "Parking Garages"

GATES, TOWN OF

Auth. agree. with Town of Gates for bldg. inspection svcs., Tr. letter, 29, Pssd., 30

GEIGER & ROTHENBERG

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2003-04 Budget, Tr. letter, 284, Pssd., 284

GENERAL CODE PUBLISHERS

Auth. agree. with General Code Publishers relating to City Code and Amend. 2002-03 Budget, Tr. letter, 68, Pssd., 69

GENESEE CROSSROADS PARKING GARAGE

Auth. agree. for op. of Sister Cities, Genesee Crossroads and Court St. Parking Garages, Tr. letter, 174, Pssd., 174

GENESEE PARK BOULEVARD

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

GENESEE RIVERWAY TRAIL

Auth. agree. for Genesee Riverway Trail and amend. 2002-03 Budget and repealing Ord. No. 2002-364, Tr. letter, 158, Pssd., 159

Establishing max. comp. for professional svcs. agree. for design of Genesee Riverway Trail Proj., Tr. letter, 386, Pssd., 386

GENESEE STREET

Auth. changes in pav. width of Scottsville Rd., Genesee St. and Elmwood Ave. and changes to intersection of Brooks Ave. and South Plymouth Ave. as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pub. hear., 81, Pssd., 106

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

GENESEE STREET HOUSING PROJECT

Bond ord. auth. issuance of \$125,000 bonds to finance costs of acq. and demo. of imps. on designated parcels of real property as part of Genesee St. Housing Proj., Tr. letter, 88, Pssd., 89

GENESEE TRANSPORTATION COUNCIL

Auth. agree. for street condition rating update study, Tr. letter, 386, Pssd., 386

GENESEE VALLEY PARK

Amend. Official Map by dedication of add. parkland for Turning Point Park and discontinuance of certain parkland in Genesee Valley Park, Tr. letter, 360, Pub. hear., 344, Pssd., 363

GEOGRAPHIC INFORMATION SYSTEM

Approp. funds for Geographic Information System, Tr. letter, 325, Pssd., 325

GIESS, LOIS J., COUNCIL PRESIDENT

Presentation of petition from over 900 citizens requesting Council make memorializing reso. against proposed Iraq war, 1

Presentation of petition with over 3,000 signatures from citizens, for changing the name of Upper Falls Blvd. Shopping Ctr. to Mildred Johnson Shopping Ctr., 42

Auth. agree. with General Code Publishers relating to City Code and Amend. 2002-03 Budget, Tr. letter, 68, Pssd., 69

Establishing max. comp. for professional svcs. agree. for audit svcs., Tr. letter, 74, Pssd., 74

Presentation of petition with 180 signatures expressing concern about boom-boxes and noise, 80

Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Auth., Tr. letter, 119, Adpt., 119

Amend. proposed 2003-04 Budget in regard to Wordcrafters Program - \$17,100, Tr. letter, 234, Pssd., 234

Amend. proposed 2003-04 Budget in regard to City Center revitalization - \$2,500, Tr. letter, 236, Pssd., 236

Reso. appt. Wm. F. Pritchard to City Council, Tr. letter, 285, Adpt., 286

Local Law extending time for consideration of 2004-05 Budget, Tr. letter, 372, Pssd., 372

Reso. approving reappointment to Board of Assessment Review, Tr. letter, 393, Adpt., 393

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

Appt. of marriage officers, Tr. letter, 417, Pssd., 418

Amend. 2003-04 Budget to fund inspectors for Presidential Primary Election, Tr. letter, 418, Pssd., 418

Local Law amend. City Charter with respect to Budget est. of the City, Tr. letter, 420, Pssd., 421

GLENDALE PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

GOOD GRADES PAY PROGRAM

Auth. appl. and agree. relating to 2003 Good Grades Pay Program, Tr. letter, 146, Pssd., 147

Auth. amend. 2000-01 Community Dev. Program Plan, reallocating and reappropriating funds for Good Grades Pay and Job Creation/Youth Dev. Programs and amend. ord., Tr. letter, 213, Pub. hear., 176, Pssd., 214

GOODLEIN, GLENN

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

GRACE URBAN MINISTRIES

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Auth. agree. for Human Svcs. Proj., Tr. letter, 305, Pssd., 306

GRANTS

Auth. agree. for pilot drug control proj. and approp. funds, Tr. letter, 17, Pssd., 17

Approp. funds and auth. agree. for Home Reoccupation/Vacant Grant/Homesteading Programs, Tr. letter, 23, Pssd., 23

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 33, Pssd., 34

Auth. acceptance of grant for Turning Point Park imps and amend. 2002-03 Budget, Tr. letter, 56, Pssd., 56

Auth. agree. for grant for seat belt and child safety seat usage and amend. 2002-03 Budget, Tr. letter, 71, Pssd., 71

Auth. agree. for Weed & Seed Program, Tr. letter, 73, Pssd., 74

Approp. funds and auth. agree. for Deconversion Incentive Grant Program, Tr. letter, 87, Pssd., 88

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

Auth. submission of Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan and execution of the grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 142, Pssd., 143

Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 145, Pssd., 146

Approving business programs, Tr. letter, 189, Pssd., 191

Auth. appl. and agree. for NYS grant for Corn Hill Landing Proj. and auth. agree., Tr. Letter, 291, Pssd., 292

Auth. application and agree. for NYS grant for Rapids Cemetery and amend. 2003-04 Budget, Tr. letter, 310, Pssd., 311

Auth. application and agree. for NYS Archives grant for Fire Dept. and amend. 2003-04 Budget, Tr. letter, 314, Pssd., 315

Auth. grant agree. with NYS Div. of Criminal Justice Svcs. and Crime Victims Board, Tr. letter, 315, Pssd., 316

Auth. application and agree. for Local Law Enforcement Block Grant Program, Tr. letter, 318, Pssd., 318

Auth. agree. for Meacham Foundation Memorial Grant and amend. 2003-04 Budget, Tr. letter, 318, Pssd., 319

Amend. 2003-04 Budget of Roch. Police Dept. for grant funds and auth. amend. agree., Tr. letter, 342, Pssd., 342

Auth. appl. and agree. for Community Prosecution and Proj. Safe Neighborhoods Grant Program and amend. 2003-04 Budget, Tr. letter, 373, Pssd., 374

Amend. 2003-04 Budget by approp. Weed and Seed Grant Program funds, Tr. letter, 373, Pssd., 374

Amend. 2003-04 Budget by approp. Local Law Enforcement Block Grant Program funds, Tr. letter, 373, Pssd., 374

Establishing max. comp. for professional svcs. agree. for COPS Grant Program, Tr. letter, 375, Pssd., 376

Approp. funds and auth. agree. for Local Law Enforcement Block Grant Program, Tr. letter, 393, Pssd., 394

Auth. acceptance of grant for animal svcs. equip. and amend. 2003-04 Budget, Tr. letter, 418, Pssd., 419

GRAPHIC DESIGN SERVICES

Establishing max. comp. for amend. professional svcs. agree. for graphic design svcs., Tr. letter, 72, Pssd., 72

GREATER ROCHESTER HOUSING PARTNERSHIP, INC.

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 182, Pssd., 182

GREATER UPSTATE LAW PROJECT, INC.

Auth. amend. 2002-03 Comm. Dev. Program Plan and auth. agree. for Fair Housing Svcs., Tr. letter, 260, Pub. hear., 243, Pssd., 260

GRETA PROGRAM

Establishing max. comp. for professional svcs. agree. for continuation of "Greta Program", Tr. letter, 214, Pssd., 215

GRISWOLD, NANCY K., COUNCILMEMBER

Motion to amend, Int. No. 25, Adpt., 21; Int. No. 134, Adpt., 134, Int. No. 157, p. 149
Local Law amend. City Charter with respect to conflicts of interest due to positions with Roch. City School District, Tr. letter, 75, Pssd., 77
Abstained vote, Ord. No. 2003-124, p. 140; Ord. No. 2003-133, p. 147; Ord. No. 2003-144, p. 158
Amend. proposed 2003-04 Budget in regard to Park Patrol - \$30,000, Tr. letter, 233, Pssd., 233
Amend. proposed 2003-04 Budget in regard to operating Edgerton Train Room - \$6,300, Tr. letter, 233, Pssd., 233

GROUP 14621 COMMUNITY ASSOCIATION, INC.

Auth. agree. for 14621 Comm. Technology Ctr. Proj., Tr. letter, 33, Pssd., 33
Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

-H-

HSBC COMMUNITY DEVELOPMENT CORPORATION

Approving sale of parcels for Proj. Turnaround, Tr. letter, 50, Pssd., 51

HUD

See "United States Department of Housing and Urban Development"

HANEY, PAUL E.

Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Auth., Tr. letter, 119, Adpt., 119

HANFORD LANDING ROAD

Abandonment of portion of Hanford Landing Rd., Tr. letter, 275, Pub. hear., 243, Pssd., 275

HARTFORD STREET

Abandonment of portions of Hartford St. and Finney St., Tr. letter, 363, Pub. hear., 344, Pssd., 364

HARVARD COLLEGE

Amend. Ord. No. 2003-18 relating to Pilot Drug Control Proj., Tr. letter, 317, Pssd., 317

HARVARD UNIVERSITY

Auth. appl. and agree. for STOP Violence Against Women Program and amend. Ord. No. 2003-18, Tr. letter, 128, Pssd., 129

HAZARDOUS MATERIALS SERVICES

Auth. agree. for hazardous materials svcs., Tr. letter, 369, Pssd., 369

HAZELWOOD TERRACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

HEALTH ASSOCIATION, INC.

Auth. application and agree. relating to Housing Opportunities For Persons With AIDS Program, Tr. letter, 25, Pssd., 26
Establishing \$30,000 as max. annual comp. for professional svcs. agree. for Employee Assist. Program, Tr. letter, 34, Pssd., 34
Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

HEALTHY HOMES ASSOCIATES, INC.

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 379, Pssd., 380

HEINRICH STREET

Acq. of properties for dev. purposes, Tr. letter, Pssd., 349

HEMLOCK, TOWN OF

Granting easement in Town of Hemlock, Tr. letter, 320, Pssd., 322

HENNESSEY, ROSEANNE

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 322, Adpt., 323

HENRIETTA STREET

Auth. acq. by negotiation or condemnation of permanent easements for Henrietta St. Imp. Proj., Tr. letter, 272, Pssd., 273

HESSLEY, JENNIFER

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

HIGH FALLS

Establishing max. comp. for professional svcs. agree. with FHF Management, Inc. for operation and maintenance of High Falls Facilities, Tr. letter, 11, Held, 11

Reso. auth. preparation of district plan for High Falls Business Imp. District, Tr. letter, 47, Adpt., 47

Auth. agree. for High Falls facilities, Tr. letter, 48, Pssd., 49

Establishing max. comp. for professional svcs. agree. for High Falls laser equipment, Tr. letter, 270, Pssd., 270

Auth. amend. agree. for High Falls festival activities, Tr. letter, 295, Pssd., 295

Amend. 2002-03 Budget with respect to Cash Capital, Tr. letter, 317, Pssd., 318

Establishing \$15,000 as max. annual comp. for amend. lease agree. for additional High Falls maintenance svcs., Tr. letter, 325, Pssd., 326

Reso. establishing time and place of pub. hear. and time for objections relating to establishment of High Falls Business Imp. District, Tr. letter, 327, Adpt., 327

Auth. agree. for op. of High Falls Parking Garage, Tr. letter, 338, Pssd., 339

Establishment of Business Imp. District for High Falls area in accordance with Reso. No. 2003-25, Pub. hear., 344

Local Law approving establishment of High Falls Business Imp. District, Tr. letter, 402, Pssd., 402

Auth. easement for High Falls Overlook, Tr. letter, 414, Pssd., 415

HIGH FALLS DEVELOPMENT CORPORATION

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

Establishing \$15,000 as max. annual comp. for amend. lease agree. for additional High Falls maintenance svcs., Tr. letter, 325, Pssd., 326

Auth. amend. lease agree. relating to abandonment of portion of Commercial St., Tr. letter, 326, Pssd., 327

HIGHLAND PARK

Establishing max. comp. for professional svcs. agree. for Highland Park/Brighton Park Trail Planning Proj., Tr. letter, 271, Pssd., 272

HIGH TECHNOLOGY OF ROCHESTER

Approving business programs, Tr. letter, 189, Pssd., 191

HIGHLAND PARKWAY

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

HILLSIDE AVENUE

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

HILLSIDE CHILDREN'S CENTER

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 337, Pssd., 337

HOLMDEL PLACE

Auth. ext. of time for abandonment of Holmdel Place, Tr. letter, 413, Pssd., 413

HOLY ROSARY CHURCH

Auth. amend. agree. for Adopt-A-Block Program and amend. ordinances, Tr. letter, 157, Pssd., 158

HOLZBACH, JULIE

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

HOME EXPO

Auth. sale of additional parcels for 2002 Home Expo Program, Tr. letter, 22, Pssd., 23

Accepting donation of real estate and auth. sale, Tr. letter, 244, Pssd., 246

HOME PROGRAM

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

HOME ROCHESTER PROGRAM

Auth. agree. for development of affordable housing and designating CHDO, Tr. letter, 4, Pssd., 5

Auth. appl. and agree. for Home Rochester

Program, Tr. letter, 324, Pssd., 324

HOME RULE MESSAGE

Reso. for purpose of Home Rule Message regarding state legislation relative to discontinuing use of certain lands as parklands, Tr. letter, 63, Adpt., 64; Tr. letter, 79, Adpt., 80; Tr. letter, 81, Adpt., 82

HOME STORE

Auth. agree. for Home Store, Tr. letter, 180, Pssd., 181

Amend. ord. and transferring funds relating to housing, Tr. letter, 187, Pssd., 188

HOMEBUYER ASSISTANCE PROGRAM

Approp. funds - Homebuyer Assist. Program, Tr. letter, 87, Pssd., 87

HOMEOWNERSHIP INVESTMENT PROGRAM

Approp. of funds for homeownership program promotion, Tr. letter, 5, Pssd., 5

HORTENSE STREET

Accepting donation of real estate, Tr. letter, 400, Pssd., 401

HOUSING

Auth. agree. for development of affordable housing and designating CHDO, Tr. letter, 4, Pssd., 5

Approp. of funds for homeownership program promotion, Tr. letter, 5, Pssd., 5

Auth. agree. for fair housing monitoring svcs. - \$70,000, Tr. letter, 6, Pssd., 6

Auth. sale of additional parcels for 2002 Home Expo Program, Tr. letter, 22, Pssd., 23

Approp. funds and auth. agree. for Home Reoccupation/Vacant Grant/Homesteading Programs, Tr. letter, 23, Pssd., 23

Approving loan agree. for rental proj., Tr. letter, 23, Pssd., 24

Approving property tax exemption and auth. in-lieu-of-tax agree. for HOP rental proj., Tr. letter, 23, Pssd., 25

Approving property tax exemption and auth. in-lieu-of-tax agree. for Providence Housing Development corp. rental proj., Tr. letter, 23, Pssd., 25

Auth. application and agree. relating to Housing Opportunities For Persons With AIDS Program, Tr. letter, 25, Pssd., 26

Approving property tax exemption and in-lieu-of-tax agree. for Cedarwood Towers, Tr. letter, 26, Pssd., 27

Amend. 2002-03 Comm. Dev. Program Plan and approving loan agree. for Unity Health System Senior Housing Proj. at their Genesee St. campus, Tr. letter, 31, Pub. hear., 20, Pssd., 32

Approp. funds - Homebuyer Assist. Program, Tr. letter, 87, Pssd., 87

Approp. funds and auth. agree. for Deconversion Incentive Grant Program, Tr. letter, 87, Pssd., 88

Bond ord. auth. issuance of \$125,000 bonds to finance costs of acq. and demo. of imps. on designated parcels of real property as part of Genesee St. Housing Proj., Tr. letter, 88, Pssd., 89

Auth. sale of real estate and loan agree. for Brooks Village Apt. Proj. and transferring funds, Tr. letter, 89, Pssd., 90

Auth. agree. for Fair Housing Enforcement Proj. and amend. Ord. No. 2000-259, Tr. letter, 134, Pssd., 135

Approving Asset Control Area Program, Tr. letter, 135, Pssd., 136

Auth. appl. and agree. relating to Emergency

Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

Auth. agree. with Enterprise Foundation for housing svcs., Tr. letter, 179, Pssd., 180

Auth. agree. for housing dev. support, Tr. letter, 180, Pssd., 180

Auth. agree. for housing dev. svcs., Tr. letter, 181, Pssd., 182

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 182, Pssd., 182

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

Amend. ord. and transferring funds relating to housing, Tr. letter, 187, Pssd., 188

Accepting donation of real estate and auth. sale, Tr. letter, 244, Pssd., 246

Approp. funds and auth. agree. for CHDO operating assistance, Tr. letter, 246, Pssd., 247

Auth. agree. for Housing Mobility Program, Tr. letter, 247, Pssd., 248

Auth. amend. 2002-03 Comm. Dev. Program Plan and auth. agree. for Fair Housing Svcs., Tr. letter, 260, Pub. hear., 243, Pssd., 260

Auth. amend. 2001-02 and 2002-03 Comm. Dev. Program Plans, amend. Ord. No. 2001-256, and auth. agree. with Neighborhood Housing Svcs., Tr. letter, 261, Pub. hear., 243, Pssd., 262

Auth. amend. 2003-04 Comm. Dev. Program Plan and agree. for Float Loans and fund for Roch. Housing Dev. Fund Corp., Tr. letter, 262, Pub. hear., 243, Pssd., 264

Auth. amend. 2000-01 and 2001-02 Comm. Dev. Program Plans and auth. agree. for Foreclosure Intervention Svcs., Tr. letter, 264, Pub. hear., 243, Pssd., 266

Approving CityScape 2004 at Newcroft Park, Tr. letter, 290, Pssd., 291; Tr. letter, 380, Pssd., 382

Approp. funds for Community Choice/Fair Housing Website, Tr. letter, 291, Pssd., 291

Auth. agree. with Urban League of Roch. Economic Dev. Fund Corp. for Fulton Ave. Redevelopment Proj., Tr. letter, 323, Pssd., 324

Auth. appl. and agree. for Home Rochester Program, Tr. letter, 324, Pssd., 324

Amend. Ord. No. 2003-26 relating to Loan Agree. for Rental Proj. and extending ACAP float loans, Tr. letter, 324, Pssd., 325

Approp. funds and auth. agree. for Employer Assisted Housing Initiative Program, Tr. letter, 350, Pssd., 351

Approving property tax exemption and auth. in-lieu-of-tax agree. for Unity Health System Rental Housing Proj., Tr. letter, 357, Pssd., 357

Auth. agree. for fair housing monitoring svcs., Tr. letter, 378, Pssd., 379

Appropriating funds for Challenged Streets Programs and auth. agree., Tr. letter, 379, Pssd., 379

Auth. agree. for Employer Assisted Housing Initiative Program, Tr. letter, 380, Pssd., 380

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by negotiation, Tr. letter, 382, Pub. hear., 376, Pssd., 383

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by condemnation, Tr. letter, 382, Held, 383, Pssd., 404

HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Reports of, 1; 20; 43; 82; 132; 176; 244; 287; 319; 344; 376; 398

HOUSING COUNCIL

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Auth. agree. with Housing Council in Monroe County Area, Inc. for continued provision of mortgage svcs., Tr. letter, 182, Pssd., 183

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 183, Pssd., 184

Auth. agree. for Lending Awareness Svcs., Tr. letter, 378, Pssd., 378

Approp. funds, auth. agree. and amend. 2003-04 Budget for Lead-Based Paint Hazard Control Programs, Tr. letter, 404, Pssd., 406

HOUSING MOBILITY PROGRAM

Auth. agree. for Housing Mobility Program, Tr. letter, 247, Pssd., 248

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. application and agree. relating to Housing Opportunities For Persons With AIDS Program, Tr. letter, 25, Pssd., 26

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

HOUSING OPPORTUNITIES, INC.

Approving loan agree. for rental proj., Tr. letter, 23, Pssd., 24

Auth. agree. for housing development support, Tr. letter, 180, Pssd., 180

HUMAN SERVICES PROJECTS

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11; Tr. letter, 53, Pssd., 54; Tr. letter, 305, Pssd., 306; Tr. letter, 333, Pssd., 333; Tr. letter, 384, Pssd., 385

Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 143, Pssd., 144; Tr. letter, 211, Pssd., 211; Tr. letter, 269, Pssd., 270

Amend. Ord. No. 2002-359 relating to Human Svcs. Proj., Tr. letter, 334, Pssd., 334

HUMANE SOCIETY OF ROCHESTER AND MONROE COUNTY

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 281, Pssd., 282

HUNTINGTON PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

HURST, BRADLEY

Auth. amend. agree. for RASA Program, Tr. letter, 307, Pssd., 307

-I-

I-490 WESTERN GATEWAY PROJECT

Approving participation in I-490 Western Gateway Proj., Tr. letter, 225, Pssd., 228

ISLA

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

Auth. amend. agree. for Adopt-A-Block Pro-

gram and amend. ordinances, Tr. letter, 157, Pssd., 158

IBERO AMERICAN ACTION LEAGUE

Auth. agree. for Human Svs. Proj., Tr. letter, 384, Pssd., 385

Auth. agree. for After School program at No. 28 School and amend. 2003-04 Budget, Tr. letter, 411, Pssd., 412

ICE STORM

Auth. agree. with NYS Dept. of Transportation for federal emergency relief in connection with April 2003 Ice Storm, Tr. letter, 389, Pssd., 389

IDEA CONNECTION SYSTEMS, INC.

Establishing max. comp. for professional svcs. agree. for Biracial Partnership Program and amend. 2003-04 Budget, Tr. letter, 365, Pssd., 365

IMAGE MAX

Establishing max. comp. for professional svcs. agree. for archival of water system records, Tr. letter, 224, Pssd., 224

INDEPENDENT TITLE AGENCY, LLC

Establishing \$40,000 as max. comp. for amend. professional svcs. agree. for continued provision of real estate title svcs., Tr. letter, 280, Pssd., 281

INDUSTRIAL LOAN FUND

Approving business programs, Tr. letter, 189, Pssd., 191

INDUSTRIAL REVOLVING LOAN PROGRAM

Transferring funds and auth. agree. for Targeted Business Assist. Program, Tr. letter 84, Pssd., 85

IMPERIAL ROCHESTER DEVELOPMENT CORPORATION

Approving sale of parcels for Proj. Turnaround, Tr. letter, 50, Pssd., 51

IN-LIEU-OF-TAX AGREEMENTS

See "Taxes"

IN-SCHOOL YOUTH VIOLENCE PREVENTION

Auth. receipt of funds for In-School Youth Violence Prevention, Tr. letter, 212, Pssd., 213

INSPECTION SERVICES

Auth. agree. with Town of Gates for bldg. inspection svcs., Tr. letter, 29, Pssd., 30

Auth. agree. with County of Monroe for reimbursement for inspection svcs., Tr. letter, 382, Pssd., 382

INSURANCE

Amend. 2002-03 Budget for Motor Vehicle Theft & Insurance Fraud Prevention Program, Tr. letter, 129, Pssd., 129

Approp. of funds - Insurance Reserve Fund, Tr. letter, 417, Pssd., 417

INTERGOVERNMENTAL COOPERATION/CONSOLIDATION STUDY

Establishing max. comp. for professional svcs. agree. for intergovernmental cooperation/consolidation study, Tr. letter, 69, Pssd., 70

INTERNET PAYMENTS

Auth. renewal agree. for credit card svcs., Tr. letter, 228, Pssd., 229

-J-

JMSE WELLNESS CENTER

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11

J.W. CONSULTANT

Establishing max. comp. for amend. professional svcs. agree. for training and consulting svcs., Tr. letter, 13, Pssd., 14

JAVA'S CAFÉ INC.

Auth. lease agree. for library coffee shop, Tr. letter, 349, Pssd., 349

JEWISH FAMILY SERVICE OF ROCHESTER, INC.

Auth. agree. for Human Svs. Proj., Tr. letter, 333, Pssd., 333

JOB CREATION/YOUTH DEVELOPMENT PROGRAM

Auth. amend. 2000-01 Community Dev. Program Plan, reallocating and reappropriating funds for Good Grades Pay and Job Creation/Youth Dev. Programs and amend. ord., Tr. letter, 213, Pub. hear., 176, Pssd., 214

JOINT ENERGY CONSERVATION PROGRAM

Auth. amend. agree. for continued admin. of Joint Energy Conservation Program, Tr. letter, 186, Pssd., 187

JUNIOR ACHIEVEMENT

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 33, Pssd., 34

JUNIOR RECREATION LEADER PROGRAM

Amend. 2003-04 Budget for Junior Recreation Leader Program, Tr. letter, 410, Pssd., 411

-K-

KARIN, DANIEL B.

Appt. of marriage officers, Tr. letter, 417, Pssd., 418

KENNEDY, DAVID M.

Auth. agree. for pilot drug control proj. and approp. funds, Tr. letter, 17, Pssd., 17

Auth. appl. and agree. for STOP Violence Against Women Program and amend. Ord. No. 2003-18, Tr. letter, 128, Pssd., 129

KEVIN CLEARY GOVERNMENT RELATIONS, LLC

Establishing max. comp. for professional svcs. agree. for State lobbying svcs., Tr. letter, 18, Pssd., 19

KEY MERCHANT SERVICES LLC

Auth. renewal agree. for credit card svcs., Tr. letter, 228, Pssd., 229

KILLIAN, MELANIE

Auth. agree. for youth dev. svcs. and amend. 2003-04 Budget, Tr. letter, 309, Held, 309

KLEIN STEEL SERVICE, INC.

Approval of sale of land to Klein Steel Service, Inc. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 100, Pub. hear., 81, Pssd., 101

KNICKERBOCKER AVENUE

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

KONOPKA ARCHITECTURE, P.C.

Establishing max. comp. for professional svcs. agree. for Monroe Branch Library Imp. Proj., Tr. letter, 109, Pssd., 109; Tr. letter, 270, Pssd., 271

-L-

LABELLA ASSOCIATES

Auth. agree. and approp. funds for Port of Roch. Pub. Imp. Proj. and amend. Ord. No. 2002-395, as amended, Tr. letter, 35, Pssd., 36

Establishing max. comp. for professional svcs. agree. and approp. funds for Fast Ferry Terminal, Tr. letter, 115, Pssd., 117

Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157

Establishing max. comp. for amend. professional svcs. agree. for design of Fast Ferry Terminal Facilities, Tr. letter, 224, Pssd., 225

Establishing max. comp. for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., Tr. letter, 366, Pssd., 366

Establishing max. comp. for amend. professional svcs. agree. for environmental inspection svcs. relating to CSXT train derailment clean-up, Tr. letter, 366, Pssd., 367

LADELFA, DEAN

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

LAFAYETTE PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

LAKE AVENUE

Approving Lake Ave. (Lyell Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 56, Pssd., 57

Bond ord. auth. issuance of \$1,100,000 bonds to finance reconstruction of various water mains related to Lake Ave. (Lyell Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 56, Pssd., 58

L.I.O. - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

Establishing max. comp. for professional svcs. agree. for State St. Underpass Access Imp. Proj. and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Imp. Proj., Tr. letter, 152, Pssd., 153

Changing zoning class. of 1991 Lake Ave. from T-P Transitional Parking to R-1 Low Density Residential, Tr. letter, 196, Pub. hear., 176, Pssd., 197

Auth. changes in pav. width of Smith St. Driving Park Ave. and Lexington Ave. as part of Lake Ave. (Lyell Ave. to Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 226

Approving agree. for Lake Ave. (Lyell Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pssd., 227

Granting easement along Lake Ave., Tr. letter, 320, Pssd., 322

LAKEVIEW PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

LANDLORD AND TENANT SERVICES

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 183, Pssd., 184

LANDMARK SOCIETY OF WESTERN NEW YORK

Auth. agree. for real estate marketing initiative, Tr. letter, 288, Pssd., 289

LARSEN ENGINEERS

Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157

LARSEN, RODNEY

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

LARTER, DIANE M.

Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 283, Adpt., 283

LASER

Establishing max. comp. for professional svcs. agree. for High Falls laser equipment, Tr. letter, 270, Pssd., 270

LATTA ROAD

Establishing max. comp. for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., Tr. letter, 366, Pssd., 366

LEAD

Establishing max. comp. for professional svcs. agree. with LEAD for training and facilitation svcs., Tr. letter, 113, Pssd., 113; Tr. letter, 414, Pssd., 414

LEAD PAINT

Auth. amendatory Comm. Dev. Program Plans, approp. funds and auth. agree. for Lead Hazard Reduction Program and amend. Ord. No. 2001-348, Tr. letter, 30, Pub. hear., 20, Pssd., 31

Auth. agree. with County of Monroe for Lead Hazard Control Program, Tr. letter, 293, Pssd., 294

Auth. applications and agree. for Lead-Based Paint Hazard Control Programs, Tr. letter, 328, Pssd., 329

Auth. agree. for lead hazard control activities, Tr. letter, 356, Pssd., 357

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 379, Pssd., 380

Approp. funds, auth. agree. and amend. 2003-04 Budget for Lead-Based Paint Hazard Control Programs, Tr. letter, 404, Pssd., 406

LEADER PROFESSIONAL SERVICES, INC.

Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157

LEASE AGREEMENTS

Abandonment of portion of Stillson St. and lease of real estate, Tr. letter, Pub. hear., 1, Pssd., 9

Auth. agree with Selden P. Chase for lease of farmland, Tr. letter, 58, Pssd., 58

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

Auth. sale of portion of 250 South Ave. and amend. lease for parking lot at 33 Capron St., Tr. letter, 295, Pssd., 296

Auth. extension of lease agree. for Boys Club Parking Lot, Tr. letter, 315, Pssd., 315

Establishing \$15,000 as max. annual comp. for amend. lease agree. for additional High Falls maintenance svcs., Tr. letter, 325, Pssd., 326

Auth. amend. lease agree. relating to abandonment of portion of Commercial St., Tr. letter, 326,

Pssd., 327

Approving lease to Roch. Rhinos Stadium, LLC of 524 Oak St., 900 W. Broad St. and 480 Smith St., Tr. letter, 332, Pub. hear., 319, Pssd., 333

Auth. lease agree. for library coffee shop, Tr. letter, 349, Pssd., 349

Auth. lease agree. for space adjacent to Sister Cities Parking Garage, Tr. letter, 349, Pssd., 350

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 359, Pub. hear., 344, Pssd., 360

Auth. amend. lease with City School District for parking lots, Tr. letter, 367, Pssd., 368

Auth. lease agree. for office space in South Ave. Parking Garage, Tr. letter, 402, Pssd., 403

Auth. amend. lease agree. for commercial space in South Ave. Parking Garage, Tr. letter, 403, Pssd., 403

LECESSE CONSTRUCTION

Establishing max. comp. for professional svcs. agree. and approp. funds for Fast Ferry Terminal, Tr. letter, 115, Pssd., 117

LEGAL AID SOCIETY

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 183, Pssd., 184

LEGAL/LITIGATION SERVICES

Establishing max. comp. for amend. professional svcs. agree. for litigation svcs., Tr. letter, 18, Pssd., 18

Establishing max. comp. for amend. professional svcs. agree. for CSX spill legal svcs., Tr. letter, 58, Pssd., 58

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2003-04 Budget, Tr. letter, 284, Pssd., 284

Establishing max. comp. for professional svcs. agree. for medical svcs., Tr. letter, 343, Pssd., 343

LENDING AWARENESS SERVICES

Auth. agree. for Lending Awareness Svcs., Tr. letter, 378, Pssd., 378

LEW CORPORATION

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 379, Pssd., 380

LEWIS, THOMAS

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

LEXINGTON AVENUE

Auth. changes in pav. width of Smith St. Driving Park Ave. and Lexington Ave. as part of Lake Ave. (Lyell Ave. to Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 226

Auth. changes in pav. width of Lexington Ave. as part of Lexington Ave. (Mt. Read Blvd. to Dewey Ave.) Imp. Proj., Tr. letter, 311, Pub. hear., 287, Pssd., 313

LIBRARY

Reso. approving appt. to Board of Trustees of Rochester Public Library, Tr. letter, 51 Adpt., 51

Establishing max. comp. for professional svcs. agree. for Monroe Branch Library Imp. Proj., Tr. letter, 109, Pssd., 109; Tr. letter, 270, Pssd., 271

Auth. lease agree. for library coffee shop, Tr. letter, 349, Pssd., 349

LICATA, LEONARD P.

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 248, Adpt., 248

LIFESPAN

Auth. agree. for Human Svcs. Proj., Tr. letter, 333, Pssd., 333

LIGHTHOUSE STREET

Establishing max. comp. for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., Tr. letter, 366, Pssd., 366

LIGHTING

Auth. agree. for lighting proj. within Targeted Commercial Exterior Imp. Program, Tr. letter, 351, Pssd., 352

LOANS

Approving loan agree. for rental proj., Tr. letter, 23, Pssd., 24

Amend. 2002-03 Comm. Dev. Program Plan and approving loan agree. for Unity Health System Senior Housing Proj. at their Genesee St. campus, Tr. letter, 31, Pub. hear., 20, Pssd., 32

Auth. sale of real estate and loan agree. for Brooks Village Apt. Proj. and transferring funds, Tr. letter, 89, Pssd., 90

Auth. amend. 2003-04 Comm. Dev. Program Plan and agree. for Float Loans and fund for Roch. Housing Dev. Fund Corp., Tr. letter, 262, Pub. hear., 243, Pssd., 264

Amend. Ord. No. 2003-26 relating to Loan Agree. for Rental Proj. and extending ACAP float loans, Tr. letter, 324, Pssd., 325

Auth. restructuring of UDAG loan, Tr. letter, 419, Pssd., 420

LOBBYING SERVICES

Establishing max. comp. for professional svcs. agree. for State lobbying svcs., Tr. letter, 18, Pssd., 19

LOCAL IMPROVEMENT ORDINANCE

1511 - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

1512 - Snow removal at Public Mkt., Tr. letter, 65, Pub. hear., 42, Pssd., 66

1513 - Security at Public Mkt., Tr. letter, 65, Pssd., 67

1514 - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 74, Pub. hear., 42, Pssd., 75

1515 - Establishing cost of special work and svcs. related to Merchants/Winton Rd. Open Space District, Tr. letter, 120, Pub. hear., 81, Pssd., 120

1516 - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

1517 - Establishment of Woodside/Goodwill Neighborhood Commercial Parking Lot, Tr. letter, 121, Pub. hear., 81, Pssd., 123

1518 - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree., Tr. letter, 147, Pub. hear., 131, Pssd., 148

1519 - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

1520 - Establishing cost of special work and svcs. related to Main St. Imp., Tr. letter, 161, Pub. hear., 132, Pssd., 162

1521 - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 248, Pssd., 240

1522 - Upgrading of streetscape features as part of St. Paul St. (Ave. E to Norton St.) Imp. Proj., Tr.

letter, 275, Pub. hear., 243, Held, 277, Pssd., 313

LOCAL LAW

Note - Local Laws 1 and 2 were passed December 17, 2002 but were not signed by the Mayor until January 6, 2003. They appear in the 2002 Council Proceedings.

3 - Local Law amend. City Charter with respect to Residential-Commercial Urban Exemption Program, Tr. letter, 49, Pssd., 50

4 - Local Law amend. City Charter with respect to conflicts of interest due to positions with Roch. City School District, Tr. letter, 75, Pssd., 77

Local Law amend. City Charter with respect to restrictions as to holding office or position, Tr. letter, 77, Failed in comm., 79

5 - Local Law revising boundaries of New York State Empire Zone, Tr. letter, 84, Pssd., 84

6 - Local Law amend. City Charter with respect to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 188, Pssd., 188

7 - Local Law providing for supplemental pension payments under old City pension plan, Tr. letter, 231, Pssd., 232

Local Law amend. City Charter with respect to budget est. of City School District, Tr. letter, 240, Held, 243; Tr. letter, 420, Held, 422

8 - Local Law amend. City Charter with respect to Abatement of Nuisances, Tr. letter, 248, Pssd., 260

9 - Local Law extending time for consideration of 2004-05 Budget, Tr. letter, 372, Pssd., 372

1 (2004) - Local Law approving establishment of High Falls Business Imp. District, Tr. letter, 402, Pssd., 402

2 (2004) - Local Law amend. City Charter with respect to Budget est. of the City, Tr. letter, 420, Pssd., 421

LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

Auth. application and agree. for Local Law Enforcement Block Grant Program, Tr. letter, 318, Pssd., 318

Amend. 2003-04 Budget by approp. Local Law Enforcement Block Grant Program funds, Tr. letter, 373, Pssd., 374

Approp. funds and auth. agree. for Local Law Enforcement Block Grant Program, Tr. letter, 393, Pssd., 394

LOZIER ANALYTICAL GROUP

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

LOGIC MODEL TRAINING

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11

LOUETTE, RICHARD

Reso. approving reappointments to Board of Directors of Action for a Better Community, Inc., Tr. letter, 307, Adpt., 308

LU ENGINEERS

Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157

LYELL AREA REVITALIZATION COMMITTEE

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

Auth. amend. agree. for Adopt-A-Block Program and amend. ordinances, Tr. letter, 157, Pssd., 158

LYELL AVENUE

L.I.O. - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

Amend. Ord. No. 2003-379 to cancel taxes on 508-510 Lyell Ave., Tr. letter, 399, Pssd., 400

Changing zoning class. of 1848 Lyell Ave. from O-S Open Space to C-2 Community Ctr., Tr. letter, 409, Pub. hear., 398, Pssd., 409

Changing zoning class. of 1845 and 1851 Lyell Ave. from O-S Open Space to C-2 Community Ctr., Tr. letter, 409, Pub. hear., 398, Pssd., 410

-M-

MRA ARCHITECTURE, P.C.

Establishing max. comp. for professional svcs. agree. for mun. parking garage imp., Tr. letter, 114, Pssd., 115

MAIN STREET

L.I.O. - Establishing cost of special work and svcs. related to Main St. Imp., Tr. letter, 161, Pub. hear., 132, Pssd., 162

MAINS, TIM O., COUNCILMEMBER

Abstained vote, Ord. No. 2003-42, p. 40; Ord. No. 2003-115, p. 130; Ord. No. 2003-117, p. 132; Ord. No. 2003-134, p. 148; Amend. to Int. No. 205, p. 187; Ord. No. 2003-172, p. 188; Ord. no. 2003-222, p. 239; Int. No. 252, p. 242; Ord. No. 2003-259, p. 283; Ord. No. 2003-260, p. 284; Reso. No. 2003-21, p. 308

Negative vote, Local Law No. 4, p. 77; Ord. No. 2003-417, p. 416; Ord. No. 2003-418, p. 416; Ord. No. 2003-421, p. 418

Local Law amend. City Charter with respect to restrictions as to holding office or position (Int. No. 71), Tr. letter, 77, Failed in comm., 79

Moved to act on Int. No. 71, p. 79

Local Law amend. City Charter with respect to restrictions as to holding office or position (Int. No. 72), Tr. letter, 77, Failed in comm., 79

Moved to act on Int. No. 72, p. 79

Amend. proposed 2003-04 Budget in regard to Parenting Education - \$16,000, Tr. letter, 235, Pssd., 236

Reso. approving reappointments to Board of Directors of Action for a Better Community, Inc., Tr. letter, 307, Adpt., 308

MALIK, SALAHUDDIN

Approving acq. of 578 Chili Ave. by negotiation or condemnation as part of Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Held, 169

MANCE, EILEEN M.

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

MANHATTAN SQUARE PARK

Establishing max. comp. for professional svcs. agree. for design svcs. for Manhattan Sq. Park Imp. Proj., Tr. letter, 215, Pssd., 215

Bond ord. auth. issuance of \$300,000 bonds to finance cost of design svcs. related to Manhattan Sq. Park Imp. Proj., Tr. letter, 215, Pssd., 216

MAPLEWOOD EDGERTON TOY LIBRARY

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11

MARCOR REMEDIATION, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 369, Pssd., 369

MARIA STREET

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by negotiation, Tr. letter, 382, Pub. hear., 376, Pssd., 383

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by condemnation, Tr. letter, 382, Held, 383; Pssd., 404

Determinations and findings relating to acq. of parcels as part of Maria St. Challenged St. Proj., Tr. letter, 403, Pssd., 404

MARKETING

Auth. agree. for real estate marketing initiative, Tr. letter, 288, Pssd., 289

MARKETVIEW HEIGHTS ASSOCIATION

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 112, Pssd., 113

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

MARRIAGE OFFICERS

Appt. of marriage officers, Tr. letter, 417, Pssd., 418

MARY MAGDALENE HOUSE

See "Grace Urban Ministries"

MATERIALS TESTING

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

MAYFLOWER STREET

Auth. changes in pav. width of Bernice St., ext. of Eastman Ave. and realignment of Mayflower St. as part of West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 227

MAYOR, COMMUNICATIONS FROM

Administration cancellation or refund of erroneous taxes and charges, 20; 80; 131; 176; 286; 319; 344; 376; 398

Professional svcs. agree. - quarterly report, 1; 131; 243

Appt. to Board of Ethics, 1

CHDO status report, 1

Schedule of revenues and expenditures, 20; 131

Owner-occupant auction, 20

Interdepartmental correspondence regarding Local Law No. 4, p. 76

Regular public auction, 131; 376

Delinquent receivables - quarterly report, 131; 243

Request for proposal sale, 176

Public Disclosure - CDBG Participation, 286; 376

Homesteading lottery - September 30, 2003, 319

Claims reports, 376

MCAULEY, CATHERINE

See "Catherine McAuley Housing"

MCCORD LANDSCAPE ARCHITECTURE

Establishing max. comp. for professional svcs. agree. for Highland Park/Brighton Park Trail Planning Proj., Tr. letter, 271, Pssd., 272

MEACHAM FOUNDATION

Auth. agree. for Meacham Foundation Memorial Grant and amend. 2003-04 Budget, Tr. letter, 318, Pssd., 319

MEDIA OUTREACH CAMPAIGN

Establishing \$7,700 as max. comp. for amend. professional svcs. agree. for Media Outreach Campaign, Tr. letter, 27, Pssd., 28

MEDICAL SERVICES

Establishing max. comp. for professional svcs. agree. for medical svcs., Tr. letter, 343, Pssd., 343

MERCHANTS/WINTON ROAD OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to Merchants/Winton Rd. Open Space District, Tr. letter, 120, Pub. hear., 81, Pssd., 120

METROPOLITAN MEDICAL RESPONSE SYSTEM

Auth. application and agree. and amend. 2003-04 Budget for Metropolitan Medical Response System, Tr. letter, 341, Pssd., 341

MIDTOWN PARKING GARAGE

Establishing max. comp. for professional svcs. agree. for imps. to Midtown Parking Garage, Tr. letter, 337, Pssd., 338

MILLER, DANA

Reso. approving reappointments to City Planning Commission, Tr. letter, 322, Adpt., 322

MILLING AND RESURFACING

See "Streets"

MONROE AVENUE

Auth. decr. in pav. width of Monroe Ave. east of Wilmer St. as part of Monroe Ave. Pedestrian Imp. Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 16

Reso. auth. preparation of district plan for Monroe Ave. Business Imp. District, Tr. letter, 48, Adpt., 48

L.I.O. - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

MONROE COMMUNITY COLLEGE

Establishing max. comp. for professional svcs. agree. with Monroe Community College for AmeriCorps Program, Tr. letter, 148, Pssd., 148

MONROE COUNTY

Auth. amend. agree. for East End Garage Reserve Fund, as amended, Tr. letter, 137, Held, 138

Auth. agree. with County of Monroe for disposal of solid waste and processing of recyclables, Tr. letter, 154, Pssd., 154

Amend. 2003-04 Budget with respect to pavement markings, Tr. letter, 272, Pssd., 272

Auth. agree. with County of Monroe for Lead Hazard Control Program, Tr. letter, 293, Pssd., 294

Auth. agree. with County of Monroe for funding under 2004 STOP DWI Program, Tr. letter, 373, Pssd., 373

Auth. agree. with County of Monroe for reimbursement for inspection svcs., Tr. letter, 382, Pssd., 382

Approp. funds and auth. agree. for Local Law Enforcement Block Grant Program, Tr. letter, 393,

Pssd., 394

Auth. agree. with County of Monroe for funding for police svcs., Tr. letter, 419, Pssd., 419

MONROE COUNTY DEPARTMENT OF HEALTH

Auth. agree. with respect to Underage Tobacco Enforcement, Tr. letter, 341, Pssd., 342

MONROE COUNTY EMPIRE ZONE

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 304, Pub. hear., 287, Adpt., 305

MONROE COUNTY LEGAL ASSISTANCE CORPORATION

Auth. agree. for Fair Housing Enforcement Proj. and amend. Ord. No. 2000-259, Tr. letter, 134, Pssd., 135

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 183, Pssd., 184

MONROE COUNTY WATER AUTHORITY

Bond ord. auth. issuance of \$1,100,000 bonds to finance reconstruction of various water mains related to Lake Ave. (Lyell-Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 56, Pssd., 58

MONTGOMERY NEIGHBORHOOD CENTER

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

MORRELL BUILDERS

Approving CityScape 2004 at Newcroft Park Program, Tr. letter, 380, Pssd., 382

MORTON PLACE

Auth. agree. for Energy Svcs. Program, Tr. letter, 370, Pssd., 371

MORTGAGE SERVICES

Auth. agree. with Housing Council in Monroe County Area, Inc. for continued provision of mortgage svcs., Tr. letter, 182, Pssd., 183

MOTOR VEHICLE THEFT & INSURANCE FRAUD PREVENTION PROGRAM

Amend. 2002-03 Budget for Motor Vehicle Theft & Insurance Fraud Prevention Program, Tr. letter, 129, Pssd., 129

MT. HOPE AVENUE

Bond ord. auth. issuance of \$559,000 bonds to finance cost of environmental clean-up of 151, 171, 173, 175, 177 and 191 Mt. Hope Ave., Tr. letter, 60, Pssd., 62

MT. OLIVET BAPTIST CHURCH

Amend. Ord. No. 95-234 relating to Mt. Olivet Baptist Church, Tr. letter, 350, Pssd., 350

MT. READ-EMERSON URBAN RENEWAL PROJECT

Approval of sale of land to Klein Steel Service, Inc. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 100, Pub. hear., 81, Pssd., 101

Approval of sale of land to XLI Corp. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 140, Pub. hear., 131, Pssd., 141

MUNICIPAL CIVIL SERVICE COMMISSION

Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 283, Adpt., 283

MUNICIPAL CODE

Adopt. Ctr. City Master Plan and amend. Section 130-6 of Mun. Code, Tr. letter, 52, Held, 53, Pub. hear., 81, Pssd., 108

Amend. Mun. Code with respect to fees for bldg. permits and certificates of occupancy, Tr. letter, 85, Pssd., 87

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Brooks Landing Urban Renewal Proj., Tr. letter, 90, Pub. hear., 81, Pssd., 100

Amend. mun. code with respect to wholesale water rates, Tr. letter, 156, Pssd., 156

Approving dedication of parcels for Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Pssd., 169

Int. No. 215, Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 198, Pub. hear., 176, Pssd., 210

Int. No. 215A, Amend. Chapter 120 of Mun. Code, Zoning Code, Returned to committee, 210, Pssd., 248

Amend. Mun. Code with respect to payments via Internet, Tr. letter, 229, Pssd., 230

Amend. Chapter 90 of Mun. Code, Property Conserv. Code, Tr. letter, 248, Pssd., 257

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Erie Canal Urban Renewal Proj., Tr. letter, 297, Pub. hear., 286, Pssd., 302

Amend. Chapter 43 of Mun. Code, Cemeteries, with respect to new Chapel Mausoleum at Riverside Cemetery, Tr. letter, 339, Pssd., 340

Amend. Chapter 40 of Mun. Code, Bldg. Constr.: Plumbing, Tr. letter, 352, Pssd., 354

Amend. Chapter 39 of Mun. Code, Bldg. Code, Tr. letter, 352, Pssd., 356

Amend. Mun. Code with respect to references to Uniform Fire Prevention and Bldg. Code, Tr. letter, 352, Pssd., 356

Amend. Chapter 90 of Mun. Code, Property Conservation Code, Tr. letter, 352, Pssd., 356

Amend. Mun. Code with respect to senior citizens tax exemption, Tr. letter, 374, Pub. hear., 344, Pssd., 375

Amend. Mun. Code with respect to fees for parking garages, Tr. letter, 387, Pssd., 388

Amend. Mun. Code with respect to water rates, Tr. letter, 415, Pssd., 416

MUSICFEST

Establishing max. comp. for agree. for 2004 MusicFest, Tr. letter, 412, Pssd., 413

-N-

NCS COMMUNITY DEVELOPMENT CORP.

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

NY ENVIRONMENTAL TECHNOLOGIES, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 369, Pssd., 369

NATIONAL CONFERENCE OF BLACK MAYORS

Auth. agree. for grant for seat belt and child safety seat usage and amend. 2002-03 Budget, Tr. letter, 71, Pssd., 71

NATIONAL ELEVATOR INSPECTION SERVICES, INC.

Auth. agree. for elevator inspection svcs., Tr.

letter, 267, Pssd., 268

NATIONAL FOOTBALL FOUNDATION

Amend. Ord. No. 2002-359 relating to Human Svs. Proj., Tr. letter, 334, Pssd., 334

NEIGHBORHOOD BEAUTIFICATION-FLOWER PLANTING PROJECT

Approp. funds for Flower Planting Proj., Tr. letter, 337, Pssd., 337

NEIGHBORHOOD EMPOWERMENT TEAM

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11

NEIGHBORHOOD HOUSING SERVICES

Amend. ord. and transferring funds relating to housing, Tr. letter, 187, Pssd., 188

Auth. amend. 2001-02 and 2002-03 Comm. Dev. Program Plans, amend. Ord. No. 2001-256, and auth. agree. with Neighborhood Housing Svcs., Tr. letter, 261, Pub. hear., 243, Pssd., 262

Auth. agree. for lead hazard control activities, Tr. letter, 356, Pssd., 357

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 379, Pssd., 380

NEIGHBORS SHOPPING NEIGHBORHOODS

Approving business programs, Tr. letter, 189, Pssd., 191

NEW HORIZON HOSPITALITY, INC.

Auth. restructuring of UDAG loan, Tr. letter, 419, Pssd., 420

NEW YORK CENTRAL LINES, LLC

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

NEW YORK MUNICIPAL BOND BANK AGENCY

Auth. cooperation and asst. in connection with transaction with New York Mun. Bond Bank Agency for benefit of Roch. City School District, Tr. letter, 132, Pssd., 132

NEW YORK STATE

Reso. for purpose of Home Rule Message regarding state legislation relative to discontinuing use of certain lands as parklands, Tr. letter, 63, Adpt., 64; Tr. letter, 79, Adpt., 80; Tr. letter, 81, Adpt., 82

NEW YORK STATE AFFORDABLE HOUSING CORPORATION

Auth. appl. and agree. for Home Rochester Program, Tr. letter, 324, Pssd., 324

NEW YORK STATE ARCHIVAL RECORDS ADMINISTRATION

Auth. application and agree. for NYS Archives grant for Fire Dept. and amend. 2003-04 Budget, Tr. letter, 314, Pssd., 315

NEW YORK STATE CRIME VICTIMS BOARD

Auth. grant agree. with NYS Div. of Criminal Justice Svcs. and Crime Victims Board, Tr. letter, 315, Pssd., 316

NEW YORK STATE DEPARTMENT OF EDUCATION

Auth. appl. and agree. for 2003 Summer Food Service Program for Children, Tr. letter, 108, Pssd., 109

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

NEW YORK STATE DEPARTMENT OF STATE

Auth. appl. and agree. for NYS grant for Corn Hill Landing Proj. and auth. agree., Tr. Letter, 291, Pssd., 292

Auth. application and agree. for NYS grant for Rapids Cemetery and amend. 2003-04 Budget, Tr. letter, 310, Pssd., 311

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Approving Lake Ave. (Lyell Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 56, Pssd., 57

Auth. supplemental agree. with New York State Dept. of Transportation for Port of Rochester Public Imp. Proj., Tr. letter, 115, Pssd., 118

Approving agree. for Lake Ave. (Lyell Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pssd., 227

Approving participation in West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pssd., 227

Approving participation in I-490 Western Gateway Proj., Tr. letter, 225, Pssd., 228

Granting easement in Town of Hemlock, Tr. letter, 320, Pssd., 322

Granting easement along Lake Ave., Tr. letter, 320, Pssd., 322

Auth. agree. with NYS Dept. of Transportation for snow removal and amend. Ord. No. 2003-195 and 2003-253

Auth. agree. with NYS Dept. of Transportation for federal emergency relief in connection with April 2003 Ice Storm, Tr. letter, 389, Pssd., 389

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

Auth. appl. and agree. for STOP Violence Against Women Program and amend. Ord. No. 2003-18, Tr. letter, 128, Pssd., 129

Amend. 2002-03 Budget for Motor Vehicle Theft & Insurance Fraud Prevention Program, Tr. letter, 129, Pssd., 129

Auth. receipt of funds for In-School Youth Violence Prevention, Tr. letter, 212, Pssd., 213

Auth. grant agree. with NYS Div. of Criminal Justice Svcs. and Crime Victims Board, Tr. letter, 315, Pssd., 316

Amend. 2003-04 Budget of Roch. Police Dept. for grant funds and auth. amend. agree., Tr. letter, 342, Pssd., 342

NEW YORK STATE EMERGENCY MANAGEMENT OFFICE

Auth. application and agree. and amend. 2003-04 Budget for CERT Program, Tr. letter, 340, Pssd., 341

NEW YORK STATE EMPIRE ZONE

Local Law revising boundaries of New York State Empire Zone, Tr. letter, 84, Pssd., 84

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 33, Pssd., 34

NEW YORK STATE POWER AUTHORITY

Auth. agree. for Energy Svcs. Program, Tr. letter, 370, Pssd., 371

NEWCROFT PARK

Approving CityScape 2004 at Newcroft Park, Tr. letter, 290, Pssd., 291; Tr. letter, 380, Pssd., 382

NORTH CLINTON AVENUE

Auth. acq. for North Clinton Ave. Revitalization Proj., Tr. letter, 192, Pssd., 192

Bond ord. auth. issuance of \$450,000 bonds to finance costs of acq. and demo. of imp. on designated parcels of real property as part of North Clinton Ave. Revitalization Proj., Tr. letter, 192, Pssd., 193

Amend. Ord. No. 2003-177 relating to N. Clinton Ave. Revitalization Proj., Tr. letter, 345, Pssd., 345

Designating parcels for urban renewal to be known as N. Clinton Ave. Urban Renewal District, Tr. letter, 345, Pssd., 346

NORTH EAST AREA DEVELOPMENT

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

NORTH EAST BLOCK CLUB ALLIANCE

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 112, Pssd., 113

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

NORTH STREET

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

NORTHEAST NEIGHBORHOOD ALLIANCE

Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 143, Pssd., 144

NORTHEASTERN PRODUCTION SYSTEMS, INC.

Establishing max. comp. for professional svcs. agree. for sound and lighting svcs., Tr. letter, 145, Pssd., 145

NORTHSIDE CHURCH OF CHRIST HOUSING DEVELOPMENT FUND COMPANY

Auth. agree. for development of affordable housing and designating CHDO, Tr. letter, 4, Pssd., 5

NORTON STREET

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 74, Pub. hear., 42, Pssd., 75

L.I.O. - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

NORWOOD, WADE S., COUNCILMEMBER

Motion to amend, Int. No. 1, Adpt., 2; Int. No. 108, Adpt., 98; Int. No. 205, Adpt., 187; Int. No. 215, Adpt., 198; Int. No. 262, Adpt., 268; Int. No. 369, Adpt., 330

Reso. approving appt. to Roch. Economic Dev. Corp. (REDCO), Tr. letter, 45, Adpt., 46

Abstained vote, Reso. No. 2003-9, p. 64, Reso. No. 2003-14, p. 175

Motion to return to Committee, Int. No. 129, Adpt., 104; Int. No. 188, Adpt., 137; Int. No. 150, Adpt., 140; Int. No. 215A, Adpt., 210; Int. No. 267,

Adpt., 264; Int. No. 304, Adpt., 297

Amend. proposed 2003-04 Budget in regard to Parenting Education - \$16,000, Tr. letter, 235, Pssd., 236

Amend. proposed 2003-04 Budget in regard to City Center revitalization - \$2,500, Tr. letter, 236, Pssd., 236

Motion to discharge from Committee, Int. No. 262, Adpt., 267

NOTES

See "Bonds and Notes"

NOTHNAGLE DRILLING

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

NUISANCES

Local Law amend. City Charter with respect to Abatement of Nuisances, Tr. letter, 248, Pssd., 260

NUNDA BOULEVARD

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

NYE PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

-O-

OAK HILL VIEW

Approving acq. of parcels on Oak Hill View, Tr. letter, 88, Pssd., 88

OAK STREET

Changing zoning class. of 524 Oak St., 900 Broad St., and 448 and 480 Smith St. from M-1 industrial to Erie Canal Urban Renewal District, Tr. letter, 297, Pub. hear., 286, Pssd., 303

Amend. Ord. No. 2002-383 to designate 448 Smith St. and additional portion of Oak St. for Erie Canal Urban Renewal District, Tr. letter, 297, Pssd., 304

Abandonment of portion of Oak St., Tr. letter, 297, Pub. hear., 286, Pssd., 304

Approving lease to Roch. Rhinos Stadium, LLC of 524 Oak St., 900 W. Broad St. and 480 Smith St., Tr. letter, 332, Pub. hear., 319, Pssd., 333

OFFICIAL MAP

Amend. Official Map by dedication of Vanguard Parkway in Outer Loop Industrial Subdivision, Tr. letter, 195, Pub. hear., 176, Pssd., 196

Amend. Official Map by dedication of add. parkland for Turning Point Park and discontinuance of certain parkland in Genesee Valley Park, Tr. letter, 360, Pub. hear., 344, Pssd., 363

ORANGE STREET

Amend. Ord. No. 2002-80 relating to changing zoning class. of 11-35 Orange St. and 14-34 Romeyn St. from R-2 Two-family Residential and 583 Broad St. and 37 Romeyn St. from M Manufacturing Industrial to C-2 Community Center, to remove conditions and to include 581, 611 and 619 Broad St. and 1 Orange St. in rezoning, Tr. letter, 266, Pub. hear., 243, Pssd., 267

ORDINANCES AMENDED

Amend. Ord. No. 2002-348 relating to sale of real estate, Tr. letter, 2, Pssd., 3

Auth. acq. by negotiation or condemnation of

parcels for West Ridge Rd. Imp. Proj. and amend. Ord. No. 2002-342, Tr. letter, 284 (2002 Proceedings), Pssd., 15

Auth. amendatory Comm. Dev. Program Plans, approp. funds and auth. agree. for Lead Hazard Reduction Program and amend. Ord. No. 2001-348, Tr. letter, 30, Pub. hear., 20, Pssd., 31

Auth. agree. and approp. funds for Port of Roch. Pub. Imp. Proj. and amend. Ord. No. 2002-395, as amended, Tr. letter, 35, Pssd., 36

Auth. sale of real estate and amend. Ord. No. 2002-325, Tr. letter, 44, Pssd., 45

Amend. ord. relating to sale of real estate, Tr. letter, 44, Pssd., 45; Tr. letter, 244, Pssd., 246

Approving amend. to Land Use Plan of Cultural district to permit new constr. and loan to developer and rescinding portions of Ord. No. 2001-115, Tr. letter, 46, Pssd., 47

Amend. ord. for Port of Roch. Public Imp. Proj., Tr. letter, 115, Pssd., 119

Amend. Ord. No. 2002-249 with respect to changes in pav. width of St. Paul St. as part of St. Paul St. Imp. Proj. from Ave. E to Norton St., Tr. letter, 123, Pub. hear., 81, Pssd., 125

Amend. Ord. No. 2002-207 with respect to changes in pav. width of Chili Ave. as part of Chili Ave. Imp. Proj., Tr. letter, 125, Pub. hear., 81, Pssd., 127

Auth. appl. and agree. for STOP Violence Against Women Program and amend. Ord. No. 2003-18, Tr. letter, 128, Pssd., 129

Amend. Ord. No. 2002-314 relating to sale of real estate and amend. Ord. No. 2003-83, Tr. letter, 133, Pssd., 134

Auth. agree. for Fair Housing Enforcement Proj. and amend. Ord. No. 2000-259, Tr. letter, 134, Pssd., 135

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Auth. amend. agree. for Adopt-A-Block Program and amend. ordinances, Tr. letter, 157, Pssd., 158

Amend. Ord. No. 2003-88 to cancel taxes on parcels acq. for Brooks Landing Revitalization Proj., Tr. letter, 177, Pssd., 178

Amend. ord. and transferring funds relating to housing, Tr. letter, 187, Pssd., 188

Auth. amend. 2000-01 Community Dev. Program Plan, reallocating and reappropriating funds for Good Grades Pay and Job Creation/Youth Dev. Programs and amend. ord., Tr. letter, 213, Pub. hear., 176, Pssd., 214

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for West Ridge Rd. Imp. Proj., Tr. letter, 219, Pssd., 221

Auth. amend. 2001-02 and 2002-03 Comm. Dev. Program Plans, amend. Ord. No. 2001-256, and auth. agree. with Neighborhood Housing Svcs., Tr. letter, 261, Pub. hear., 243, Pssd., 262

Amend. Ord. No. 2002-80 relating to changing zoning class. of 11-35 Orange St. and 14-34 Romeyn St. from R-2 Two-family Residential and 583 Broad St. and 37 Romeyn St. from M Manufacturing Industrial to C-2 Community Center, to remove conditions and to include 581, 611 and 619 Broad St. and 1 Orange St. in rezoning, Tr. letter, 266, Pub. hear., 243, Pssd., 267

Amend. Ord. No. 2002-383 to designate 448 Smith St. and additional portion of Oak St. for Eric Canal Urban Renewal District, Tr. letter, 297, Pssd., 304

Amend. Ord. No. 2003-18 relating to Pilot Drug Control Proj., Tr. letter, 317, Pssd., 317

Amend. Ord. No. 2003-26 relating to Loan Agree. for Rental Proj. and extending ACAP float

loans, Tr. letter, 324, Pssd., 325

Amend. Ord. No. 2002-359 relating to Human Svcs. Proj., Tr. letter, 334, Pssd., 334

Auth. agree. with NYS Dept. of Transportation for snow removal and amend. Ord. No. 2003-195 and 2003-253

Amend. Ord. No. 2003-177 relating to N. Clinton Ave. Revitalization Proj., Tr. letter, 345, Pssd., 345

Amend. Ord. No. 95-234 relating to Mt. Olivet Baptist Church, Tr. letter, 350, Pssd., 350

Amend. Ord. No. 2003-379 to cancel taxes on 508-510 Lyell Ave., Tr. letter, 399, Pssd., 400

Auth. sale of real estate and amend. Ord. No. 2003-375 and 2003-298, Tr. letter, 399, Pssd., 400

Amend. Ord. No. 2003-23 relating to sale of real estate, Tr. letter, 401, Pssd., 401

ORDINANCES REPEALED

Auth. agree. for Genesee Riverway Trail and amend. 2002-03 Budget and repealing Ord. No. 2002-364, Tr. letter, 158, Pssd., 159

Auth. agree. for operation of Sister Cities, Genesee Crossroads, and Court St. Parking Garages and repealing Ord. No. 2003-158, Tr. letter, 294, Pssd., 295

OTELLO, EMETERIO

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

OUTER LOOP INDUSTRIAL PARK

Approval of sale of land to Klein Steel Service, Inc. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 100, Pub. hear., 81, Pssd., 101

Approval of sale of land to XLI Corp. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 140, Pub. hear., 131, Pssd., 141

Amend. Official Map by dedication of Vanguard Parkway in Outer Loop Industrial Subdivision, Tr. letter, 195, Pub. hear., 176, Pssd., 196

OXFORD HOUSE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

OXFORD STREET

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

-P-

PARADIGM ENVIRONMENTAL SERVICES, INC.

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

PARENTING EDUCATION

Amend. proposed 2003-04 Budget in regard to Parenting Education - \$16,000, Tr. letter, 235, Pssd., 236

PARKER PLACE

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

PARKING GARAGES/LOTS

Auth. ext. of agree. for operation of Sister Cities and Court St. Parking Garages, Tr. letter, 29, Pssd.,

29

Establishing max. comp. for professional svcs. agree. for mun. parking garage imp., Tr. letter, 114, Pssd., 115

Accepting donation of real estate for Woodside/Goodwill Neighborhood Commercial Parking Lot, Tr. letter, 121, Pssd., 122

L.I.O. - Establishment of Woodside/Goodwill Neighborhood Commercial Parking Lot, Tr. letter, 121, Pub. hear., 81, Pssd., 123

Auth. amend. agree. for East End Garage Reserve Fund, as amended, Tr. letter, 137, Held, 138; Pssd., 195

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

Approving acq. of 578 Chili Ave. by negotiation or condemnation as part of Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Held, 169

Auth. agree. for op. of Sister Cities, Genesee Crossroads and Court St. Parking Garages, Tr. letter, 174, Pssd., 174

Auth. agree. for operation of Sister Cities, Genesee Crossroads, and Court St. Parking Garages and repealing Ord. No. 2003-158, Tr. letter, 294, Pssd., 295

Auth. sale of portion of 250 South Ave. and amend. lease for parking lot at 33 Capron St., Tr. letter, 295, Pssd., 296

Approving easement to Roch. District Heating Cooperative, Tr. letter, 311, Pssd., 311

Auth. extension of lease agree. for Boys Club Parking Lot, Tr. letter, 315, Pssd., 315

Auth. amend. lease agree. relating to abandonment of portion of Commercial St., Tr. letter, 326, Pssd., 327

Establishing max. comp. for professional svcs. agree. for imps. to Midtown Parking Garage, Tr. letter, 337, Pssd., 338

Auth. agree. for op. of High Falls Parking Garage, Tr. letter, 338, Pssd., 339

Auth. amend. lease with City School District for parking lots, Tr. letter, 367, Pssd., 368

Amend. Mun. Code with respect to fees for parking garages, Tr. letter, 387, Pssd., 388

Auth. agree. for operation of Plymouth Ave. Parking Lot, Tr. letter, 388, Pssd., 389

Auth. lease agree. for office space in South Ave. Parking Garage, Tr. letter, 402, Pssd., 403

Auth. amend. lease agree. for commercial space in South Ave. Parking Garage, Tr. letter, 403, Pssd., 403

PARKS

Auth. acceptance of grant for Turning Point Park imps and amend. 2002-03 Budget, Tr. letter, 56, Pssd., 56

Reso. for purpose of Home Rule Message regarding state legislation relative to discontinuing use of certain lands as parklands, Tr. letter, 63, Adpt., 64; Tr. letter, 79, Adpt., 80; Tr. letter, 81, Adpt., 82

Reso. for purpose of Home Rule Message regarding state legislation relative to complying with federal requirements pertaining to discontinuing use of certain lands as parklands, Tr. letter, 175, Adpt., 175

Establishing max. comp. for professional svcs. agree. for design svcs. for Manhattan Sq. Park Imp. Proj., Tr. letter, 215, Pssd., 215

Bond ord. auth. issuance of \$300,000 bonds to finance cost of design svcs. related to Manhattan Sq. Park Imp. Proj., Tr. letter, 215, Pssd., 216

Amend. proposed 2003-04 Budget in regard to Park Patrol - \$30,000, Tr. letter, 233, Pssd., 233

Establishing max. comp. for professional svcs.

agree. for Highland Park/Brighton Park Trail Planning Proj., Tr. letter, 271, Pssd., 272

Amend. Official Map by dedication of add. parkland for Turning Point Park and discontinuance of certain parkland in Genesee Valley Park, Tr. letter, 360, Pub. hear., 344, Pssd., 363

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Reports of, 11; 35; 55; 109; 150; 214; 271; 309; 336; 365; 385; 413

PARKS, RECREATION AND HUMAN SERVICES DEPARTMENT

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

PASSERO ASSOCIATES

Establishing max. comp. for Residential Streets Curb Replacement and Reconstruction Imp. Proj., Tr. letter, 13, Pssd., 13

PAVEMENT MARKINGS/WIDTH CHANGES

See "Streets"

PENSION

Local Law providing for supplemental pension payments under old City pension plan, Tr. letter, 231, Pssd., 232

PETITION

Petition from over 900 citizens requesting Council make memorializing reso. against proposed Iraq war, presented by Pres. Giess, 1

Petition with over 3,000 signatures from citizens, for changing the name of Upper Falls Blvd. Shopping Ctr. to Mildred Johnson Shopping Ctr., presented by Pres. Giess, 42

Petition submitted with 180 signatures expressing concern about boom-boxes and noise, presented by Pres. Giess, 80

PICTURE FEST, INTERNATIONAL

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 334, Pssd., 335

PILOT DRUG CONTROL PROJECT

Amend. Ord. No. 2003-18 relating to Pilot Drug Control Proj., Tr. letter, 317, Pssd., 317

PLANT, WES

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

PLUMBING

Amend. Chapter 40 of Mun. Code, Bldg. Constr.: Plumbing, Tr. letter, 352, Pssd., 354

PLYMOUTH AVENUE PARKING LOT

Auth. agree. for operation of Plymouth Ave. Parking Lot, Tr. letter, 388, Pssd., 389

PLYMOUTH-EXCHANGE TRAIL SYSTEM

Determinations & findings relating to acq. of easement and parcels as part of Plymouth-Exchange Trail Imp. Proj., Tr. letter, 42, Pssd., 43

Auth. acq. by condemnation for Plymouth-Exchange Trail Imps. Proj. and increasing acq. amount, Tr. letter, 64, Pub. hear., 42, Pssd., 65

POLICE-COMMUNITY RELATIONSHIPS STUDY

Establishing max. comp. for professional svcs.

agree. for police-community relationships study, Tr. letter, 70, Pssd., 70

POLICE DEPARTMENT

Amend. 2002-03 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 41, Pssd., 41

Auth. agree. for grant for seat belt and child safety seat usage and amend. 2002-03 Budget, Tr. letter, 71, Pssd., 71

Auth. amend. agree. for Truancy Reduction and Counseling Program and amend. 2002-03 Budget, Tr. letter, 144, Pssd., 145

Amend. 2002-03 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 172, Pssd., 173

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 281, Pssd., 281

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 281, Pssd., 282

Establishing max. comp. for professional svcs. agree. for customer service survey for Police Dept., Tr. letter, 282, Pssd., 282

Establishing max. comp. for professional svcs. agree. for Police Records Management System, Tr. letter, 316, Pssd., 316

Establishing max. comp. for professional svcs. agree. and amending 2003-04 Budget by approp. forfeiture funds, Tr. letter, 316, Pssd., 317

Auth. agree. for Meacham Foundation Memorial Grant and amend. 2003-04 Budget, Tr. letter, 318, Pssd., 319

Amend. 2003-04 Budget of Roch. Police Dept. for grant funds and auth. amend. agree., Tr. letter, 342, Pssd., 342

Auth. appl. and agree. for Community Prosecution and Proj. Safe Neighborhoods Grant Program and amend. 2003-04 Budget, Tr. letter, 373, Pssd., 374

Amend. 2003-04 Budget by approp. Weed and Seed Grant Program funds, Tr. letter, 373, Pssd., 374

Amend. 2003-04 Budget by approp. Local Law Enforcement Block Grant Program funds, Tr. letter, 373, Pssd., 374

Establishing max. comp. for professional svcs. agree. for COPS Grant Program, Tr. letter, 375, Pssd., 376

Auth. application and agree. with respect to Seat Belt Enforcement and amend. 2003-04 Budget, Tr. letter, 394, Pssd., 394

Auth. application and agree. with respect to community-oriented policing and amend. 2003-04 Budget, Tr. letter, 395, Pssd., 395

Auth. agree. with County of Monroe for funding for police svcs., Tr. letter, 419, Pssd., 419

PORT OF ROCHESTER

Auth. agree. and approp. funds for Port of Roch. Pub. Imp. Proj. and amend. Ord. No. 2002-395, as amended, Tr. letter, 35, Pssd., 36

Bond ord. auth. issuance of not to exceed \$1,100,000 principal amount of bonds to finance portion of costs of certain pier and shoreline imps. within Port of Roch. Pub. Imp. Proj., Tr. letter, 35, Pssd., 37

Approp. funds for fast ferry terminal, Tr. letter, 62, Pssd., 62

Bond ord. auth. issuance of \$170,000 bonds to finance cost of constr. fast ferry terminal facilities, Tr. letter, 62, Pssd., 63

Establishing max. comp. for professional svcs. agree. and approp. funds for Fast Ferry Terminal, Tr. letter, 115, Pssd., 117

Bond ord. auth. issuance of \$7,345,025 bonds to finance cost of constr. Fast Ferry Terminal Facilities, Tr. letter, 115, Pssd., 118

Auth. supplemental agree. with New York State Dept. of Transportation for Port of Rochester Public Imp. Proj., Tr. letter, 115, Pssd., 118

Amend. ord. for Port of Roch. Public Imp. Proj., Tr. letter, 115, Pssd., 119

Establishing max. comp. for amend. professional svcs. agree. for design of Fast Ferry Terminal Facilities, Tr. letter, 224, Pssd., 225

PORTLAND AVENUE

Changing zoning class. of 17-35, 45, 49 and portion of 57 Bay St., and 236-238 Portland Ave., from R-2 Medium Density Residential to C-1 Neighborhood Ctr., Tr. letter, 197, Pub. hear., 176, Returned to committee, 197, Pssd., 267

PORTSMOUTH TERRACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

PRITCHARD, WILLIAM F.

Reso. appt. Wm. F. Pritchard to City Council, Tr. letter, 285, Adpt., 286

PRO PARK LLC

Auth. agree. for operation of Sister Cities, Genesee Crossroads, and Court St. Parking Garages and repealing Ord. No. 2003-158, Tr. letter, 294, Pssd., 295

Auth. agree. for operation of Plymouth Ave. Parking Lot, Tr. letter, 388, Pssd., 389

PROJECT MANAGEMENT

Establishing max. comp. for professional svcs. agree. for proj. management and resident proj. representation svcs., Tr. letter, 12, Pssd., 12

PROJECT TURNAROUND

Approving sale of parcels for Proj. Turnaround, Tr. letter, 50, Pssd., 51

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by negotiation, Tr. letter, 382, Pub. hear., 376, Pssd., 383

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by condemnation, Tr. letter, 382, Held, 383; Pssd., 404

PROPERTY CONSERVATION CODE

Amend. Chapter 90 of Mun. Code, Property Conservation Code, Tr. letter, 352, Pssd., 356

PROPERTY TAX

See "Taxes"

PROTECTIVES, INC., THE

Establishing max. comp. for agree. with The Protectives, Inc. for property protection and salvage svcs., Tr. letter, 128, Pssd., 128

PROVIDENCE HOUSING DEVELOPMENT CORPORATION

Approving loan agree. for rental proj., Tr. letter, 23, Pssd., 24

Approving property tax exemption and auth. in-lieu-of-tax agree. for Providence Housing Development corp. rental proj., Tr. letter, 23, Pssd., 25

PROWAY MANAGEMENT

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 379, Pssd., 380

PUBLIC HEARINGS

Held, 1; 20; 42; 80; 131; 175; 176; 243; 286; 319; 344; 376; 398

Reso. establishing time and place of pub. hear. and time for objections relating to establishment of High Falls Business Imp. District, Tr. letter, 327, Adpt., 327

PUBLIC INTEREST LAW OFFICE OF ROCHESTER

Auth. agree. for fair housing monitoring svcs. - \$70,000, Tr. letter, 6, Pssd., 6

Auth. amend. 2000-01 and 2001-02 Comm. Dev. Program Plans and auth. agree. for Foreclosure Intervention Svcs., Tr. letter, 264, Pub. hear., 243, Pssd., 266

Approp. funds for Community Choice/Fair Housing Website, Tr. letter, 291, Pssd., 291

Auth. agree. for fair housing monitoring svcs., Tr. letter, 378, Pssd., 379

PUBLIC MARKET

L.I.O. - Snow removal at Public Mkt., Tr. letter, 65, Pub. hear., 42, Pssd., 66

L.I.O. - Security at Public Mkt., Tr. letter, 65, Pssd., 67

PUBLIC SERVICES & THE ARTS COMMITTEE

Reports of, 10; 33; 53; 108; 143; 211; 268; 305; 333; 364; 384; 410

PUBLIC WORKS CONTRACTS INCENTIVE PROGRAM

Establishing incentive program for public works contracts, Tr. letter, 357, Pssd., 358

Auth. use of apprenticeship programs as condition of award of certain public works contracts, Tr. letter, 357, Pssd., 359

PUERTO RICAN YOUTH DEVELOPMENT

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

-Q-**Q-TECH ENGINEERING, P.C.**

Establishing max. comp. for professional svcs. agree. for imps. to Midtown Parking Garage, Tr. letter, 337, Pssd., 338

QUICK, DAVID, BUILDER/DEVELOPER

Approving CityScape 2004 at Newcroft Park Program, Tr. letter, 380, Pssd., 382

-R-**RASA**

See "Rochester After School Academy"

RAINES PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

RALPH PARKING

Auth. agree. for op. of Sister Cities, Genesee Crossroads and Court St. Parking Garages, Tr. letter, 174, Pssd., 174

REAL ESTATE, ACQUISITION OF

Approving acq. of parcels for Brown St. Imp. Proj., Tr. letter, 2, Pssd., 4

Auth. acq. by negotiation or condemnation of parcels for West Ridge Rd. Imp. Proj. and amend.

Ord. No. 2002-342, Tr. letter, 284 (2002 Proceedings), Pssd., 15

Determinations & findings relating to acq. of easement and parcels as part of Plymouth-Exchange Trail Imp. Proj., Tr. letter, 42, Pssd., 43

Auth. acq. by condemnation for Plymouth-Exchange Trail Imps. Proj. and increasing acq. amount, Tr. letter, 64, Pub. hear., 42, Pssd., 65

Approving acq. of parcels on Oak Hill View, Tr. letter, 88, Pssd., 88

Bond ord. auth. issuance of \$125,000 bonds to finance costs of acq. and demo. of imps. on designated parcels of real property as part of Genesee St. Housing Proj., Tr. letter, 88, Pssd., 89

Auth. acq. for Brooks Landing Revitalization Proj., Tr. letter, 101, Pssd., 103

Auth. acq. by condemnation for Brooks Landing Revitalization Proj., Tr. letter, 101, Pub. hear., 81, Held, 104, Pssd., 137

Determinations & findings relating to acq. of parcels as part of Brooks Landing Revitalization Proj., Tr. letter, 136, Pssd., 137

Approving acq. of 35 Richmond St. by negotiation or condemnation as part of East End Development Proj., Tr. letter, 140, Pub. hear., 131, Held, 140; Pssd., 192

Approving acq. of 578 Chili Ave. by negotiation or condemnation as part of Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Held, 169; Pssd., 222

Determinations and findings relating to acq. of 35 Richmond St. as part of East End Dev. Plan, Tr. letter, 191, Pssd., 191

Auth. acq. for North Clinton Ave. Revitalization Proj., Tr. letter, 192, Pssd., 192

Bond ord. auth. issuance of \$450,000 bonds to finance costs of acq. and demo. of imp. on designated parcels of real property as part of North Clinton Ave. Revitalization Proj., Tr. letter, 192, Pssd., 193

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for West Ridge Rd. Imp. Proj., Tr. letter, 219, Pssd., 221

Determinations and findings relating to acq. of 578 Chili Ave., Tr. letter, 221, Pssd., 222

Approving acq. of 123-125 Roth St. by negotiation or condemnation, Tr. letter, 264, Pub. hear., 243, Held, 264

Determinations and findings relating to acq. of 123-125 Roth St., Tr. letter, 292, Pssd., 293

Approving acq. of 123-125 Roth St. by negotiation or condemnation, Tr. letter, 292, Pssd., 293

Approving acq. of parcels for Fulton Ave. Challenged St. Proj., Tr. letter, 348, Pssd., 348

Acq. of properties for dev. purposes, Tr. letter, Pssd., 349

Acq. of properties for Roch. City School District, Tr. letter, 368, Pssd., 369

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by negotiation, Tr. letter, 382, Pub. hear., 376, Pssd., 383

Approving acq. of parcels for Proj. Turnaround Challenged St. Program by condemnation, Tr. letter, 382, Held, 383; Pssd., 404

REAL ESTATE, DEDICATION OF

Approving dedication of parcels for Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Pssd., 169

REAL ESTATE, DONATION OF

Accepting donation of real estate for Woodside/Goodwill Neighborhood Commercial Parking Lot, Tr. letter, 121, Pssd., 122

Accepting donation of real estate and auth. sale, Tr. letter, 244, Pssd., 246

Accepting donation of real estate, Tr. letter, 400, Pssd., 401

REAL ESTATE, LEASE OF
See "Lease Agreements"

REAL ESTATE MARKETING INITIATIVE

Auth. agree. for real estate marketing initiative, Tr. letter, 288, Pssd., 289

REAL ESTATE, SALE OF

Auth. sale of real estate, Tr. letter, 2, Pssd., 3; Tr. letter, 21, Pssd., 22; Tr. letter, 82, Pssd., 83; Tr. letter, 133, Pssd., 134; Tr. letter, 177, Pssd., 178; Tr. letter, 244, Pssd., 245; Tr. letter, 287, Pssd., 288; Tr. letter, 320, Pssd., 322; Tr. letter, 346, Pssd., 348; Tr. letter, 377, Pssd., 378

Amend. Ord. No. 2002-348 relating to sale of real estate, Tr. letter, 2, Pssd., 3

Auth. option for sale of parcels for new soccer stadium, Tr. letter, 7, Pssd., 8

Auth. sale of additional parcels for 2002 Home Expo Program, Tr. letter, 22, Pssd., 23

Auth. sale of real estate and amend. Ord. No. 2002-325, Tr. letter, 44, Pssd., 45

Amend. ord. relating to sale of real estate, Tr. letter, 44, Pssd., 45; Tr. letter, 244, Pssd., 246

Approving sale of parcels for Proj. Turnaround, Tr. letter, 50, Pssd., 51

Auth. sale of real estate and loan agree. for Brooks Village Apt. Proj. and transferring funds, Tr. letter, 89, Pssd., 90

Approval of sale of land to Klein Steel Service, Inc. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 100, Pub. hear., 81, Pssd., 101

Auth. acq. by negotiation or condemnation of parcels for Chili Ave. Imp. Proj., Tr. letter, 125, Pssd., 127

Amend. Ord. No. 2002-314 relating to sale of real estate and amend. Ord. No. 2003-83, Tr. letter, 133, Pssd., 134

Approval of sale of land to XLI Corp. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 140, Pub. hear., 131, Pssd., 141

Approving sale of portion of Block F to Cultural Ctr. Commission, Tr. letter, 178, Pssd., 179

Accepting donation of real estate and auth. sale, Tr. letter, 244, Pssd., 246

Approving sale of parcels to Westside Health Svs., Inc., Tr. letter, 246, Pssd., 246

Auth. sale of portion of 250 South Ave. and amend. lease for parking lot at 33 Capron St., Tr. letter, 295, Pssd., 296

Extending option for sale of parcels for new soccer stadium, Tr. letter, 297, Pssd., 301

Approval of sale to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 360, Pub. hear., 344, Pssd., 362

Auth. sale of real estate and amend. Ord. No. 2003-375 and 2003-298, Tr. letter, 399, Pssd., 400

Amend. Ord. No. 2003-23 relating to sale of real estate, Tr. letter, 401, Pssd., 401

REAL ESTATE TITLE SERVICES

Establishing \$40,000 as max. comp. for amend. professional svcs. agree. for continued provision of real estate title svcs., Tr. letter, 280, Pssd., 281

REAVES, JOSEANNE

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 322, Adpt., 323

RECOGNITION CEREMONIES

Held, 1; 20; 42; 80; 131; 176; 243; 286; 319; 344; 376; 398

RECORDS MANAGEMENT SYSTEM

Establishing max. comp. for professional svcs. agree. for computerized records management system for Fire Dept., Tr. letter, 396, Pssd., 397

RECYCLING

Auth. agree. with County of Monroe for disposal of solid waste and processing of recyclables, Tr. letter, 154, Pssd., 154

REFEREES

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 337, Pssd., 337

REFUSE

Auth. agree. with Roch. City School District for refuse collection, Tr. letter, 216, Pssd., 217

Adopt. of budget ests. for mun. purposes for 2003-04 Fiscal Year, and approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 236, Pub. hear., 175, Pssd., 238

REHAB ROCHESTER PROGRAM

Amend. ord. and transferring funds relating to housing, Tr. letter, 187, Pssd., 188

REIDMAN, RICHARD

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

RESIDENT PROJECT REPRESENTATION

Establishing max. comp. for professional svcs. agree. for proj. management and resident proj. representation svcs., Tr. letter, 12, Pssd., 12

Establishing max. comp. for professional svcs. agree. for Pont de Rennes Pedestrian Bridge Structural Repair Proj., Tr. letter, 222, Pssd., 224

Establishing max. comp. for professional svcs. agree. for Cobbs Hill Reservoir Dr. Rehab. Proj., Tr. letter, 274, Pssd., 274

Establishing max. comp. for professional svcs. agree. for St. Paul St. (Ave. E to Norton St.) Imp. Proj., Tr. letter, 275, Pssd., 279

Establishing max. comp. for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., Tr. letter, 366, Pssd., 366

RESIDENTIAL ASSISTANCE PROGRAM

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

RESIDENTIAL-COMMERCIAL URBAN EXEMPTION PROGRAM

Local Law amend. City Charter with respect to Residential-Commercial Urban Exemption Program, Tr. letter, 49, Pssd., 50

RESIDENTIAL STREET IMPROVEMENT PROGRAM

See "Streets"

RESOLUTIONS

2003-1 - Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

2003-2 - Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

2003-3 - 2002-03 debt reso. for City School District, Tr. letter, 38, Adpt., 39

2003-4 - Reso. confirming appt. of Commis-

sioner of Comm. Dev., Tr. letter, 42, Adpt., 42
 2003-5 - Reso. approving appt. to Roch. Economic Dev. Corp. (REDCO), Tr. letter, 45, Adpt., 46
 2003-6 - Reso. auth. preparation of district plan for High Falls Business Imp. District, Tr. letter, 47, Adpt., 47
 2003-7 - Reso. auth. preparation of district plan for Monroe Ave. Business Imp. District, Tr. letter, 48, Adpt., 48
 2003-8 - Reso. approving appt. to Board of Trustees of Rochester Public Library, Tr. letter, 51, Adpt., 51
 2003-9 - Reso. for purpose of Home Rule Message regarding state legislation relative to discontinuing use of certain lands as parklands, Tr. letter, 63, Adpt., 64
 2003-10 - Reso. for purpose of Home Rule Message regarding state legislation relative to discontinuing use of certain lands as parklands, Tr. letter, 79, Adpt., 80
 2003-11 - Reso. for purpose of Home Rule Message regarding state legislation relative to discontinuing use of certain lands as park lands, Tr. letter, 81, Adpt., 82
 2003-12 - Reso. approving appt. to Electrical Examining Board, Tr. letter, 83, Adpt., 84
 2003-13 - Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Auth., Tr. letter, 119, Adpt., 119
 2003-14 - Reso. for purpose of Home Rule Message regarding state legislation relative to complying with federal requirements pertaining to discontinuing use of certain lands as parklands, Tr. letter, 175, Adpt., 175
 2003-15 - Reso. of budgetary intent - fiscal reporting, Tr. letter, 235, Adpt., 235
 2003-16 - Reso. approving 2003-04 debt resolution for general mun. purposes, Tr. letter, 236, Adpt., 240
 2003-17 - Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 248, Adpt., 248
 2003-18 - Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 283, Adpt., 283
 2003-19 - Reso. appt. Wm. F. Pritchard to City Council, Tr. letter, 285, Adpt., 286
 2003-20 - Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 304, Pub. hear., 287, Adpt., 305
 2003-21 - Reso. approving reappointments to Board of Directors of Action for a Better Community, Inc., Tr. letter, 307, Adpt., 308
 2003-22 - Reso. approving reappointment to Board of Directors of Action for a Better Community, Inc., Tr. letter, 308, Adpt., 308
 2003-23 - Reso. approving reappointments to City Planning Commission, Tr. letter, 322, Adpt., 322
 2003-24 - Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 322, Adpt., 323
 2003-25 - Reso. establishing time and place of pub. hear. and time for objections relating to establishment of High Falls Business Imp. District, Tr. letter, 327, Adpt., 327
 2003-26 - Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 329, Pub. hear., 319, Adpt., 329
 2003-27 - Reso. approving reappointment to Board of Assessment Review, Tr. letter, 393, Adpt., 393
 2003-28 - Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

REVELATION SOVOCATIONAL PROGRAM,**INC.**

Auth. amend. agree. for Truancy Reduction and Counseling Program and amend. 2002-03 Budget, Tr. letter, 144, Pssd., 145

REVENUE ANTICIPATION NOTES

See "Bonds and Notes"

REYNOLDS, JOHN T., INC.

Auth. agree. for auctioneer svcs., Tr. letter, 230, Pssd., 230

RICHMOND STREET

Approving acq. of 35 Richmond St. by negotiation or condemnation as part of East End Development Proj., Tr. letter, 140, Pub. hear., 131, Held, 140; Pssd., 192

Determinations and findings relating to acq. of 35 Richmond St. as part of East End Dev. Plan, Tr. letter, 191, Pssd., 191

RIVER STREET

Establishing max. comp. for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., Tr. letter, 366, Pssd., 366

RIVERFRONT MEDICAL SERVICES

Establishing max. comp. for medical svcs. agree. for medical svcs., Tr. letter, 343, Pssd., 343

ROBINSON, PAMELA

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

ROCHESTER AFTER SCHOOL ACADEMY PROGRAM

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

Auth. amend. agree. for RASA Program, Tr. letter, 307, Pssd., 307

ROCHESTER AREA COMMUNITY FOUNDATION

Auth. agree. for Human Svcs. Proj., Tr. letter, 333, Pssd., 333

Auth. amend. 2002-03 Comm. Dev. Program Plan and agree. for Quad A for Kids and Metro Council on Teen Potential Programs, Tr. letter, 335, Pub. hear., 319, Pssd., 336

ROCHESTER AREA CRIMESTOPPERS, INC.

Establishing max. comp. for professional svcs. agree. with Roch. Area Crimestoppers, Inc. and amend. 2002-03 Budget by approp. forfeiture funds, Tr. letter, 17, Pssd., 18

ROCHESTER CEMETERIES HERITAGE FOUNDATION

Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 145, Pssd., 146

ROCHESTER DISTRICT HEATING COOPERATIVE

Approving easement to Roch. District Heating Cooperative, Tr. letter, 311, Pssd., 311

ROCHESTER DOWNTOWN HOTEL, INC.

Auth. amend. lease agree. for commercial space in South Ave. Parking Garage, Tr. letter, 403, Pssd., 403

ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Reso. approving appt. to Roch. Economic Dev.

Corp. (REDCO), Tr. letter, 45, Adpt., 46

ROCHESTER FATHERHOOD RESOURCE INITIATIVE

Auth. agree. for Human Svs. Proj., Tr. letter, 53, Pssd., 54; Tr. letter, 211, Pssd., 211

ROCHESTER GAS & ELECTRIC CORPORATION

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

Auth. agree. for lighting proj. within Targeted Commercial Exterior Imp. Program, Tr. letter, 351, Pssd., 352

Auth. easement for High Falls Overlook, Tr. letter, 414, Pssd., 415

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Auth., Tr. letter, 119, Adpt., 119

ROCHESTER HOME BUILDERS' ASSOCIATION

Approving CityScape 2004 at Newcroft Park, Tr. letter, 290, Pssd., 291

ROCHESTER HOUSING AUTHORITY

Approving wage and salary increases for employees of Roch. Housing Auth., Tr. letter, 40, Pub. hear., 20, Pssd., 40

Approving wage and salary increases for bargaining unit employees of Roch. Housing Auth., Tr. letter, 41, Pssd., 41

Approving wage and salary increases for employees of Roch. Housing Auth., Tr. letter, 343, Pssd., 344

ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION

Approving Asset Control Area Program, Tr. letter, 135, Pssd., 136

Auth. amend. 2003-04 Comm. Dev. Program Plan and agree. for Float Loans and fund for Roch. Housing Dev. Fund Corp., Tr. letter, 262, Pub. hear., 243, Pssd., 264

Auth. appl. and agree. for Home Rochester Program, Tr. letter, 324, Pssd., 324

Amend. Ord. No. 2003-26 relating to Loan Agree. for Rental Proj. and extending ACAP float loans, Tr. letter, 324, Pssd., 325

ROCHESTER ICE HOCKEY OFFICIALS, INC.

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 337, Pssd., 337

ROCHESTER INSTITUTE OF TECHNOLOGY

Establishing max. comp. for professional svcs. agree. for customer service survey for Police Dept., Tr. letter, 282, Pssd., 282

Auth. appl. and agree. for Community Prosecution and Proj. Safe Neighborhoods Grant Program and amend. 2003-04 Budget, Tr. letter, 373, Pssd., 374

ROCHESTER LANDSCAPE TECHNICIANS, INC.

Auth. agree. for Biz Kid\$ 1 and 2 Programs, Tr. letter, 387, Pssd., 387

ROCHESTER LIVE, LLC

Auth. agree. for High Falls facilities, Tr. letter, 48, Pssd., 49

Auth. amend. agree. for High Falls festival activities, Tr. letter, 295, Pssd., 295

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Approving applications, agree. and 2003 admin. and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 54, Pssd., 55

ROCHESTER MUSEUM AND SCIENCE CENTER

Auth. agree. for Human Svs. Proj., Tr. letter, 384, Pssd., 385

ROCHESTER PHILHARMONIC ORCHESTRA

Establishing max. comp. for professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 334, Pssd., 334

ROCHESTER PURE WATERS DISTRICT

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

ROCHESTER REGIONAL COMMUNITY DESIGN CENTER

Auth. agree. for design svcs., approp. funds and amend. 2003-04 Budget, Tr. letter, 289, Pssd., 290

ROCHESTER RHINOS STADIUM, LLC

Auth. option for sale of parcels for new soccer stadium, Tr. letter, 7, Pssd., 8

Approving lease to Roch. Rhinos Stadium, LLC of 524 Oak St., 900 W. Broad St. and 480 Smith St., Tr. letter, 332, Pub. hear., 319, Pssd., 333

ROCHESTER RIVERFRONT PROPERTIES, L.P.

Approval of sale to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 360, Pub. hear., 344, Pssd., 362

ROCHESTER RIVERSIDE CONVENTION CENTER

Auth. lease agree. for office space in South Ave. Parking Garage, Tr. letter, 402, Pssd., 403

ROCHESTER STEP-OFF EDUCATIONAL FOUNDATION, INC.

Auth. agree. for Human Svs. Proj., Tr. letter, 384, Pssd., 385

ROCHESTER URBAN RENEWAL AGENCY

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 359, Pub. hear., 344, Pssd., 360

ROCHESTERIANS AGAINST ILLEGAL NARCOTICS

Auth. agree. for grant for seat belt and child safety seat usage and amend. 2002-03 Budget, Tr. letter, 71, Pssd., 71

ROMEYN STREET

Amend. Ord. No. 2002-80 relating to changing zoning class. of 11-35 Orange St. and 14-34 Romeyn St. from R-2 Two-family Residential and 583 Broad St. and 37 Romeyn St. from M Manufacturing Industrial to C-2 Community Center, to

remove conditions and to include 581, 611 and 619 Broad St. and 1 Orange St. in rezoning, Tr. letter, 266, Pub. hear., 243, Pssd., 267

ROTH STREET

Approving acq. of 123-125 Roth St. by negotiation or condemnation, Tr. letter, 264, Pub. hear., 243, Held, 264

Determinations and findings relating to acq. of 123-125 Roth St., Tr. letter, 292, Pssd., 293

Approving acq. of 123-125 Roth St. by negotiation or condemnation, Tr. letter, 292, Pssd., 293

Changing zoning class. of 200, 208 and 218-226 Clifford Ave. and 9-11, 55, 117-119 and 123-125 Roth St. from R-1 Low Density Resi. to Planned Dev. District #3-Buena Vista Planned Dev. District, Tr. letter, 329, Pub. hear., 319, Pssd., 331

RUNDEL PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

RUTGERS STREET

Auth. acq. by negotiation or condemnation of permanent easements for Rutgers St. Imp. Proj., Tr. letter, 273, Pssd., 274

-S-

SJB SERVICES, INC.

Auth. agree. for materials testing svcs., Tr. letter, 111, Pssd., 112

SLC ENVIRONMENTAL SERVICES, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 369, Pssd., 369

SAFE KIDS PROJECT

Auth. agree. for Safe Kids Proj., Tr. letter, 411, Pssd., 411

ST. JOHN & CURTIN, LLC

Auth. agree. for bond counsel svcs., Tr. letter, 230, Pssd., 231

ST. JOHN FISHER COLLEGE

Establishing max. comp. for professional svcs. agree. and amending 2003-04 Budget by approp. forfeiture funds, Tr. letter, 316, Pssd., 317

ST. MARTIN'S PLACE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

ST. PAUL STREET

Bond ord. auth. issuance of \$200,000 bonds to finance cost of constr. and reconstruction of certain streets as part of St. Paul St. Gateway (Ward St. to Bausch St.) Imp. Proj., Tr. letter, 113, Pssd., 114

Amend. Ord. No. 2002-249 with respect to changes in pav. width of St. Paul St. as part of St. Paul St. Imp. Proj. from Ave. E to Norton St., Tr. letter, 123, Pub. hear., 81, Pssd., 125

LIO - Upgrading of streetscape features as part of St. Paul St. (Ave. E to Norton St.) Imp. Proj., Tr. letter, 275, Pub. hear., 243, Returned to committee, 277, Pssd., 313

Bond ord. auth. issuance of \$1,016,000 bonds to finance additional cost of constr. and reconstruction of certain streets as part of St. Paul St. Imp. Proj., Tr. letter, Pssd., 278

Bond ord. auth. issuance of \$336,000 bonds to finance reconstruction of various water mains related to St. Paul St. Imp. Proj., Tr. letter, 275,

Pssd., 279

Establishing max. comp. for professional svcs. agree. for St. Paul St. (Ave. E to Norton St.) Imp. Proj., Tr. letter, 275, Pssd., 279

SALARIES

See "Wages/Salaries"

SALVATION ARMY

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

SANTIAGO, GLADYS, COUNCIL VICE PRESIDENT

Abstained vote, Ord. No. 2003-4, p. 5; Ord. No. 2003-268, p. 293; Ord. No. 2003-269, p. 293; Motion to amend Int. No. 369, p. 330; Ord. No. 2003-309, p. 331; Ord. No. 2003-378, p. 385; Ord. No. 2003-411

Amend. proposed 2003-04 Budget in regard to Wordcrafters Program - \$17,100, Tr. letter, 234, Pssd., 234

Amend. 2003-04 Budget in regard to comp. for election inspectors, Tr. letter, 234, Pssd., 234

SAPHAR & ASSOCIATES

Establishing \$7,700 as max. comp. for amend. professional svcs. agree. for Media Outreach Campaign, Tr. letter, 27, Pssd., 28

SCIENCE PARKWAY

Auth. agree. with Windsor Manufacturing Co., Inc., Tr. letter, 327, Pssd., 328

SCOTT ASSOCIATES CONSULTING, INC.

Approving agree. for Targeted Business Assist. Program, Tr. letter, 7, Pssd., 7

SCOTT, LORETTA C.

Reso. approving reappointment to Board of Directors of Action for a Better Community, Inc., Tr. letter, 308, Adpt., 308

SCOTTSVILLE ROAD

Auth. changes in pav. width of Scottsville Rd., Genesee St. and Elmwood Ave. and changes to intersection of Brooks Ave. and South Plymouth Ave. as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pub. hear., 81, Pssd., 106

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

SEAR BROWN GROUP

Establishing max. comp. for professional svcs. agree. for Atlantic Woodstock Subdivision Proj., Tr. letter, 150, Pssd., 152

Auth. agree. for environmental site assessments, Tr. letter, 156, Pssd., 157

Establishing max. comp. for professional svcs. agree. for design of Genesee Riverway Trail Proj., Tr. letter, 386, Pssd., 386

SEAT BELT ENFORCEMENT

Auth. application and agree. with respect to Seat Belt Enforcement and amend. 2003-04 Budget, Tr. letter, 394, Pssd., 394

SECURITY

L.I.O. - Security at Public Mkt., Tr. letter, 65, Pssd., 67

SENIOR PROGRAM

Auth. agree. for R.L. Edwards Senior Program and amend. 2002-03 Budget, Tr. letter, 212, Pssd.,

212

SEWERS

Bond ord. auth. issuance of \$426,000 bonds to finance cost of constr. and reconstruction of certain sewer imps. related to Milling and Resurfacing and Resi. Street Imp. Programs, Tr. letter, 217, Pssd., 219

SHEAR, JEFF, HOMES, INC.

Approving CityScape 2004 at Newcroft Park Program, Tr. letter, 380, Pssd., 382

SIBLEY PLACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

SICKLER, RANDAL

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 5, Adpt., 6

SIDEWALKS

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 248, Pssd., 240

SISTER CITIES PARKING GARAGE

Auth. agree. for op. of Sister Cities, Genesee Crossroads and Court St. Parking Garages, Tr. letter, 174, Pssd., 174

SENECA PARKWAY

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

SMITH STREET

Auth. changes in pav. width of Smith St. Driving Park Ave. and Lexington Ave. as part of Lake Ave. (Lyell Ave. to Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 226

Changing zoning class. of 524 Oak St., 900 Broad St., and 448 and 480 Smith St. from M-1 industrial to Erie Canal Urban Renewal District, Tr. letter, 297, Pub. hear., 286, Pssd., 303

Amend. Ord. No. 2002-383 to designate 448 Smith St. and additional portion of Oak St. for Erie Canal Urban Renewal District, Tr. letter, 297, Pssd., 304

Approving lease to Roch. Rhinos Stadium, LLC of 524 Oak St., 900 W. Broad St. and 480 Smith St., Tr. letter, 332, Pub. hear., 319, Pssd., 333

SNOW

L.I.O. - Snow removal at Public Mkt., Tr. letter, 65, Pub. hear., 42, Pssd., 66

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 248, Pssd., 240

Auth. agree. with NYS Dept. of Transportation for snow removal and amend. Ord. No. 2003-195 and 2003-253

SOCCER STADIUM

Auth. option for sale of parcels for new soccer stadium, Tr. letter, 7, Pssd., 8

Extending option for sale of parcels for new soccer stadium, Tr. letter, 297, Pssd., 301

Approving lease to Roch. Rhinos Stadium, LLC of 524 Oak St., 900 W. Broad St. and 480 Smith St., Tr. letter, 332, Pub. hear., 319, Pssd., 333

SOCIETY FOR THE PROTECTION & CARE OF CHILDREN

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 33, Pssd., 34

Approving applications, agree. and 2003 admin. and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 54, Pssd., 55

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

SOJOURNER HOUSE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

SOLID WASTE

Auth. agree. with County of Monroe for disposal of solid waste and processing of recyclables, Tr. letter, 154, Pssd., 154

SOUND AND LIGHTING SERVICES

Establishing max. comp. for professional svcs. agree. for sound and lighting svcs., Tr. letter, 145, Pssd., 145

SOUTH AVENUE

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

Auth. sale of portion of 250 South Ave. and amend. lease for parking lot at 33 Capron St., Tr. letter, 295, Pssd., 296

SOUTH AVENUE PARKING GARAGE

Auth. lease agree. for office space in South Ave. Parking Garage, Tr. letter, 402, Pssd., 403

Auth. amend. lease agree. for commercial space in South Ave. Parking Garage, Tr. letter, 403, Pssd., 403

SOUTH EAST AREA COALITION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

SOUTH GOODMAN STREET

Changing zoning class. of portion of 1100 South Goodman St. from Institutional Planned Dev. (IPD) to R-1 Single Family Resi, Tr. letter, 9, Pub. hear., 1, Held, 10

SOUTH GOODWILL STREET

Abandonment of portion of South Goodwill St., Tr. letter, 121, Pub. hear., 81, Pssd., 123

SOUTH PLYMOUTH AVENUE

Auth. changes in pav. width of Scottsville Rd., Genesee St. and Elmwood Ave. and changes to intersection of Brooks Ave. and South Plymouth Ave. as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pub. hear., 81, Pssd., 106

Bond ord. auth. issuance of \$1,000,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pssd., 107

SOUTH WEDGE PLANNING COMMITTEE

Auth. agree. with neighborhood organizations for admin. of Resi. Assistance Program, Tr. letter, 184, Pssd., 185

SOUTHEAST ECUMENICAL MINISTRY

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

SOUTHEAST LOOP URBAN RENEWAL PROJECT

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 359, Pub. hear., 344, Pssd., 360

SOUTHWEST AREA NEIGHBORHOOD ASSOCIATION

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 112, Pssd., 113

SOUTHWEST COMMUNITY CENTER

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11

SPECIAL ASSESSMENT DISTRICTS

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 74, Pub. hear., 42, Pssd., 75

SPECIAL EVENTS PERFORMAING ART SERIES

Establishing max. comp. for professional svcs. agree. for sound and lighting svcs., Tr. letter, 145, Pssd., 145

SPEEDWELL CONSTRUCTION SERVICES, INC.

Approving sale of parcels for Proj. Turnaround, Tr. letter, 50, Pssd., 51

SPIRITUS CHRISTI

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

SPRAGUE, ROSEMARIE

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

STANGO, LINDA

Reso. confirming appt. of Commissioner of Comm. Dev., Tr. letter, 42, Adpt., 42

STATE STREET

Establishing max. comp. for professional svcs. agree. for State St. Underpass Access Imp. Proj. and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Imp. Proj., Tr. letter, 152, Pssd., 153

Bond ord. auth. issuance of \$820,000 bonds to finance add. cost of constr. and reconstruction of certain underpass imps. related to State St. Underpass Access Imp. Proj., Tr. letter, 152, Pssd., 154

STEELE, MICHAEL

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

STEVENSON, ROBERT J., COUNCILMEMBER

Negative vote, Local Law No. 4, p. 77
Amend. proposed 2003-04 Budget in regard to Park Patrol - \$30,000, Tr. letter, 233, Pssd., 233

Amend. proposed 2003-04 Budget in regard to operating Edgerton Train Room - \$6,300, Tr. letter, 233, Pssd., 233

Motion to return to committee, Int. No. 278, Adpt., 277

Motion to move out of committee, Int. No. 278, Adpt., 313

Motion to discharge from committee, Int. No. 361, Adpt., 340

STILLSON STREET

Abandonment of portion of Stillson St. and lease of real estate, Tr. letter, Pub. hear., 1, Pssd., 9

STONE MOUNTAIN LASER, INC.

Establishing max. comp. for professional svcs. agree. for High Falls laser equipment, Tr. letter, 270, Pssd., 270

STOP DWI PROGRAM

Auth. agree. with County of Monroe for funding under 2004 STOP DWI Program, Tr. letter, 373, Pssd., 373

STOP VIOLENCE AGAINST WOMEN PROGRAM

Auth. appl. and agree. for STOP Violence Against Women Program and amend. Ord. No. 2003-18, Tr. letter, 128, Pssd., 129

STREET(S)

Abandonment of portion of Stillson St. and lease of real estate, Tr. letter, Pub. hear., 1, Pssd., 9

Establishing max. comp. for Residential Streets Curb Replacement and Reconstruction Imp. Proj., Tr. letter, 13, Pssd., 13

Auth. acq. by negotiation or condemnation of parcels for West Ridge Rd. Imp. Proj. and amend. Ord. No. 2002-342, Tr. letter, 284 (2002 Proceedings), Pssd., 15

Auth. changes in pav. width of Chili Ave. and Thurston Rd. as part of Chili Ave. Imp. Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 15

Auth. decr. in pav. width of Monroe Ave. east of Wilmer St. as part of Monroe Ave. Pedestrian Imp. Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 16

Approving Lake Ave. (Lyell Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 56, Pssd., 57

Auth. changes in pav. width of Scottsville Rd., Genesee St. and Elmwood Ave. and changes to intersection of Brooks Ave. and South Plymouth Ave. as part of Brooks Landing St. Imp. Proj., Tr. letter, 104, Pub. hear., 81, Pssd., 106

Bond ord. auth. issuance of \$200,000 bonds to finance cost of constr. and reconstruction of certain streets as part of St. Paul St. Gateway (Ward St. to Bausch St.) Imp. Proj., Tr. letter, 113, Pssd., 114

Abandonment of portion of South Goodwill St., Tr. letter, 121, Pub. hear., 81, Pssd., 123

Amend. Ord. No. 2002-249 with respect to changes in pav. width of St. Paul St. as part of St. Paul St. Imp. Proj. from Ave. E to Norton St., Tr. letter, 123, Pub. hear., 81, Pssd., 125

Amend. Ord. No. 2002-207 with respect to changes in pav. width of Chili Ave. as part of Chili Ave. Imp. Proj., Tr. letter, 125, Pub. hear., 81, Pssd., 127

Auth. acq. by negotiation or condemnation of parcels for Chili Ave. Imp. Proj., Tr. letter, 125, Pssd., 127

Bond ord. auth. issuance of \$800,000 bonds to finance cost of constr. of street imps. in connection with Atlantic Woodstock Subdivision Proj., Tr. letter, 150, Pssd., 152

Establishing max. comp. for professional svcs. agree. for State St. Underpass Access Imp. Proj. and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Imp. Proj., Tr. letter, 152, Pssd., 153

Bond ord. auth. issuance of \$820,000 bonds to finance add. cost of constr. and reconstruction of certain underpass imps. related to State St. Underpass Access Imp. Proj., Tr. letter, 152, Pssd., 154

Abandonment of portion of Commercial St. and

approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

Establishing max. comp. for professional svcs. agree. for Chili Ave. Imp. Proj. and appropriating funds, Tr. letter, 162, Pssd., 164

Bond ord. auth. issuance of \$575,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Chili Ave. Imp. Proj., Tr. letter, 162, Pssd., 165

Approving dedication of parcels for Chili Ave. Imp. Proj., Tr. letter, 162, Pub. hear., 132, Pssd., 169

Bond ord. auth. issuance of \$175,000 bonds to finance add. cost of constr. and reconstruction of certain streets as part of Brooks Landing St. Imp. Proj., Tr. letter, 193, Pssd., 195

Amend. Official Map by dedication of Vanguard Parkway in Outer Loop Industrial Subdivision, Tr. letter, 195, Pub. hear., 176, Pssd., 196

Bond ord. auth. issuance of \$4,250,000 bonds and application of \$386,000 in current funds to finance reconstruction of certain streets related to milling and resurfacing and resi. street imp. programs, Tr. letter, 217, Pssd., 218

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for West Ridge Rd. Imp. Proj., Tr. letter, 219, Pssd., 221

Auth. changes in pav. width of Smith St. Driving Park Ave. and Lexington Ave. as part of Lake Ave. (Lyell Ave. to Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 226

Auth. changes in pav. width of Bernice St., ext. of Eastman Ave. and realignment of Mayflower St. as part of West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 227

Approving agree. for Lake Ave. (Lyell Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 225, Pssd., 227

Approving participation in West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pssd., 227

Approving participation in I-490 Western Gateway Proj., Tr. letter, 225, Pssd., 228

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 248, Pssd., 240

Amend. 2003-04 Budget with respect to pavement markings, Tr. letter, 272, Pssd., 272

Auth. acq. by negotiation or condemnation of permanent easements for Henrietta St. Imp. Proj., Tr. letter, 272, Pssd., 273

Auth. acq. by negotiation or condemnation of permanent easements for Rutgers St. Imp. Proj., Tr. letter, 273, Pssd., 274

Establishing max. comp. for professional svcs. agree. for Cobbs Hill Reservoir Dr. Rehab. Proj., Tr. letter, 274, Pssd., 274

Abandonment of portion of Hanford Landing Rd., Tr. letter, 275, Pub. hear., 243, Pssd., 275

Bond ord. auth. issuance of \$1,016,000 bonds to finance additional cost of constr. and reconstruction of certain streets as part of St. Paul St. Imp. Proj., Tr. letter, Pssd., 278

Bond ord. auth. issuance of \$336,000 bonds to finance reconstruction of various water mains related to St. Paul St. Imp. Proj., Tr. letter, 275, Pssd., 279

Establishing max. comp. for professional svcs. agree. for St. Paul St. (Ave. E to Norton St.) Imp. Proj., Tr. letter, 275, Pssd., 279

Abandonment of portion of Oak St., Tr. letter, 297, Pub. hear., 286, Pssd., 304

Establishing max. comp. for amend. professional

svcs. agree. for Broad St. Public Imp. Proj., Tr. letter, 310, Pssd., 310

Auth. changes in pav. width of Lexington Ave. as part of Lexington Ave. (Mt. Read Blvd. to Dewey Ave.) Imp. Proj., Tr. letter, 311, Pub. hear., 287, Pssd., 313

Auth. amend. lease agree. relating to abandonment of portion of Commercial St., Tr. letter, 326, Pssd., 327

Abandonment of portions of Hartford St. and Finney St., Tr. letter, 363, Pub. hear., 344, Pssd., 364

Establishing max. comp. for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., Tr. letter, 366, Pssd., 366

Approving change in traffic flow on Morton Place between Springfield Ave. and Clifford Ave. from two-way to one-way southbound, Tr. letter, 371, Pub. hear., 344, Pssd., 371

Auth. agree. for street condition rating update study, Tr. letter, 386, Pssd., 386

Auth. changes in pav. width of W. Broad St. as part of W. Broad St. (Brown St. to Lyell Ave.) Imp. Proj., Tr. letter, 389, Pub. hear., 376, Pssd., 390

Auth. ext. of time for abandonment of Holmdel Place, Tr. letter, 413, Pssd., 413

STREET LIGHTING SPECIAL ASSESSMENT DISTRICTS

L.I.O. - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

STREET MALLS

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

STREETSCAPES

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 74, Pub. hear., 42, Pssd., 75

LIO - Upgrading of streetscape features as part of St. Paul St. (Ave. E to Norton St.) Imp. Proj., Tr. letter, 275, Pub. hear., 243, Returned to committee, 277, Pssd., 313

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Auth. appl. and agree. for 2003 Summer Food Service Program for Children, Tr. letter, 108, Pssd., 109

SUMNER PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

SURVEY SERVICES

Establishing max. comp. for professional svcs. agree. for customer service survey for Police Dept., Tr. letter, 282, Pssd., 282

SWIMMING POOLS

Amend. 2003-04 Budget in regard to operating above ground pools, Tr. letter, 233, Pssd., 234

SYRACUSE, CITY OF

Approving agreements for High Intensity Drug Trafficking Area designation, Tr. letter, 232, Pssd., 232

TARGETED BUSINESS ASSISTANCE PROGRAM

Approving agree. for Targeted Business Assist. Program, Tr. letter, 7, Pssd., 7
 Transferring funds and auth. agree. for Targeted Business Assist. Program, Tr. letter 84, Pssd., 85
 Approving business programs, Tr. letter, 189, Pssd., 191

TARGETED COMMERCIAL EXTERIOR IMPROVEMENT PROGRAM

Auth. agree. for lighting proj. within Targeted Commercial Exterior Imp. Program, Tr. letter, 351, Pssd., 352

TAXES

Cancellation of taxes and charges, Tr. letter, 16, Pssd., 17; Tr. letter, 67, 68; Tr. letter, 280, Pssd., 280; Tr. letter, 314, Pssd., 314; Tr. letter, 372, Pssd., 372; Tr. letter, 391, Pssd., 391; Tr. letter, 416, Pssd., 417

Auth. Director of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 19, Pssd., 19

Approving property tax exemption and auth. in-lieu-of-tax agree. for HOP rental proj., Tr. letter, 23, Pssd., 25

Approving property tax exemption and auth. in-lieu-of-tax agree. for Providence Housing Development corp. rental proj., Tr. letter, 23, Pssd., 25

Approving property tax exemption and in-lieu-of-tax agree. for Cedarwood Towers, Tr. letter, 26, Pssd., 27

Approving apportionment of taxes and charges, Tr. letter, 170, Pssd., 170

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for 2003 Assessment Roll, Tr. letter, 173, Pssd., 173

Determining and certifying base proportions, current percentages, and base percentages for 2003 Assessment Roll, Tr. letter, 173, Pssd., 174

Amend. Ord. No. 2003-88 to cancel taxes on parcels acq. for Brooks Landing Revitalization Proj., Tr. letter, 177, Pssd., 178

Levying taxes for mun. purposes for fiscal year commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pssd., 239

Confirming assessments, amounts and charges to be inserted in the annual tax rolls for fiscal year commencing July 1, 2003 and expiring June 30, 2004, Tr. letter, 236, Pub. hear., 176, Pssd., 239

Auth. agree. with Windsor Manufacturing Co., Inc., Tr. letter, 327, Pssd., 328

Approving property tax exemption and auth. in-lieu-of-tax agree. for Unity Health System Rental Housing Proj., Tr. letter, 357, Pssd., 357

Amend. Mun. Code with respect to senior citizens tax exemption, Tr. letter, 374, Pub. hear., 344, Pssd., 375

Amend. Ord. No. 2003-379 to cancel taxes on 508-510 Lyell Ave., Tr. letter, 399, Pssd., 400

TECHNICAL ASSISTANCE SERVICES

Approving business programs, Tr. letter, 189, Pssd., 191

TEEN CITY SOUTHWEST

Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 269, Pssd., 270

TEITSWORTH, ROY, INC.

Auth. agree. for auctioneer svcs., Tr. letter, 230, Pssd., 230

THOMPSON, TONY M., COUNCILMEMBER

Motion to amend., Int. No. 164, Adpt., 152; Int. No. 472, Adpt., 412

Amend. 2003-04 Budget in regard to operating above ground pools, Tr. letter, 233, Pssd., 234

Amend. 2003-04 Budget in regard to comp. for election inspectors, Tr. letter, 234, Pssd., 234

THURSTON ROAD

Auth. changes in pav. width of Chili Ave. and Thurston Rd. as part of Chili Ave. Imp. Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 15

TIME WARNER

Abandonment of portion of Commercial St. and approving acq. by negotiation or condemnation, easements and amendatory lease, Tr. letter, 159, Pub. hear., 131, Pssd., 161

TOGETHERNESS IN LOVE COMMUNITY

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

TOY LIBRARY

Auth. agree. for human svcs. proj., Tr. letter, 10, Pssd., 11

TRAFFIC FLOW CHANGES

See "Streets"

TRAIL SYSTEM

Determinations & findings relating to acq. of easement and parcels as part of Plymouth-Exchange Trail Imp. Proj., Tr. letter, 42, Pssd., 43

Auth. acq. by condemnation for Plymouth-Exchange Trail Imps. Proj. and increasing acq. amount, Tr. letter, 64, Pub. hear., 42, Pssd., 65

Auth. agree. for Genesee Riverway Trail and amend. 2002-03 Budget and repealing Ord. No. 2002-364, Tr. letter, 158, Pssd., 159

Establishing max. comp. for professional svcs. agree. for Highland Park/Brighton Park Trail Planning Proj., Tr. letter, 271, Pssd., 272

Establishing max. comp. for professional svcs. agree. for design of Genesee Riverway Trail Proj., Tr. letter, 386, Pssd., 386

TRAINING SERVICES

Establishing max. comp. for amend. professional svcs. agree. for training and consulting svcs., Tr. letter, 13, Pssd., 14

Establishing max. comp. for professional svcs. agree. with LEaD for training and facilitation svcs., Tr. letter, 113, Pssd., 113; Tr. letter, 414, Pssd., 414

Auth. agree. for the BEST Program, Tr. letter, 268, Pssd., 269

TRUANCY

Auth. amend. agree. for Truancy Reduction and Counseling Program and amend. 2002-03 Budget, Tr. letter, 144, Pssd., 145

TURNING POINT PARK

Auth. acceptance of grant for Turning Point Park imp. and amend. 2002-03 Budget, Tr. letter, 56, Pssd., 56

Amend. Official Map by dedication of add. parkland for Turning Point Park and discontinuance of certain parkland in Genesee Valley Park, Tr. letter, 360, Pub. hear., 344, Pssd., 363

-U-

UDAG

See "Urban Development Action Grant"

UNDERAGE TOBACCO ENFORCEMENT

Auth. agree. with respect to Underage Tobacco Enforcement, Tr. letter, 341, Pssd., 342

UNDERBERG & KESSLER

Establishing max. comp. for amend. professional svcs. agree. for CSX spill legal svcs., Tr. letter, 58, Pssd., 58

UNDERWOOD, JUSTIN

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

UNIFORM FIRE PREVENTION AND BUILDING CODE

Amend. Mun. Code with respect to references to Uniform Fire Prevention and Bldg. Code, Tr. letter, 352, Pssd., 356

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Auth. application and agree. and amend. 2003-04 Budget for Metropolitan Medical Response System, Tr. letter, 341, Pssd., 341

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Approving Asset Control Area Program, Tr. letter, 135, Pssd., 136

Auth. submission of Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan and execution of the grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 142, Pssd., 143

Auth. applications and agree. for Lead-Based Paint Hazard Control Programs, Tr. letter, 328, Pssd., 329

UNITED STATES DEPARTMENT OF JUSTICE

Auth. agree. for Weed & Seed Program, Tr. letter, 73, Pssd., 74

Auth. application and agree. for Local Law Enforcement Block Grant Program, Tr. letter, 318, Pssd., 318

Auth. appl. and agree. for Community Prosecution and Proj. Safe Neighborhoods Grant Program and amend. 2003-04 Budget, Tr. letter, 373, Pssd., 374

Auth. application and agree. with respect to community-oriented policing and amend. 2003-04 Budget, Tr. letter, 395, Pssd., 395

UNITY HEALTH SYSTEM/UNITY HOUSING DEVELOPMENT FUND CORPORATION

Amend. 2002-03 Comm. Dev. Program Plan and approving loan agree. for Unity Health System Senior Housing Proj. at their Genesee St. campus, Tr. letter, 31, Pub. hear., 20, Pssd., 32

Approving property tax exemption and auth. in-lieu-of-tax agree. for Unity Health System Rental Housing Proj., Tr. letter, 357, Pssd., 357

URBAN DEVELOPMENT ACTION GRANT

Approving Extended Consolidated Community Dev. Plan/2003-04 Annual Action Plan, Tr. letter, 142, Pub. hear., 131, Pssd., 143

Auth. restructuring of UDAG loan, Tr. letter, 419, Pssd., 420

URBAN LEAGUE OF ROCHESTER ECONOMIC DEVELOPMENT FUND CORPORATION

Auth. agree. for Home Store, Tr. letter, 180,

Pssd., 181

Auth. agree. for housing dev. svcs., Tr. letter, 181, Pssd., 182

Auth. agree. with Urban League of Roch. Economic Dev. Fund Corp. for Fulton Ave. Redevelopment Proj., Tr. letter, 323, Pssd., 324

URBAN LEAGUE OF ROCHESTER, INC.

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 33, Pssd., 34

URBAN RENEWAL

Approving Urban Renewal Plan for Brooks Landing Urban Renewal Project, Tr. letter, 90, Pub. hear., 80, Pssd., 97

Changing zoning class. of parcels in Brooks Landing area from C-2 Community Ctr. and O-S Open Space to Brooks Landing Urban Renewal District, Tr. letter, 90, Pub. hear., 80, Pssd., 98

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Brooks Landing Urban Renewal Proj., Tr. letter, 90, Pub. hear., 81, Pssd., 100

Approval of sale of land to Klein Steel Service, Inc. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 100, Pub. hear., 81, Pssd., 101

Bond ord. auth. issuance of \$557,000 bonds to finance costs of acq. ofimps. on designated parcels of real property and relocation of persons as part of Brooks Landing Urban Renewal District Plan, Tr. letter, 101, Pssd., 104

Approving Urban Renewal Plan for Erie Canal Urban Renewal Proj., Tr. letter, 297, Pub. hear., 286, Pssd., 301

Designating parcels for urban renewal to be known as N. Clinton Ave. Urban Renewal District, Tr. letter, 345, Pssd., 346

Amend. Ord. No. 95-234 relating to Mt. Olivet Baptist Church, Tr. letter, 350, Pssd., 350

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., Tr. letter, 359, Pub. hear., 344, Pssd., 360

Approval of sale to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 360, Pub. hear., 344, Pssd., 362

-V-

VAN DUSEN, ERIC

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 322, Adpt., 323

VANGUARD PARKWAY

Amend. Official Map by dedication of Vanguard Parkway in Outer Loop Industrial Subdivision, Tr. letter, 195, Pub. hear., 176, Pssd., 196

VERY BEST PET NETWORK

Auth. acceptance of grant for animal svcs. equip. and amend. 2003-04 Budget, Tr. letter, 418, Pssd., 419

VETERAN'S OUTREACH CENTER

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

VETERINARY SERVICES

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 281, Pssd., 282

VINYARD CHRISTIAN CHURCH

Auth. extension of lease agree. for Boys Club Parking Lot, Tr. letter, 315, Pssd., 315

VOLUNTEERS OF AMERICA

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

VOYAGER SYSTEMS, INC.

Establishing max. comp. for professional svcs. agree. for Police Records Management System, Tr. letter, 316, Pssd., 316

-W-

WXXI PUBLIC BROADCASTING

Auth. agree. for Communi-Tech Proj., Tr. letter, 306, Pssd., 307

WADSWORTH SQUARE

L.I.O. - Establishing op. and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 161, Pub. hear., 131, Pssd., 161

WAGES/SALARIES

Approving wage and salary increases for employees of Roch. Housing Auth., Tr. letter, 40, Pub. hear., 20, Pssd., 40

Approving wage and salary increases for bargaining unit employees of Roch. Housing Auth., Tr. letter, 41, Pssd., 41

Approving wage and salary increases for employees of Roch. Housing Auth., Tr. letter, 343, Pssd., 344

WALKER, SHERRY

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 322, Adpt., 323

WARD, RUTH BROOKS

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

WARE, JOE A., SR.

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 395, Adpt., 396

WARING ROAD

Accepting donation of real estate and auth. sale, Tr. letter, 244, Pssd., 246

WATER

Bond ord. auth. issuance of \$1,100,000 bonds to finance reconstruction of various water mains related to Lake Ave. (Lyell-Ave.-Ridgeway Ave.) Imp. Proj., Tr. letter, 56, Pssd., 58

Amend. 2002-03 Budget with respect to water, Tr. letter, 130, Pssd., 131

Bond ord. auth. issuance of \$770,000 bonds to finance reconstruction of various water mains related to 2003 Water Main Ext. and Imp. Program, Tr. letter, 154, Pssd., 156

Amend. mun. code with respect to wholesale water rates, Tr. letter, 156, Pssd., 156

Bond ord. auth. issuance of \$1,361,000 bonds to finance reconstruction of various water mains related to Chili Ave. Imp. Proj., Tr. letter, 162, Pssd., 165

Establishing max. comp. for professional svcs. agree. for archival of water system records, Tr. letter, 224, Pssd., 224

Bond ord. auth. issuance of \$336,000 bonds to finance reconstruction of various water mains related to St. Paul St. Imp. Proj., Tr. letter, 275, Pssd., 279

Amend. Mun. Code with respect to water rates,

Tr. letter, 415, Pssd., 416

Amend. 2003-04 Budget with respect to water funds, Tr. letter, 415, Pssd., 416

WATER AND LIGHTING BUREAU

Bond ord. auth. issuance of \$250,000 bonds to finance additional cost of environmental clean-up at City's Bur. of Water & Street Lighting site at 10 Felix St., Tr. letter, 59, Pssd., 60

WATER WORKS OPERATIONS CENTER

Auth. agree. and approp. funds for Port of Roch. Pub. Imp. Proj. and amend. Ord. No. 2002-395, as amended, Tr. letter, 35, Pssd., 36

WEGMANS FOOD AND PHARMACY

Establishing max. comp. for amend. agree. for provision of prescription medication for injured City Firefighters, Tr. letter, 40, Pssd., 41

Establishing max. comp. for agree. for provision of prescription medication for injured City Firefighters, Tr. letter, 342, Pssd., 343

WEED & SEED

Auth. agree. for pilot drug control proj. and approp. funds, Tr. letter, 17, Pssd., 17

Auth. agree. for Weed & Seed Program, Tr. letter, 73, Pssd., 74

Amend. 2003-04 Budget by approp. Weed and Seed Grant Program funds, Tr. letter, 373, Pssd., 374

WERNER PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2003, Tr. letter, 37, Pssd., 38

WEST BROAD STREET

Approving lease to Roch. Rhinos Stadium, LLC of 524 Oak St., 900 W. Broad St. and 480 Smith St., Tr. letter, 332, Pub. hear., 319, Pssd., 333

Auth. changes in pav. with of W. Broad St. as part of W. Broad St. (Brown St. to Lyell Ave.) Imp. Proj., Tr. letter, 389, Pub. hear., 376, Pssd., 390

WEST MAIN BUSINESS ASSOCIATION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 110, Pssd., 111

WEST RIDGE ROAD

Auth. acq. by negotiation or condemnation of parcels for West Ridge Rd. Imp. Proj. and amend. Ord. No. 2002-342, Tr. letter, 284 (2002 Proceedings), Pssd., 15

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for West Ridge Rd. Imp. Proj., Tr. letter, 219, Pssd., 221

Auth. changes in pav. width of Bernice St., ext. of Eastman Ave. and realignment of Mayflower St. as part of West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pub. hear., 176, Pssd., 227

Approving participation in West Ridge Rd. (Hanford Landing to West City Line) Imp. Proj., Tr. letter, 225, Pssd., 227

WESTERN GATEWAY PROJECT

Approval of sale of land to Klein Steel Service, Inc. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 100, Pub. hear., 81, Pssd., 101

Approval of sale of land to XLI Corp. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 140, Pub. hear., 131, Pssd., 141

WESTSIDE HEALTH SERVICES, INC.

Approving sale of parcels to Westside Health Svs., Inc., Tr. letter, 246, Pssd., 246

WHITCOMB, ANDREA

Establishing max. comp. for professional svcs. agree. for continuation of "Greta Program", Tr. letter, 214, Pssd., 215

WIERZBOWSKI, JOSEPH

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 28, Adpt., 29

WILKINS, PAUL

Reso. approving appt. to Roch. Economic Dev. Corp. (REDCO), Tr. letter, 45, Adpt., 46

WILSON BOULEVARD

L.I.O. - Establishing op. and maintenance costs of Street Lighting Special Assessment Districts, Tr. letter, 120, Pub. hear., 81, Pssd., 121

WILSON COMMENCEMENT PARK

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

Auth. agree. for Housing Mobility Program, Tr. letter, 247, Pssd., 248

WINDSOR MANUFACTURING CO., INC.

Auth. agree. with Windsor Manufacturing Co., Inc., Tr. letter, 327, Pssd., 328

WOODSIDE/GOODWILL NEIGHBORHOOD COMMERCIAL PARKING LOT

Accepting donation of real estate for Woodside/Goodwill Neighborhood Commercial Parking Lot, Tr. letter, 121, Pssd., 122

L.I.O. - Establishment of Woodside/Goodwill Neighborhood Commercial Parking Lot, Tr. letter, 121, Pub. hear., 81, Pssd., 123

WORDCRAFTERS PROGRAM

Amend. proposed 2003-04 Budget in regard to Wordcrafters Program - \$17,100, Tr. letter, 234, Pssd., 234

Establishing max. comp. for professional svcs. agree. with Writers & Books, Inc. for Wordcrafter Program, Tr. letter, 385, Pssd., 385

WRITERS & BOOKS, INC.

Establishing max. comp. for professional svcs. agree. with Writers & Books, Inc. for Wordcrafter Program, Tr. letter, 385, Pssd., 385

-X-

XLI CORPORATION

Approval of sale of land to XLI Corp. in Western Gateway Proj. in Outer Loop Industrial Park of Mt. Read-Emerson Urban Renewal Proj., Tr. letter, 140, Pub. hear., 131, Pssd., 141

-Y-

YMCA

Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 143, Pssd., 144; Tr. letter, 211, Pssd., 211; Tr. letter, 269, Pssd., 270

Auth. appl. and agree. relating to Roch. After School Academy Program and amend. 2002-03 Budget, Tr. letter, 148, Pssd., 149

Auth. agree. for Human Svcs. Proj., Tr. letter, 305, Pssd., 306

YWCA OF ROCHESTER & MONROE COUNTY

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 33, Pssd., 34

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2002-180, Tr. letter, 138, Pssd., 140

YORK STREET

Changing zoning class. of 219 York St. from R-2 Medium Density Residential to M-1 Industrial, Tr. letter, 296, Pub. hear., 286, Held, 297

YOUNG EXPLOSIVES

Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 211, Pssd., 212

YOUTH DEVELOPMENT SERVICES

Auth. agree. for youth dev. svcs. and amend. 2003-04 Budget, Tr. letter, 309, Held, 309

YOUTH LIFELINE FOUNDATION

Amend. Ord. No. 2002-359 relating to Human Svcs. Proj., Tr. letter, 334, Pssd., 334

-Z-

ZONING BOARD OF APPEALS

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 248, Adpt., 248

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 322, Adpt., 323

ZONING CHANGES

Changing zoning class. of portion of 1100 South Goodman St. from Institutional Planned Dev. (IPD) to R-1 Single Family Resi, Tr. letter, 9, Pub. hear., 1, Held, 10

Changing zoning class. of 148-150 Boxart St. from R-1 Low Density Resid. to M-1 Indus., Tr. letter, 52, Pub. hear., 42, Held, 52

Changing zoning class. of parcels in Brooks Landing area from C-2 Community Ctr. and O-S Open Space to Brooks Landing Urban Renewal District, Tr. letter, 90, Pub. hear., 80, Pssd., 98

Changing zoning class. of 1991 Lake Ave. from T-P Transitional Parking to R-1 Low Density Residential, Tr. letter, 196, Pub. hear., 176, Pssd., 197

Changing zoning class. of 17-35, 45, 49 and portion of 57 Bay St., and 236-238 Portland Ave., from R-2 Medium Density Residential to C-1 Neighborhood Ctr., Tr. letter, 197, Pub. hear., 176, Returned to committee, 197, Pssd., 267

Amend. Ord. No. 2002-80 relating to changing zoning class. of 11-35 Orange St. and 14-34 Romeyn St. from R-2 Two-family Residential and 583 Broad St. and 37 Romeyn St. from M Manufacturing Industrial to C-2 Community Center, to remove conditions and to include 581, 611 and 619 Broad St. and 1 Orange St. in rezoning, Tr. letter, 266, Pub. hear., 243, Pssd., 267

Changing zoning class. of 219 York St. from R-2 Medium Density Residential to M-1 Industrial, Tr. letter, 296, Pub. hear., 286, Held, 297

Changing zoning class. of 524 Oak St., 900 Broad St., and 448 and 480 Smith St. from M-1 industrial to Erie Canal Urban Renewal District, Tr. letter, 297, Pub. hear., 286, Pssd., 303

Changing zoning class. of 200, 208 and 218-226 Clifford Ave. and 9-11, 55, 117-119 and 123-125 Roth St. from R-1 Low Density Resi. to Planned Dev. District #3-Buena Vista Planned Dev. District, Tr. letter, 329, Pub. hear., 319, Pssd., 331

Changing zoning class. of 1848 Lyell Ave. from O-S Open Space to C-2 Community Ctr., Tr. letter, 409, Pub. hear., 398, Pssd., 409

Changing zoning class. of 1845 and 1851 Lyell Ave. from O-S Open Space to C-2 Community Ctr., Tr. letter, 409, Pub. hear., 398, Pssd., 410

ZONING CODE

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Brooks Landing Urban Renewal Proj., Tr. letter, 90, Pub. hear., 81, Pssd., 100

Int. No. 215, Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 198, Pub. hear., 176, Pssd., 210

Int. No. 215A, Amend. Chapter 120 of Mun. Code, Zoning Code, Returned to committee, 210, Pssd., 248

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Erie Canal Urban Renewal Proj., Tr. letter, 297, Pub. hear., 286, Pssd., 302

ZONING DIRECTOR, COMMUNICATIONS FROM

Notices of Environmental Determination, 80; 131; 176; 243; 344; 376; 398